AN EQUITABLE BURDEN: THE DECLINE OF
THE STATE MILITIAS, 1783-1858,
VOLUME ONE

DISSERTATION

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By

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INTRODUCTION

In 1857 the state of Alabama lost its adjutant general. Ostensibly, every state had one, appointed by the governor or elected by the general assembly; the officer's duty was to conduct the administrative aspects of managing the state militia. However, the militia of Alabama in the 1850s was not exactly in a flourishing state. In 1855, Governor John Winston had suggested the total repeal of the militia laws because of the poor state into which the militia had fallen, and its replacement with a small volunteer system. Two years later, he reiterated his proposal. "The want of a proper military spirit, and the absence of any general organization throughout the State, are lamentable facts," he explained.¹

The second time around the legislature took him up on his proposal to examine the militia. By the late 1850s, fear of a possible civil war, rather than invasion
by a foreign foe, motivated many such attempts across the country to reform the existing militia systems. But when the lawmakers began their work, they discovered that an almost complete ignorance surrounding the state of the militia prevailed. Not only did they not have any militia returns, but they were not even quite sure who the adjutant general actually was.²

The lower house of the legislature referred the matter to a committee, with instructions to discover whether or not there was an adjutant general, if so who he was and where he kept his office, and whether or not he was actually performing any duties. The committee reported back late in January 1858. Its successes were at best mixed. The committee did discover that the adjutant general was one Thomas E. McIver, who had been appointed to the office on January 29, 1858. However, beyond that the lawmakers had met with a blank wall. "They have been unable to ascertain certainly where he has or keeps his office," the committeemen explained to the House, "or in what manner he has discharged his duties. They have been informed that he keeps his office at Camden, Wilcox County, but we find no evidence that he
has performed any of the duties required of him by law." Nor had he. McIver had taken as many liberties with his other duties as he had with the statutory requirement that he keep his office at the seat of government. If Alabama were to rebuild its militia, it would have to do so essentially from scratch; the old system was defunct in the state.³

The question of how and why Alabama lost its adjutant general is what this study seeks to answer. To put it more broadly, how was it that the state militia system had declined to such an extent in Alabama--and, indeed, across the country--that states were no longer able to handle even the most trivial administrative requirements of their militias' upkeep? Once consisting of most white males of military age, the militias either by law or simply in practice found themselves reduced by mid-century to a relatively small number of volunteer militia companies.

This question is perhaps the most important question that one could ask of the antebellum militia, but it is all the more crucial because few historians have bothered to ask any questions of the antebellum militia at all.
For much of the early twentieth century, the history of the militia—to the extent that anybody paid attention to it—was in the hands of military officers or former officers heavily influenced by the works of Emory Upton, the late nineteenth-century officer whose posthumously published *The Military Policy of the United States* excoriated the militia while advocating tight national control of military manpower for mobilization purposes. Following largely Uptonian lines, subsequent scholars looked at the militia only in terms of military mobilization or military efficiency, and then only in contrast to the United States Army.4

However, beginning in the 1950s historians began to rediscover the militia and its intrinsic historical worth. Because those who served in the militia comprised such a large cross-section of the American people, issues and ideas important to the people were inevitably reflected in the militia. Examining it could get at those ideas. Moreover, the militia as an institution—a longstanding and peculiarly American one at that—itselcame to be seen as something worthy of study. Most prominent among these early historians was Daniel
Boorstin, whose chapter on the colonial militia in his 1958 work *The Americans: The Colonial Experience* stressed the role of the militia in defining the common American character. In the wake of Boorstin and other early advocates of placing the colonial militia in a political, economic and social context, historians felt encouraged to explore the early American militias, first with institutional histories and then with more far-reaching studies that examined the links between the colonial and revolutionary militias and other aspects of early American society. From the 1970s onward, the "new military history," which advocated just such a mix of war and society, gave added impetus to studies that combined military history and social history, and in the 1990s, even military history and ethnohistory. Historians such as Fred Anderson, Steven Rosswurm, James Titus, Harold Selesky and others, by studying the militia, greatly contributed to the understanding of early American society.⁵

Unfortunately, the wealth of studies on the colonial and revolutionary periods have generally not been matched either in number or in quality by works examining the
subsequent history of the American militia, up to the opening of the Civil War. While the character of the militia in this era is no different and offers just as many avenues for fruitful exploration as does its predecessors, it has not attracted nearly the attention that it deserves. Many questions have been left unanswered; of these, the most important is also the simplest: why did it decline? The system that supplied the Minutemen of 1775 had become the system that could not supply the location of Thomas McIver in 1858. If few historians have examined the post-Revolutionary militia, fewer still have attempted to discover the reasons for its decline. John K. Mahon, in his history of the American militia, devotes but few pages to the institution's decline, citing the opposition of pacifists, temperance advocates and labor unions to the militia. Other historians have tried to relate the militia's decline to changes in Jacksonian American society, but have provided little energy or evidence to the attempt. The most extended treatment of the militia's decline comes from Marcus Cunliffe, whose *Soldiers & Civilians: The Martial Spirit in America.*
1775-1865, who attributes it largely to ridicule on the part of those disgusted with its combination of pomposity and inefficiency. However, Cunliffe also briefly alludes to the resentment caused by militia fines and the avenues for escaping militia service available to the well-to-do.  

In Mahon's reference to workingmen who opposed militia service and Cunliffe's discussion of resentment of the militia system by those who felt cheated by its inequality it is possible to see the core issue involved in the decline of the state militias. In essence, the militia was the subject of an extended argument over the nature and placement of the military burden in American society. Opposition to the militia arose because that burden could not be equitably distributed among the people.

This was a question that did not exist in the militia's earliest days. Having arrived in America in extremely small numbers and soon running afoul of a powerful Native American confederation, early Virginians depended for their survival upon every man able to shoulder a weapon. As historian William Shea has
suggested, "the [Virginia] company expected its employees in America to shoulder the burden of their own defense. Fighting, if required, was considered part of the job as well as a matter of self-preservation: each employee had a duty to participate in the defense of the enterprise." A similar situation prevailed in New England, where colonies such as Massachusetts and Connecticut required the services of every man fit to serve."

Such military organization and training, though perhaps necessary in the earliest years, were not the best suited for actual combat, particularly with the most common foes, the Native Americans. Sluggish to respond and slow in pursuit, the early militia was an awkward weapon to wield. Moreover, mass mobilization was accomplished only at the expense of considerable disruption in society, since it drew men from all walks of life and pursuits, regardless of the importance of their civilian activities. Because of this, the militia of most colonies gradually evolved into a manpower reservoir, from which people could be drawn to meet military exigencies; this evolving system came to resemble more the traditions of militia service in
England. Colonies relied both upon volunteers and upon draft; the tradition of obligatory service remained strong. And as they became more enmeshed in the Imperial struggles of France, Spain and Great Britain, colonial governments began more and more to rely on bounties and pay in order to attract the men needed for military service. The colonial forces, who considered military service a contractual agreement for a short period of time, were still quite different from a long-term Regular Army, but the stresses of war and increasing population had placed the burden of war on two distinct groups: young men with relatively little money who might volunteer in order to receive the bounties (or who might volunteer for other reasons, or be drafted if enough volunteers were not available), and other colonial citizens upon whom the burden for paying for such services fell in the form of taxes in various different ways. In this way, the burdens of military service were split between physical service and financial support.  

That physical/economic divergence was the same that a society with a standing army experienced, but as the eighteenth century progressed, the American colonists
increasingly came to view a standing army with disdain and repugnance. Conflicts between British regulars and colonial troops during the later Imperial wars had created considerable hostility towards regulars on the part of colonists, but in the long run a more important influence upon colonial thought and action was the hold that Radical Whig ideology had on the minds of many colonial leaders. For most Englishmen, the perceived tyrannies and injustices caused by court power had been resolved by the Glorious Revolution, which restored a balance of power between the king, the nobility and the people. Radical Whigs, however, remained unconvinced that liberty was assured by the new regime. Fearful of corruption and extremely pessimistic in outlook, they argued that standing armies were dangerous instruments and that liberty demanded reliance on a militia instead. Out of the mainstream in Great Britain, their ideas took root on the other side of the Atlantic. Colonists viewed British actions through the lens of Radical Whig ideology, developing in the 1760s and 1770s a distrust of the regular army and a corresponding preference for the militia, magnified in this case by the fact that the
regular army was British while the militia consisted of colonists. Americans such as Timothy Pickering and John Hancock argued for militia reform as a means of protecting colonial society from decadence and corruption. Correspondingly, support for universal military service grew.⁹

Ideology and enthusiasm brought about a mass outpouring of support upon the beginning of the Revolutionary War, a "rage militaire" that aroused New England and won laurels at Ticonderoga, Bunker Hill and elsewhere in 1775-76. But the realities of fighting British regulars, coupled with the demands of war, soon crushed idealistic views of the military. The colonies came to rely on a regular army as their primary (though by no means only) defense against the British, while at a more local level they found themselves forced to offer bounties and other rewards for military service. Though American communities and even regions would throughout the Revolutionary War turn out in arms against an approaching foe, they never produced the ideal citizen-soldier. The distribution of military burdens again diverged between actual service and financial
contributions, with much of the latter going towards the support of the Continental Army. However, the problems of providing recruits for the Continental Army still resulted in increased reliance on militia activity in practice to meet immediate or short-term military needs. No one system of distributing the burdens of military service ever dominated.10

Thus, by the attainment of peace in 1783 the new American nation found itself faced with the prospect of choosing how to divide the burden of defense among its citizens. This study examines the decisions and debates over that distribution from 1783 until 1858. It is divided into three sections of three chapters each. The first section concentrates on the establishment of a national militia and its particular problems through the War of 1812.

Chapter One examines American conceptions of the militia during the period 1783-1800. American nationalists sought to place the burden of defense upon a small standing army and a select militia under the control of the national government. In contrast to the traditional militia, composed of all males of military
age, a select militia would place most of the burden of military service on young men, generally from 18-26. This would, it was assumed, insure the greatest military efficiency in the militia. Throughout the period 1783-1800, a select or "classified" militia became the goal sought for the militia by centralizers. However, significant opposition to such plans arose. Many opposed the amount of control the federal government would have over such a militia. But antifederalists and others also opposed the proposed distribution of the military burden. Some argued that such a distribution would place too much stress on the section of the populace least able to bear such burdens, while others feared that the same susceptibility might lead the select militia to be a tool of tyranny. Nationalists thus succeeded in achieving a national militia but not the select one they desired.

Chapter Two studies the Jeffersonian militia. Despite growing indications that the country would not accept such proposals, militia supporters continued to put forth plans for classification. The result was a deadlock over militia reform at the national level that would last for years. Looking for ways to bypass the
deadlock, militia reformers tried to promote the use of advanced military tactics as a way to improve the militia, but such a panacea could not solve the militia's institutional problems. In particular, European tactics were of no help to the frontier militias, which bore a very heavy share of the defense burden during the years 1801-12. These sparsely populated areas simply could not provide the strong militia needed.

Chapter Three looks at the results of the militia institution established by the Founders by studying the militia of one state, Ohio, during the War of 1812. The stresses of war revealed great dissatisfaction with the seemingly inequitable way that the burden of military service was distributed, boding ill for the militia's future.

The second section of this study seeks to understand the nature of the militia as an institution on the state level, to comprehend more clearly its particular problems and weaknesses, which would make it difficult to combat any opposition or neglect. Chapter Four looks at the militia as a formal institution, exploring both its structure and fundamental nature as a mixture of the
civilian and the military. It examines the reliance of the militia on willing participation because of its inability effectively to compel service. It also looks at militia mobilizations to understand better how even in the absence of a rigorous system of compulsion the institution could still function.

Chapter Five also explores the institutional nature of the militia, but looks at the informal relationship of the militia to other areas of society. In particular, it studies the militia's close relationship with politics, its role in creating gender identity, its uneasy relationship with ethnic minorities, and its struggles with religious conscientious objectors.

Chapter Six takes a look at the particular institutional changes forced on the militia of the South by another longstanding institution, black slavery. It delineates the relationship between the militia and the patrol system, looks at the influence slaves had on arms distribution and examines militia mobilizations in response to slave insurrection scares. The presence of slavery caused subtle changes in the nature of the Southern militia.
The final section of this study examines the process of opposition and response that arose in reaction to the militia as established (as described in the first section) and as it evolved (as described in the second section). Chapter Seven explores the rise of mass opposition to the militia following the War of 1812. It examines the socioeconomic and moral roots of that antagonism, as well as its nature and effects. The strongest opposition to the militia came from people who felt they were bearing an unfair share of the burden of military service, while other, more prosperous classes escaped it entirely. It also explores the practical ways in which people both as individuals and groups worked to evade militia duty or to destroy the institution itself.

Chapter Eight studies the reform movement that arose in response to the growing opposition. Recognizing that complaints against the militia were not without merit, the reformers attempted to salvage or remake the institution instead of merely abandoning it. They sought primarily to address the question of the inegalitarian nature of the militia in a variety of ways, while at the same time drumming up support for the institution.
However, unlike temperance reformers, militia reformers were unable to translate their goals into a truly mass movement and thus failed in their attempts at garnering public support for their reforms.

The final chapter, Chapter Nine, examines the militia system in the wake of the failure of the reform movement. While Southern states were generally compelled to hang on to their compulsory militia systems for some time, at least on paper, the failure of the reform movement caused most northern states to abandon the compulsory system altogether, instead switching to one of several different types of volunteer-based militia systems. The fading hopes of some supporters that national militia reform might solve the problems they had been unable to solve at the state level were dashed by the presidential election campaign of 1840, in which militia reform became a major--and negative--issue. Even after switching to volunteer systems, many state militias still faced opposition and apathy that threatened to destroy even the remnants of the militia system. However, fear of riots and mobs led people to accept the militia in the role of civil police, which allowed
several state militias to survive until the sectional crisis caused many states to attempt to revivify their militias in preparation for a coming conflict. Americans, in the end, solved their problem of equally distributing the burdens of military service by abandoning all such service except for those willing to serve, an inelegant solution that satisfied neither supporters nor opponents of the militia system.

Because state militias varied significantly by region and even by state, in order to give as complete a picture as possible of the variety in the militia, I have concentrated archival research in this study on four geographically separated states: Massachusetts, Ohio, North Carolina and Alabama. I have supplemented this research with materials from Vermont and Indiana, as well as a wide variety of printed and other primary sources. My goal has been to both illustrate broad trends in the history of the militia as well as to provide enough details and particulars to allow the reader to understand the subtleties and differences involved. Readers will note that unlike many other histories of the militia, there is in this one essentially no discussion of the
relative military effectiveness of the militia, except insofar as perceptions of that effectiveness affected arguments about the institution. This is ground that I concede from the beginning: the militia was not particularly effective militarily; certainly less so than the Regular Army. The real focus of the study lies elsewhere, in the conceptions of the militia in American society.

In presenting the writings of contemporary figures in this study I have generally not changed any spellings. I have used [sic] to indicate peculiar orthography in passages with relatively few such words, but have not made any attempt to indicate original misspellings in quotes from individuals unblessed with firm skills in that regard. I have on occasion added or slightly changed punctuation in order to make certain passages more understandable to the reader.
NOTES


3. Ibid.


the Continental Army and American Character, 1775-1783,

10. This summary is based largely on Royster, Ibid, passim.
Chapter I

"FOR THE BENEFIT OF THE UNITED STATES":

THE CREATION OF THE UNITED STATES MILITIA

A New Militia For a New Nation

In early 1785, Major General John Sullivan, commander of the militia of New Hampshire, addressed his troops. Disingenuously downplaying his previous military experience, the former Revolutionary War officer stated that "were my talents even equal to those of a Frederick [the Great], I could do but little towards forming a well regulated militia, without the countenance and aid of the people at large." Under a constitutional government, Sullivan observed, referring to New Hampshire's government, the mutual consent and joint efforts of all citizens were required to bring about reform. Sullivan's address was an attempt to obtain that consent.¹

His task was a Herculean one: to form a new, republican militia for a new, republican state. This
required skills and tactics that Sullivan had not learned in the Revolution, though the general was not a stranger to the notion of the citizen-soldier. Before the Revolution, Sullivan himself had been merely a lawyer and wealthy mill-owner. In the 1770s, he became involved in revolutionary activities, including obtaining military stores and training a military company. A noted leader upon his election to the Second Continental Congress, he became a brigadier general in the Continental Army in 1775, thereafter serving in a number of theaters and conducting his own campaign against the Iroquois, before resigning in 1779 and returning to New Hampshire, where he involved himself in politics and the law (combining the two in 1782 as the state's attorney general). He maintained his interest in military affairs when he accepted the command of the state militia, but commanding state militia in peacetime involved significant differences from commanding Continental soldiers in war.²

Fully aware of the differences, Sullivan tried to communicate to his citizen-soldiers the importance of consenting to participate in the militia. He acknowledged that it was easy to avoid service—"with us,
at this day, a slender excuse, a defect in the militia laws, or at the worst, a small fine, may exempt a person during life, from appearing in the field"--but contrasted this with the despot who could compel obedience from his subjects. Sullivan pointed out that in republican governments, people thought much about their liberties, but often neglected to pursue measures for securing them. New Hampshireites had now become part of an empire where "freedom reigns without controul," but its Revolutionary struggles would come to naught if a "foreign Prince" threatened a defenseless republic. The only alternative to a well-regulated militia was a standing army, which Sullivan "most ardently" prayed would never be established in time of peace.3

Having established the need for a well-kept militia, Sullivan was forced then to admit that he could not compel men to keep it up; important regulations had to be approved or ordered by the commander in chief (the president of the state) and had to be in keeping with the laws passed by the legislature. He could only entreat officers and men to cooperate in establishing a republican militia. He urged field officers to nominate
their captains and subalterns on the basis of military
talent, not—as Sullivan suggested was the case in former
times—on the basis of wealth and family. He urged his
men to procure simple uniforms "to add lustre to the
troops, to inspire them with military ambition and make
them appear respectable in the view of spectators, and
formidable in the eyes of their enemies." He called for
men of "talents and capacity" not to decline commissions
offered to them, but to accept the responsibility.
Sullivan spoke in favor of ending the custom of treating
muster days as occasions for feasting and frolic, and
finished his address by suggesting that militiamen
assemble for one or two hours each week to practice the
use of arms, which among other things, would render them
"skillful guardians of those liberties, purchased by the
blood of their brethren, and the treasures of their
country."4

Sullivan's concern that the people voluntarily
assume the burdens of militia service was a real one; not
long after his address to the militiamen of his state, he
made another appeal, this time to "the gentlemen of
family, fortune and education in New Hampshire." In this
second address, Sullivan called for the wealthy and the educated to support his militia system, noting that previously talented individuals neglected to participate in the militia because "the thought of serving on foot and doing duty with persons of inferior rank in life" was repugnant to them. In particular, he appealed to them to serve in the recently established regiment of cavalry. He also asked older men, those aged fifty to seventy, to instruct the younger generations. In a third address, Sullivan solicited aid from educators in New Hampshire to allow youths under their care time each week for learning the military exercises, which would make "by your care proper champions to defend those natural and national rights which you have taught them to hold in the highest estimation."  

Sullivan's vision of a republican militia, encapsulated in these three appeals, represents what he felt could be done without stronger forms of compulsion, though whether this nationalist, who would soon be instrumental in suppressing New Hampshire's version of Shays' Rebellion, was as opposed to standing armies and executive power as he suggested is another question.
Sullivan called for cooperation in establishing the militia from both those who were compelled to serve and those who could, if they wished, escape service (although he did not say so openly, it is likely Sullivan was aware that the absence from the militia of those of high income and social standing would breed resentment by those forced to serve). Lastly, Sullivan called for the institutionalization of rudimentary military education in the young, which would help to perpetuate the republican militia he had established.

Sullivan’s efforts are all the more interesting when one realizes that they are set against the backdrop of a decade of discussion and debate across the country over the proper role and correct organization of the state militias in the new United States. Sullivan’s request for the appointment of officers based on merit alone, as well as his experiences with reconciling different social classes, had a more controversial parallel in Virginia in 1784-86, where Governor Patrick Henry tried to replace the entire officer corps of the state militia with one based on merit (with an emphasis on Continental Army service), creating friction between entrenched
aristocracy and emerging egalitarianism, as well as debate over the relative worth of Continental versus militia experience."

But more important than the developments in any particular state was the debate that accompanied the militia issue at the national level, as policy-makers, opinion leaders and common citizens fought over the role of the institution. "For whose benefit," asked James Madison in 1790, "is the militia organized, armed and disciplined? For the benefit of the United States." It was exactly this question—and this answer—which set the tone for the debate, for during the period 1783-1800 some Americans attempted an audacious melding of the state militias with the new national government, trying to wield the republican state institutions into an instrument of policy for the national government. The colonial militias in the seventeenth and eighteenth centuries had essentially been institutions for local defense or security, whether against Indians, slave insurrection, local commotion, or the (relatively remote) possibility of attack by a foreign power. Even in the relatively few instances where colonial soldiers were
used in Great Britain's imperial wars, such as the 1745 expedition against Louisbourg, volunteers were recruited rather than ordering militia units into service. Moreover, recruiting did not even necessarily use the militia organization. Colonies resisted attempts to use colonial militias for crown purposes, as Connecticut and Rhode Island did when Governor Edmund Andros of New York tried to assume command of their militias in the 1670s. Only under the pressures of the French and Indian War in the 1750s did the colonies accede to attempts to use their militias for imperial purposes.7

During the Revolutionary War the former colonial militias turned out en masse in 1775, supplying George Washington (who was sometimes ungrateful) and the newly-formed Continental Army first with recruits, then with valuable service as auxiliaries and line troops. As the flush of enthusiasm wore off, though, militias settled into an ambiguous, sometimes complementary, sometimes competitive relationship with the Continental Army. Providing invaluable service against Loyalists, acting as a source for readily-available if sometimes not particularly reliable combat troops for short periods of
time or for local purposes, and carrying on a variety of auxiliary roles, the revolutionary militias allowed the Continental Army to fend off British attempts at subjugation. On the other hand, the existence of the state militias made recruitment for the Continental Army sometimes very difficult. Moreover, the state militias were under the control of the states, not Congress or Continental Army generals. Although they contributed positively towards independence, the state militias were not instruments of the emerging national government.

It is not altogether surprising that, despite the militia's history, Americans would attempt to make it into an instrument of national policy, because the only other obvious alternative, a standing army, was anathema to many and an object of suspicion to most of the rest. As historian Lawrence Delbert Cress has put it, "The lessons of the war...seemed to call for a degree of centralization theretofore unknown to the American militia." However, in attempting to create a militia responsive to national needs rather than local circumstances, early America's military thinkers set an agenda for reform that concentrated not on making militia
service palatable nor on helping the states to strengthen their militias, but rather one that called for a radical transformation of both the nature of the militia and the reason for its existence. This agenda, which changed in its specifics but remained remarkably steady at least until 1840, focused on the creation of a select militia, usually through the principle of classification; that is, classifying men eligible for militia service into different groups, generally by age, with the major burden of service placed on the younger groups.⁹

Classification was a concept that caused a great deal of enthusiasm in a rather small number of people, primarily because it promised greater military efficiency. After the Revolutionary War, for instance, New Yorker Nicholas Fish, admiring John Sullivan's leadership and energy, looked to the New Hampshire militia as a standard on which to model New York's institution, but hoped that Sullivan did not subscribe to the notion that "every Citizen should be a Soldier." In Fish's view, the burden of military service should rest "on a small proportion of the young active & well disposed inhabitants of the community, whose business
should be the use of arms." The young were better suited physically and mentally to active militia service; classification seemed the only way really to make the militia effective.

Advocates of classification were enthusiastic about its advantages, but the concept raised significant opposition on several fronts. On one level, opposition arose because classification invariably involved close ties between the state militias and the national government, it mandated intensive military training for select groups of citizens and it provided a force readily accessible for use by the national government. For many people, a select militia was thus not particularly distinguishable from a standing army. On another level, classification by definition implied placing a heavier burden on young men, who tended to represent the poorer segments of a society where wealth correlated to a significant degree with age. Although lower-class resentment of upper-class privileges in the 1780s and 1790s was not at the level it would reach in subsequent generations, the Revolution had nonetheless intensified a growing sense of egalitarianism. These two different
areas of opposition were by no means unrelated, since it was widely perceived that unequal burdens could pose a threat to republican institutions. Taken together, these two sources of opposition were powerful enough to insure that classification would never become reality, but not powerful enough to stop the concept from reappearing. As a result, the debate over the role of the militia at the national level in ensuing years--except during the ratification period for the Constitution, when classification receded from the forefront though the concept of national control did not--became a battle over a select militia for national purposes. Swept to the side were virtually all measures designed to improve the standing of the state militias that did not involve greater national control, with very rare exceptions such as the 1808 law providing money for arms for the militia. In subsequent chapters, as we explore both the problems faced by the states in maintaining their militia organizations as well as the positive results of what little encouragement the federal government did offer, the significance of this failure at the beginning to provide a forum for militia reform that did not
necessarily involve greater federal control of the state
militias will become increasingly apparent.

**Conceptualizing a National Militia**

Discussions on the role of the militia for the new
nation began in the spring of 1783, as the end of the
Revolutionary War was imminent, when Alexander Hamilton,
chairing a Congressional committee appointed to provide a
system for the security of the country, wrote to General
George Washington for advice on a military peace
establishment. Washington polled a number of his
subordinates, including his inspector general Friedrich
von Steuben, his Quartermaster General Timothy Pickering,
his Chief of Artillery Henry Knox, former chief engineer
Rufus Putnam, Adjutant General Edward Hand, and George
Clinton, a former brigadier general and current governor
of the crucial state of New York. As Richard Kohn has
pointed out, the men who advised Washington on this
matter were basically Continental Army officers with
nationalist leanings, all but Clinton becoming
Federalists in the late 1780s. As nationalists tasked
with defining a national system of defense (and
essentially concerned with providing convincing arguments for maintaining a regular army in peacetime), it is not at all surprising that, to the extent they dealt with the militia at all, they tended to view it as a potential tool in the hands of a national government.\footnote{11}

Not everybody recommended radical reform. Secretary at War Benjamin Lincoln, for instance, also asked by Hamilton for his views, confined his opinions to advocating a similar set of militia laws for all the states (a consensus view held by all of the theorists) and arguing that the states should establish state and county magazines sufficient to arm and equip an eighth part of the militarily-capable population. These were hardly revolutionary proposals. Washington's correspondents, however, sought a larger role for the national government in militia affairs.\footnote{12}

Timothy Pickering maintained that as the militia would form the "bulwark of the United States," it had to be put on a respectable footing. The natural tendency of men to oppose burdens when their immediate utility was not visible would necessitate "serious and pointed efforts" by Congress to form the "great establishment."
Pickering advocated a uniform militia, but more strenuously argued for classification. Older men could safely be exempted from militia musters and the burden concentrated on the young. Since few men were willing to spend as much time in military exercises as Pickering wished them to spend, both encouragement and high penalties for neglect would be needed. Pickering suggest that mustering men only four days per year was "doing nothing." Twenty-five days, he thought, "may suffice." ¹³

Pickering also argued for universal enrollment of all youths aged 18-24 in the militia. At the end of each year, an examination of the militia would test the military knowledge acquired by each young man. Those who had mastered the military exercises might be thereafter exempted from all musters except those by brigade. Individuals who had manifested "a certain other but lower degree of skill" would be excused from all musters but those in battalion and brigade, while the remainder would continue to appear at all trainings. Those aged 24-40 would be subject to military service only upon an alarm, but would be required to keep arms and to form companies of their own. ¹⁴
Pickering's plan assumed few would oppose the burdens it created; the annual examinations, he felt, would cause men to learn the exercises quickly, in order to lessen their requirements. Moreover, Pickering argued, to youth in general, military exercises were agreeable: "The time so spent is no loss to them. It is rather a relief to be called from their usual labours. Hence they may be expected to attend, not only without reluctance, but with pleasure." To the extent that Pickering was concerned with economic burdens, it was with those born by the parents or masters of those aged 18-21, who might think--"and not without reason"--the tax too heavy. Parents and masters would lose significant amounts of labor from youths engaged in military service. But Pickering had a solution. He observed that it was customary for men reaching the age of 21 to receive from parent or master a set of clothes called a "freedom suit." Pickering's economical answer was to give each militiaman a suit of clothing at public expense (in lieu of paying militiamen for their services) when the individual reached 21. The cost of this suit would be less than the value of 75 days' labor. For compensating
those aged 21-24, who would be serving from 15-30 days per year, Pickering suggested that instead of pay, the militiamen should receive a set of arms and accoutrements at age 24. In this way, Pickering would also cause the militia to be uniformly armed, "with much truth it may be said, without any expense to the public." How he felt the young men might regard the nature of their compensation is not recorded.\textsuperscript{15}

Another system of classification was that suggested to Washington by Rufus Putnam. In Putnam's "Scheem of Continental Militia," the primary burden of militia service would fall on those aged 18-25, from whom would be raised 24 regiments (almost 30,000 men, by his calculations). Officers would generally be appointed by the states. At the end of each year, each captain would make a list of the ages of all able-bodied men in his district and select from that list seventy "of the youngest." Sixty-five of those would be the privates of the company for the ensuing year, while the remaining five would be alternates. The militia would be liable for company exercises as well as responding to sudden alarms; additionally, they would take the field some time
in September each year for thirty days. Putnam, unlike Pickering, favored compensation: during the thirty-day service they were to be paid as soldiers in the army, and they would receive a five dollar annual bounty as long as they were held in service.\textsuperscript{16}

The advantages of the scheme to Putnam were that it made every able-bodied man liable to bear arms "as a Continental Soldier" for up to seven years, but because of the size of the population, it was likely that no militiaman would have to serve more than three years. The republican egalitarianism of this plan appealed to Putnam, who noted proudly that he "made no Distinction between Rich or Poor in my calculations."\textsuperscript{17}

Two other correspondents were less forthcoming at first, but later developed their ideas on the militia considerably. Steuben initially limited his remarks to the composition of militia units and to advocating uniformity among the militias of the various states (as well as the abolition of volunteer or independent companies), while Henry Knox argued for a vague system of classification: "perhaps one third, of the train bands to be drawn out...and exercised in large bodies...for a time
not less than twelve nor more than twenty days." Knox maintained that such militiamen should be paid for the time actually encamped and universally furnished with arms. Not long thereafter, however, both Steuben and Knox published much more extensive expositions of their views on a national militia. Knox's full plan will be considered in its appropriate context, but it is worthwhile presenting Steuben's system here along with the other systems suggested to Washington.18

Steuben's Letter on the Subject of an Established Militia, published in 1784, advocated a peace establishment consisting of legions (self-contained, small armies containing several types of troops) of 3,000 men: one "Continental" (i.e., permanent) legion and seven legions of militia. Obviously, this plan entailed a militia of only 21,000 men. Steuben argued against the republican notion that every citizen should be a soldier ("It would be as sensible and consistent to say every Citizen should be a Sailor") because of the skills and knowledge required. He buttressed this argument with an examination of the expenses of the current militia system: taking Pennsylvania as an example, Steuben
calculated that the value of lost labor through attending militia musters amounted to $386,666 yearly, while if the people avoided service and paid fines instead, they would pay $320,000 every year. "View it in any point of light," Steuben said, "how imposing and vexatious must this be to the people." In the United States as a whole, an annual sum of $3,113,328 would be expended in peacetime (as lost labor).\textsuperscript{19}

Steuben's alternative was his corps of militia legions, spread among the states, their officers appointed by the states, the soldiers to be supplied by voluntary enlistment of men aged 18-24. To induce enlistments, the militiamen would be paid a bounty not to exceed ten dollars, as well as clothing, arms, and accoutrements. The militia would engage in military discipline for 31 days each year. Given the completely voluntary nature of the system, as well as its small size and attempts at compensation, the burden on the citizenry (in the form of direct service) would be small indeed. But Steuben's system was, despite its name, not a militia at all but rather a part-time regular army. Realizing many would object to this, Steuben admitted openly its
nature, but argued that it would consist of fellow citizens: "Yes Fellow Citizens I admit it--it is a Standing Army, but composed of your brothers and your sons." However, a militia system that resembled in any respect a standing army was one which had no chance of being seriously considered.  

Washington condensed the views of his subordinates on the various aspects of a peace establishment, and sent them to Hamilton as his own plan. Washington acknowledged that the security of the country depended in large part upon the militia, and suggested universal militia service, based upon the notion that every citizen owed not only money but personal services to the defense of his country. Washington's system required service from all men aged 18 to 50, who would be provided with arms, organized into uniform regiments (uniform across the states), and regularly mustered and trained.  

Like most of the systems that his subordinates proposed, however, Washington's involved classification. Washington suggested a "Continental Militia" composed of every fifteenth or twentieth person, consisting of men aged 18-25 who "from a natural fondness for Military
parade (which passion is almost ever prevalent at that period of life)" might be enlisted or drafted to form units. These men would either form regiments of their own or additional light infantry companies "inlisted or drafted from the best Men for 3, 5, or 7 years" attached to regular militia regiments, but able to be called together for training or other purposes. The training would consist of 12 to 25 days per year, which would be compensated. The government would also furnish arms and uniforms if necessary. Like John Sullivan and Patrick Henry, Washington also favored persuading former Continental Army officers to serve in the militia.\textsuperscript{22}

Washington's plan represented an interesting melding of the ideas submitted to him. While maintaining the idea of universal military service for all males aged 18 to 50, it did provide for a select militia to be at the disposal of the national government (Washington never referred to state use of the militia, only to defense against foreign invasion). This select militia, composed of young men, nevertheless was not necessarily composed of all young men, as were the militias of Putnam and Pickering. The plan clearly implied that if possible the
select militia would be enlisted from among those willing to serve, although the possibility of drafting unwilling men existed if the light companies could not be filled. Moreover, there would at least be some attempt to compensate those young men who served in the select militia. Left unstated (in this as in the other plans) was the likelihood that mustering the select militia in the larger units (battalion, regiment, division) would require significant travel on the part of militiamen in rural sections of the country. Still, in terms of simplicity, the burdens on those who had to serve, and the continuity with the older system, Washington's plan was clearly the best of those mandating classification. 23

However, Hamilton's reaction was to give Washington's plan for the militia short shrift. Instead, Hamilton argued that the defense of the United States should rest primarily upon a standing army. Hamilton followed Washington's suggestions for the regular army closely, but abandoned entirely the General's advice on the militia. Instead of acknowledging the militia as the "palladium of liberty" or "the bulwark of the people" or in any other way as being particularly important,
Hamilton's committee report merely suggested that Congress "ought not to overlook" a well-regulated militia when considering means of national defense. Clearly, Hamilton's preferred instrument of policy was the Army. Nevertheless, Hamilton did adhere to the principle of classification, even though a different sort from that proposed by Washington or his advisors. Hamilton's plan classified men by marital status rather than by age. Single men would form companies that would muster nine times a year, while married men would belong to units that would train together six times a year. A third class consisted of volunteers from either of the two other classes who would serve for eight years in peacetime (and be obliged to serve for three years in wartime, marching "wherever the service may require"), mustering twelve times a year. The national government would furnish arms, uniforms, and compensation for training. The third class was expected to number about 8,000. It is difficult to find any consistent thought behind this plan. The classification by marriage was a haphazard way to apportion the burden of service, but necessitated two entirely different militia
organizations, while the third class was too small in number (and too scattered) to serve as an effective alarm force. Clearly, the Army was uppermost in Hamilton's mind. In any case, opposition to Hamilton's suggestions, in particular to a standing army, defeated his plan, despite assistance from Washington, who travelled to Princeton to lend aid to Hamilton.24

Nevertheless, the idea of a select militia refused to die during the Confederation period. It was brought back into the open by a plan for militia reorganization devised in 1786 by Pickering's successor as Secretary at War, Henry Knox, in response to a request from Congress. Knox believed strongly in developing the militia into an effective instrument for the national government, as part of an overall quest for more national power. His dismay later in 1786 at Shays' Rebellion, when angry farmers closed down courts in Western Massachusetts and the local militia sided with them, reflected this concern. Knox described the incidents to Congress as a rebellion, suggesting that the "rebels" would seize the national arsenal at Springfield, and labored to raise an army to
crush the westerners. For Knox, the nation needed dependable military forces.  

Knox submitted his "Plan for the General Arrangement of the Militia of the United States" to Congress in March 1786. It divided the militarily-liable males into three classes. The first class--the "advanced corps"--consisted of those aged 18-20. The "main corps" included those from 21-46 years of age, while the third class, the "reserved corps," possessed the men from 46-60 years old. As usual, the main burden would be borne by young men, whom Knox felt were the most disposable segment of society. The militia were liable to be called to any place in the United States for up to a year in case of invasion or rebellion. In peacetime the members of the advanced corps would serve in camp for forty-two days a year for three years. Officers of the advanced corps would be appointed, not elected. To avoid temptations, the training camps would be situated far from cities; no amusements other than athletic ones would be permitted. Perhaps knowing how unpopular the system would be, Knox disallowed corporal punishment in the camps and substituted a system of fines and imprisonment. The main
corps would muster only four days each year by small units. In more populated areas, regiments and "legions" would occasionally assemble was well. The reserved corps would meet only twice a year for the inspection of arms. In addition, the reserved corps had to pay a tax when the advanced and main corps were called to the field for some exigency, while both the main and reserved corps would pay an annual fee to help support the camps for the advanced corps.26

With these requirements, Knox's plan would irritate most segments of society, either by arduous service (if young), or the payment of taxes (if older). It was impractical in other ways, especially in the maintenance of three separate officer corps. The committee to which it was presented responded positively, but Congress took no action on it, as a result of the coming Constitutional Convention. Henry Lee of Virginia, a supporter of the plan, suggested it had so little chance of passing that it was not thought worthwhile to bring it up for decision. Perhaps a more telling opinion of the plan, and a hint at how future audiences might receive it, came from David Ramsay, who wrote Knox in March 1786 that the
plan gave him great pleasure, yet noted the burdens were significant and expressed doubt that the states would "bear any System which will be attended with so much time and expence." He also doubted the notion that the young would be that fond of military life. Though "excellent in theory," Ramsay feared its execution was impracticable.²⁷

The Militia and the Constitution

The Constitutional Convention and the extensive ratification debates that followed it demonstrated to anyone who doubted it how much concern there was across the nation over the use of the militia by the national government, whether the militia was a select one or not. Though people often referred to the militia only in relationship to a standing army, a matter of great contention, their objections and descriptions reveal much about both the role of the militia, as well as conceptions about its nature.

Political scientist William Riker has characterized the members of the convention that met at Philadelphia in
1787 ostensibly to amend the Confederation but actually to form a new plan of government as moderate centralizers, arguing that the debate within that convention was essentially among moderates conscious that the national government needed some sort of authority over the state militias. This in itself, however, made them more radical than the ratification debates would reveal many other Americans to be.28

Discussion over the role of the militia began in August 1787 when the convention took under consideration a suggested clause that gave to Congress the power to organize, arm and discipline the militia, as well as the authority to govern any militia in the service of the country. To the states would go the power to appoint officers and to train the militia (according to the military discipline determined by Congress). Conservatives such as Elbridge Gerry were dismayed by the notion. Gerry suggested that the clause would make the states mere drill-sergeants and that it would be regarded as an act of despotism. James Madison hastened to clarify the clause, stressing the limited nature of Congressional authority over the militia. "Arming" did
not mean furnishing arms nor did "disciplining" mean the imposition of punishments or courts martial, but not all were convinced. Jonathan Dayton struck against the very foundation of the clause when he expressed reservations about the concept of uniformity in the state militias, noting that in some states there ought to be more cavalry than in others. Rifles might be best in some places, muskets elsewhere.29

Madison again rose in defense of the measure. The object of the clause was to discipline the militia effectively, something that the states had demonstrated they could not do. "The Discipline of the Militia is a National concern," Madison argued,"and ought to be provided for in the National Constitution." Edmund Randolph agreed. The state legislatures everywhere neglected their militias; their members were too dependent on popularity to enforce proper discipline. As long as officer appointments were left to the states, they need not worry about threats to liberty. Madison was not content with this concession; he wanted the federal government to be able to appoint general officers. Roger Sherman called such a notion "absolutely
Madison lost this battle, but won the campaign: the original clause proposed became part of the Constitution, as did a clause giving Congress the power to call out the militia to execute laws, suppress insurrections or repel invasions. Though power over the militia was shared with the states, Congress, under the new Constitution, possessed far more power over the militia than it had before.\textsuperscript{30}

After the delegates made public their creation, many Americans expressed considerable reservations in giving the national government so much control over the militia. The militia clause became an issue in the debates in the states over ratification of the Constitution, causing both those for and against the measure to express their concerns about the militia.

Overwhelmingly, the Antifederalists exuded pessimism and fear on the militia issue. The militia had given the nation the victories of Lexington and Bunker Hill, but its future was much less certain. The Antifederalists conceived the militia, like liberty itself, to be fragile. When well-maintained, it preserved liberty and certainly made standing armies completely unnecessary.
However, Antifederalists saw all sorts of ways in which the militia could be subdued, oppressed or neglected, which would lead to tyranny. In addition, there was the possibility that the militia itself could be subverted into aiding the national government in destroying liberty.

The scenarios for the role of the militia under the Constitution in destroying or leading to the end of liberty were numerous, but by far the one most often described involved the unlimited power of Congress to call out the state militias. This authority could impose upon citizens an immense burden. In the words of "An Old Whig," Congress "can march the militia back and forward from one end of the continent to the other, at their discretion." "Cato" agreed: "the militia of the most remote state may be marched into those states situated at the opposite extreme" of the continent. Luther Martin, who had opposed centralization of the militia during the convention, told the Maryland assembly afterwards that he had tried to limit the power of the federal government to calling out only part of the militia without the consent of the state legislature, but failed; as it now stood,
Congress had the power "to march the whole militia of Maryland to the remotest part of the union, and keep them in service as long as they think proper."\textsuperscript{31}

Often, Antifederalists would use particularly unpleasant imagery or language to accentuate the potential dangers of giving the national government the power to call up the militia. Some writers chose to use the word "dragged" rather than marched. In the character of "Centinel," Samuel Bryan warned people that "in the character of militia, you may be dragged from your families and homes to any part of the continent and for any length of time, at the discretion of the future Congress; and as militia you may be made the unwilling instruments of oppression, under the direction of government." This argument combined the burden of harsh service with dangers to liberty. "A Son of Liberty" suggested that militia from Northern states might be "dragged" to the South to quell slave insurrections, while Southerners might be sent "to another distant quarter, to subdue their fellow citizens, who dare to rise against the despotism of government."

"Philadelphiensis" (probably Benjamin Workman) offered an
antislavery twist (which, coupled with subsequent arguments about those conscientiously scrupulous of bearing arms, was aimed at Quakers) in warning that if Georgia slaves revolted, "prompted by the love of sacred liberty," Congress could order the Pennsylvania militia to march off to suppress the insurrection.\textsuperscript{32}

The burdens of long and distant militia service were vivid enough, but many Antifederalists tried to relate economic burden and military service in other ways as well. One writer listed frequent calls on the militia (as well as long service) among the economic burdens that the people had had face during the Revolution. Another Antifederalist, believing the Constitution to be a scheme by the rich, luridly prophesied the militia of Pennsylvania or Boston coming to Maryland to enforce tax collection through terrorism. These economic arguments not only struck at the pocketbooks of the citizenry, but also tugged at their republican heartstrings, for the economic burden might simply be just a means to an end: an oppressed militia might willingly give up its burdens, allowing the population to be enslaved by tyrants. "Deliberator" warned that if the inhabitants of a state
were not subservient to Congress, that body could "call out even all the militia of as many states as they think proper, and keep them in actual service, without pay, as long as they please, subject to the utmost rigor of military discipline, corporal punishment, and death itself not excepted." At the Virginia ratifying convention in June 1788, George Mason was even more explicit in describing the dangers of giving too much control over the state militias to Congress: "...We may very easily see that it will produce dreadful oppressions...It would be to use the militia to a very bad purpose, if any disturbance happened in New Hampshire, to call them from Georgia. This would harass the people so much that they would agree to abolish the use of the militia, and establish a standing army."\(^3\)

Mason was also aware of another potential danger to liberty from national control of militias: the danger that Congress would choose purposely to neglect the institutions. Just as Congress could decide to make militia service so oppressive that the people would demand to be relieved of their burdens and would accept a standing army, Congress could also choose to refuse to
arm the militia and to refuse to discipline it. In this way, the militia would be in no condition to stand up to future tyranny. Luther Martin also warned that giving the power to organize the militia to Congress meant taking it away from the states, and Congress could choose to neglect the militia and instead increase the standing army. "When a government wishes to deprive their citizens of freedom...," Martin told Marylanders, "it generally makes use of a standing army for that purpose, and leaves the militia in a situation as contemptible as possible...we give them the right to encrease and keep up a standing army as numerous as it would wish, and by placing the militia under its power, enable it to leave the militia totally unorganized, undisciplined, and even to disarm them..."\(^{34}\)

Perhaps the most dire fear that Antifederalists had regarding Congressional control of the militia was that the militia itself would be turned into a standing army. The instrument for this transformation would be a select corps formed by classification, the very type of corps most strongly advocated by proponents of a national militia. The fear arose because of the class differences
inherent in age classification. As "the Federal Farmer" put it, "Should one fifth, or one eighth part of the men capable of bearing arms, be made a select militia, as has been proposed, and those the young and ardent part of the community, possessed of but little or no property, and all the others put upon a plan that will render them of no importance, the former will answer all the purposes of an army, while the latter will be defenceless." The young tended to be poorer and landless, with a lesser stake in defending liberty and a greater susceptibility to corruption or subversion. A select militia was, as one Antifederalist put it, "nothing else but an artful introduction" to a standing army. Some members of the Pennsylvania ratifying convention painted the picture of a standing army and a select militia combining to enforce the collection of oppressive taxes.35

Federalists responded to the accusations and fears of Antifederalists on the militia issue as they did in other areas, but here their rejoinders lacked their usual coherence. The Federalists not only had to defend the concept of a national militia but also had to argue for granting Congress the power to raise armies. The two
were not easily reconcilable. To justify armies, the Federalists had to paint the militia as weak and unable to handle the burden of defense. Few were better at describing the weakness of the militia as Alexander Hamilton, who had little love or regard for the institution: "Here I expect we shall be told, that the Militia of the country is its natural bulwark, and would be at all times equal to the national defence. This doctrine in substance had like to have lost us our independence...The facts...forbid a reliance of this kind." Weakness could also justify Congressional control over the militia, as Congress could promote uniformity in arms, discipline, and training among the various state militias. "How powerful and respectable must the body of militia appear, under general and uniform regulation!" James Wilson exclaimed, "How disjointed, weak and inefficient are they at present!" At the same time, however, Federalists described the militia as so strong that the nation need not have any fears over a standing army. James Madison suggested that a standing army would be opposed by "near half a million citizens with arms in their hands, officered by men chosen from among
themselves, fighting for their common liberties, and united and conducted by governments possessing their affections and confidence." Federalists tried to paint the positions of the Antifederalists themselves as self-contradictory. "The Landholder" tried to pin Antifederalist Luther Martin down, pointing out that "One hour you sported the opinion, that Congress, afraid of the militia resisting their measures, would neither arm nor organize them; and the next, as if men required no time to breathe between such contradictions, that they would harrass them by long and unnecessary marches, till they wore down their spirit and rendered them fit for despotism." Martin in response merely pointed out that the two were separate clauses, each of which posed a potential danger.36

The Federalists proved more effective in mocking or allaying the concerns of Antifederalists, making their fears seem unreasonable or exaggerated. One writer sarcastically suggested that if the president were a Jew, he could order the whole militia—"our dear posterity"—to rebuild Jerusalem. Federalist Tench Coxe was more patient, pointing out the limited nature of the powers
the national government had over the state militias. Only the states could train the militia, or appoint its officers. He even optimistically suggested that "republican jealousy" would lead the states to maintain their militias well to guard against the threats posed by a standing army. George Nicholas pointed out, rather practically, that if Congress could neither raise an army nor call out the militia, the country would be left defenseless in the face of danger.  

Some Federalists appropriated the language or issues raised by the Anti-federalists, especially in terms of economic or other burdens. Alexander Contee Hanson argued for a standing army by noting that there some tasks too burdensome for the militia. Alexander Hamilton amplified Hanson's point by discussing the problems of guarding the frontier against Indians, carefully noting how militiamen would have to be "dragged" to the frontier if there were not a standing army: The militia would not long, if at all, submit to be dragged from their occupations and families to perform that most disagreeable duty in times of profound peace...It would be as burthensome and injurious to the public, as ruinous
to private citizens." A standing army, in other words, would merely reduce the burdens of the militia.\(^{38}\)

Hamilton was also the only major Federalist writer actively to defend the concept of a select militia, again using an economic argument. To train and discipline the entire militia effectively, Hamilton argued, "would be a real grievance to the people, and a serious public inconvenience and loss." The Federalist estimated that the cost of disciplining the whole militia would be comparable to the expenditures of all the state governments; the people would not long endure such a burden. There would be no danger to liberty from a select corps, because its members would still come from the mass of citizenry: "Where in the name of common sense are our fears to end if we may not trust our sons, our brothers, our neighbours, our fellow-citizens?"\(^{39}\)

Federalist arguments did render some of the concerns expressed by the Antifederalists less threatening, but the overall tenor of the dialogue between Federalist and Antifederalist did not bode well for those who wanted a strong national militia. Federalists thought the militia weak (which clearly, for the purposes for which a
national government might wish to use it, it was), but improviable through centralization. Antifederalists, however, also considered the militia frail, though not in the same manner. Though the defenders of republican values, the state militias could be damaged by heavy economic or other burdens placed upon their men. An amendment guaranteeing state militias the right to arms would secure those institutions from the possibility of purposeful neglect on the part of the national government, but there was no corresponding guarantee against abuse of the militia. The Constitution might become the law of the land, but attempts to increase the burden on militiamen or to create a select militia, would still in the future be met with suspicion.

Decade of Distraction

Given the victory of the nationalists in the struggle for ratification of the Constitution, it is not at all surprising that they would in the ensuing decade seek to form the national militia that the Constitution gave them the power to create. George Washington set the tone for the nationalist effort early in his
administration by having a supporter submit a bill to establish a uniform militia system for the new nation. Unfortunately for the future of the militia, the system advocated by Washington was the same one that Henry Knox had proposed in 1786, weakened somewhat to make it slightly more palatable. These changes (reducing the total number of training days for the Advanced Corps from 126 to 70, and eliminating the taxes on members of the other corps) had little, if any, effect in gaining support for the bill. But Washington's action did establish the terms of debate for years to come, well beyond the length of his administration. On the national level, at least, militia reform would come to be associated with increased federal control of the state militias and with classification. While such measures had little chance of passing, they nevertheless diverted attention from other ways to improve the state militias.\textsuperscript{40}

Washington's resubmission of Knox's bill in 1790 met with little success, though the changes in it, such as reducing the costs involved by nearly one-half, were designed to make it more appealing to Congress. Although the bill met with approval from later military
historians, contemporaries were much less enthusiastic. Benjamin Lincoln, a supporter of the notion of classification, realized that Massachusetts would not accept the bill, writing in January 1790 that "The expense, pay of officers, no pay of men, the burden on masters, calling the youth indiscriminately, disfranchisement for a time in certain cases, officers excluded from actual service, subjection to a draft for a service of three years, etc., will be magnified here, and damn the bill." Lincoln knew his state well; the following month a pastor in Salem, Massachusetts, noted that the "public Spirits" were "much agitated" by Knox's militia plan. Some felt Knox's plan so extreme that, echoing concerns originally expressed during the ratification debates, they wondered if it was purposely harsh, to condition citizens to accept the idea of a standing army. Pennsylvania Senator William Maclay suspected as much, noting that "the business of the militia stands still," while an increase in the army was "pushed with all the art and address of ministerial management." That Knox had any such ulterior motive is difficult to credit, given the continuity in his thought
that reached as far back as 1783 (and well into the 1790s), as well as the continuity in policy once Republicans wrested control of the national government from the Federalists.41

As Maclay observed, Congress took its time coming up with a militia system for the new nation, not passing a bill until 1792. Knox's plan received short shrift from Congress; debate eventually centered around a bill presented by Federalist Elias Boudinot of New Jersey which preserved the notion of classification in a diluted form. Boudinot's bill, informed by George Washington's earlier recommendations to Congress in the 1780s, created light infantry companies to consist of those aged 18-25 which would muster six times per year, as opposed to the ordinary militia, which would muster only twice. Individuals would have to provide their own arms and equipment, but persons exempted from service would have to pay an annual tax of $2 to the federal government. The militia would be inspected by federal officers and the federal government would have the power to mobilize the militia.42
The Congressional debates over the militia from 1789 to 1792, which focused primarily on the issues of service, exemptions and arms, reveal the true concerns that individuals held regarding the militia far better than do the various plans for classification pushed by nationalists. Though regard for the proper balance between state and national governments was an issue never far from view, overwhelmingly the debates centered on the burdens of militia service. The questions of who would bear these burdens and how to equalize them as much as possible occupied much of the attention of representatives and senators. In part this was due to the beginning of a public debate at the state and local level over the burdens of militia service, though the discussion would remain relatively low-key until after the War of 1812. Already some state legislatures had started to receive petitions complaining about the inequities of service. A group of citizens from Marblehead, Massachusetts, called for the state to "alter & amend from the foundation, or entirely abolish, the present Arbitrary, Aristocratic, & very unequal militia law; which is a standing reproach to our boasted legal &
rational Equality." A committee chosen at a town meeting in Salem called for revision of the militia laws, so that they "might be more general, and equal, and its Burthens be more impartially distributed." The committee conceived the law's operation to be "unequal," while "its Requisitions are unjust, and its Administration oppressive." As a result of this public sentiment, many Congressmen were more concerned about defining equitable burdens than devising radical systems of classification.43

Classification did speak to the issue of the distribution of burden in one important respect, however, by posing the question of on whom the burden should fall. This was the issue raised by Pennsylvanian Thomas Fitzsimons, when he asked if all citizens aged 18 to 45, without exception, needed to become soldiers. In Fitzsimons' view, the United States needed only a much smaller proportion of the population to bear arms. To subject the "whole body of the people" to service was "a great and unnecessary tax on the community," which would moreover be conducive neither to gaining military expertise nor to good morals. Fitzsimons was willing to concede that all citizens ought to be armed, but felt the
laws should require no more than necessary, "for that would be a just cause of complaint." 

Unlike others who believed that not all white males should have to serve, Fitzsimons was not convinced that age should be the criteria for service. Those who supported notions of classification, however, felt the burden should fall on the young, for, as one representative put it, "after that period men become engaged in the concerns of life, get married, have children, enter into business." Thus classification plans from Knox to Boudinot relied on the principle of subjecting young men to additional military service.

This principle met with great opposition. Under classification, some Congressmen felt, "certain classes must be drawn out, and kept for months together, which would prove as great a burden as a standing army." It would cause great expense, as well as "great inconvenience and the general embarrassment that would attend it." New Jersey Representative Thomas Henderson expressed best the sentiments of the anti-classificationists in 1796 when he responded to a classification proposal that "in a Republican government,
military service ought to be as equally divided among its citizens as possible." Classification would put the burden "entirely upon one-fifth of the people; of these a considerable part would pay their equivalent to be excused from serving; thus, the poorer and most indigent class of citizens will have the defence of the nation entirely thrown on them."46

Others who opposed classification were less concerned about the young or the poor as they were for the people for whom the young and poor labored. Fitzsimons felt that classification would operate against mechanics and manufacturers, who would lose the labor of their young workers or apprentices. This caused James Madison to remark that since all persons from 18-25 would serve, classification would burden artificers no more than farmers. Supporters of classification also argued that the burden of service would still be spread equally, since all men would still perform the same amount of service, merely at different times. One supporter suggested that the burden on those under twenty-five was not unequal since those individuals could be expected to have less military expertise.47
Pro-classification congressmen were nevertheless unable to convince their colleagues that classification was equitable to all segments of society. This failure, added to the republican fears of a classified militia in the hands of the national government that were still occasionally being expressed, doomed the notion of a classed militia, despite repeated attempts by Samuel Smith, Henry Lee and others to revive it. These attempts succeeded only in exasperating Congressmen who thought they had amply demonstrated, time and again, that a select corps was, in the words of Henry Dearborn, "repugnant to the will of the people."48

The power to grant exemptions and who should hold it was the second important issue during the 1790s debates over the militia, one which raised not only the question of devising equitable burdens, but also the issue of states' rights. James Madison ignited the debate by suggesting that Congressmen strike out language exempting themselves from militia duty, because "they ought to bear a part in the burdens they lay on others." This caused disagreement by members who thought that such exemptions should be up to the state legislatures. States' rights
and equality thus became linked; both those opposed to and those in favor of giving the right of exemption to the states used the language of economic egalitarianism. Georgian James Jackson suggested that leaving exemptions in the hands of the states "might be productive of great inequalities." Some states might make many exemptions, others few; this would make the burden "very unequal on the whole, which would be palpably unjust." Virginian Alexander White responded in kind (but not prophetically) that state militias were hardly likely to abuse the power of exemption by exempting half their citizens, as this would merely increase the burden on the other half."

What many Congressmen feared was the danger of excessive exemptions, although they were in disagreement as to whether the federal or state governments might best prevent such an occurrence. At heart was not only the issue of states' rights but also the very concept that every individual owed a debt of personal service to the state. Too many exemptions would throw the burden of service onto a few. As Jackson argued, while speaking out against exempting Quakers, "every man owes to society to afford his personal services to assist and defend the
community." Any who were exempted ought to pay an equivalent in money "on every principle of justice and equality." South Carolinian Aedanus Burke went further, expressing his fear that there were so many exemptions that the whole country would be divided into two "tribes," consisting of the rich and the poor. "The rich, the governors and rulers of the land, would be relieved from the burden, while the mechanic, the farmer, the laborer, the hardworking part of the community would be made to sustain the whole weight of the service in defending the country." Though some denied any such distinctions existed, Roger Sherman of Connecticut proposed (to no effect) exempting the militia from a poll tax as a way to equalize the exemption of others.⁵⁰

In the end, despite the realization among some that giving the power of exemption to the states might easily be abused, and might damage the vaunted concept of uniformity among the state militias, Congressmen could not bring themselves to deny the states a right they had already possessed from their beginnings as colonies. It became apparent that a militia bill that did not allow the states the power to exempt would not be passed.
The third major issue was the question of arms. Should the federal or state governments provide arms for the militiamen, or should citizens be required to purchase their own arms? The Boudinot bill provided for the latter, but the wisdom of this decision was questioned by congressmen such as Virginian Josiah Parker, who noted that "it must be well known that there are many persons who are so poor that it is impossible they should comply with the law." Parker argued that the United States should furnish arms, at least for the poor. Such a proposal raised a host of objections, some against the idea that the federal government should have the power to dispense arms, others against the notion that the United States contained enough poor citizens for any such measures to be necessary. Supporters of the notion raised the issue of apprentices and minors, who had no money with which to buy arms.51

The suggestion that the United States should arm the militia quickly foundered when it became apparent that few were willing to incur the expenses involved. A later proposal by Thomas Fitzsimons that the militia law exempt from fines those who could not afford to arm themselves
also met with defeat. As a result, the final 1792 militia law contained a clause that mandated that militiamen themselves bear the burden of procuring arms and equipment. Nevertheless, the issue of arms would not go away. Maryland Representative John Francis Mercer brought it up in the following session, arguing that the clause "was oppressive in principle and impracticable in its operation." Mercer argued, in language that many would use in succeeding decades, that when taxes were levied for the protection of society, they must be apportioned among individuals in accordance with the amount of property each individual owned. As it was, there was "a uniform expense on men of unequal property." Mercer contrasted the wealthy 45 year old man who neither had to pay nor serve with the young, poor man with a family who had to buy arms and equipment. Mercer's complaints once more brought up the question of how to divide the burden of service equally. Arming the militia at public expense, countered a colleague, was unequal and oppressive itself, because those who had already armed themselves would now be forced to pay for the arming of
others. However, the expense to the federal government appeared to be an even greater obstacle.\(^5^2\)

The bill that came out of the 1792 debates, reluctantly signed into law by Washington, became the subject of over two hundred years of ridicule and criticism. Entitled, "An Act more effectually to provide for the national defense, by establishing an uniform militia throughout the United States," it contained few of the strict measures that nationalists desired. Rather than placing the primary burden of service on a select corps, the law obligated all white male citizens aged 18-45 to participate in the militia. It allowed states to exempt men as they wished. It contained the principles for a uniform militia, but no penalties for failure to follow its provisions. Nor did the measure give the president power to call out the militia (although other laws, from time to time, would provide the chief executive with this power). It did not regulate musters. Individual militiamen would have to purchase their own weapons and equipment.\(^5^3\)

If the Uniform Militia Law is viewed as a vehicle for a strong national militia, then it must indeed be
seen as a great failure, for measures of compulsion were completely lacking in the law. But classification was a radical proposal that had great impracticalities, especially in rural or wilderness areas, and entailed great expenses besides. Moreover, as critics pointed out, it threw the burden of service onto a small proportion of the population. If the measure is examined as an attempt to sustain and strengthen the existing militia system, then its strengths and weaknesses are somewhat different ones.

Its primary strength was that it reaffirmed commitment to the state militias. The rudimentary system of organization and discipline provided to states by the law allowed states considerable flexibility in establishing militia systems suited to local conditions, yet at the same time provided a backbone of regulation out of the hands of the state governments to change. In later years, when opposition to the militia was more widespread, governors and other supporters of the militia could point to provisions in the law of 1792 that mandated a militia system as a way to thwart those who wanted to do away with the institution entirely. In this
way the 1792 law became a tool for those trying to prevent wholesale changes in the state militias.

Still, the Uniform Militia Act contained a number of weaknesses. Chief among these were state exemptions and individual arms obligations. Contrary to the optimistic beliefs of some congressmen, the states became so generous in granting exemptions that they created an issue of class hostility. Eventually, the state exemption clause would actually become a weapon in the hands of those who wanted to end militia service entirely by being used as authorization for wholesale exceptions from militia duty in some states. The failure to provide for arming the militia was an equally serious weakness in the law. Not only did it create another serious source of class resentment against the militia, but it also insured that much of the militia would simply not be armed. As will be seen, this would have an effect not only on the practical effectiveness of the militia, but also on morale and public opinion.

These failures in the 1792 law were the motivation behind one of the only attempts at reforming the Uniform Militia Act that was not a rehash of classification
schemes. In May 1798 a bill was introduced that would take the power of exemptions away from the states, regulate musters and fines, and provide for the purchase of a certain quantity of arms. This bill contained the germ of a realistic reform of the militia system, but in the midst of debates over the Provisional Army and debates between Federalists and Republicans, it received scant attention. All sections of the bill save that which provided for the purchase of arms were promptly struck out. This provision, too, was watered down; as it eventually became law, the president was authorized to sell thirty thousand firearms to the states.54

Because of the failure of this reform, the 1792 law became the ultimate expression of the debate between 1783 and 1800 over the role of the militia. The primary losers in the battle were those nationalist centralizers who had sought to transform the state militias into a national militia designed primarily for the use of the federal government. On republican grounds, on practical grounds, and on grounds of economy and egalitarianism, their pet concept of classification had been rejected. But those who sought stable state institutions had also
failed, at least in part, because they did little to alleviate or equalize the burdens of militia service, nor did they successfully provide the state militias with the wherewithal to withstand the pressures of public opinion that their first failure would create. As a result, the state militias entered the nineteenth century facing a very uncertain future.
NOTES


(Chapel Hill: The University of North Carolina Press, 1982), 81.


14. Ibid.

15. Ibid.

16. The Memoirs of Rufus Putnam and Certain Official Papers and Correspondence, (Boston: Houghton, Mifflin,
1903), 198-214.

17. Ibid.


20. Ibid.


22. Ibid.

23. Ibid.


489; Cress, Citizens in Arms, 93.


41. William H. Riker, for instance, has characterized the Knox plan as likely to produce "in a decade or so a serviceable militia, fairly well-trained by the military standards of that day," see Riker, Soldiers of the States, 18. Lincoln is quoted in Fraser, Foundations of American Military Policy, 269; the pastor quoted is William Bentley in The Diary of William Bentley, D.D., Pastor of the East Church, Salem, Massachusetts, Vol. I, (Salem: Essex Institute, 1905), 146. For Maclay, see The Journal of William Maclay, United States Senator from Pennsylvania, 1789-1791 (New York: Frederick Ungar, 1965), 235.

42. Fraser, Foundations of American Military Policy, 270-71.

43. Petition of Nathaniel Hooper and Other Citizens of Marblehead, January 12, 1795, Document #1994/4, Massachusetts State Archives, Unpassed Legislative Files, Senate (hereafter abbreviated as MSA ULF Sen or MSA ULF HR); Petition of Inhabitants of Salem Respecting the Militia Laws, January 23, 1795, Document #1994/5, Ibid. For other examples, see Petition of Officers of the Third Regiment, First Brigade, Second Division, Massachusetts

44. AC, First Congress, Third Session, 1804-06.

45. Ibid, 1813.

46. Ibid, 1806; AC, Fourth Congress, Second Session, 1675-76, 1679-80; see also AC, Third Congress, Second Session, 1217.

47. AC, First Congress, Third Session, 1813-14; AC, Fourth Congress, Second Session, 1683.

48. AC, Fourth Congress, Second Session, 1676; see also AC, Fifth Congress, First Session, 340-41.

49. AC, First Congress, Third Session, 1811-12.

50. Ibid, 1821-25.

51. Ibid, 1804-08.

52. AC, Second Congress, Second Session, 708-10.


CHAPTER II

GLEANING FROM FIELDS OF BLOOD: THE MILITIA

IN JEFFERSONIAN AMERICA

Jefferson and Classification

When Thomas Jefferson gave his first inaugural address in the spring of 1801, he characterized the nation whose government he now headed as "a rising nation, spread over a wide and fruitful land, traversing all the seas with the rich productions of their industry, engaged in commerce with nations who feel power and forget right, advancing rapidly to destinies beyond the reach of mortal eye." To his followers, Jefferson seemed the perfect leader for the time, loving liberty enough to rescue them from the machinations of the Federalists and with a vision strong enough to enable the nation to grasp the vision Jefferson held out to them. Indeed, just a few years later, Jefferson would spread the nation's limits still further, by arranging the purchase of the
vast territory of Louisiana.¹

Expanding even as the country's borders did, the militia system followed settlers across the Appalachians and into the Ohio and Mississippi Valleys. In 1805, the first governor of Ohio, Jeffersonian Edward Tiffin, informed that state's legislature that Ohio presented "the astonished traveller" with an "almost instantaneous conversion of a late savage forest into a highly improved and fruitful land -- where all are freemen -- all are citizens -- all are soldiers and in this character presents a force for protection and defence of thirty organized regiments...commanded by officers chosen by themselves, and deservedly enjoying their utmost confidence." Tiffin's appraisal of the militia proved somewhat optimistic, as subsequent reports would show, yet even among those less inclined to view citizen soldiers through rose-colored glasses, the state militias did seem to show promise. Even the pessimistic adjutant general of North Carolina, Calvin Jones, reported to the state legislature that "notwithstanding partial defects...the General Assembly will learn with pleasure that an increased military spirit is prevailing in
different parts of the State, which if duly fostered and encouraged, promises to give greater respectability and efficiency to our Militia...This spirit has manifested itself not only in the general appearance, and discipline of the militia, but in the liberal encouragement which has been afforded to Military Schools in different parts of the state."

A respectable and efficient militia system was particularly important in Jeffersonian America for two reasons. The first was simply that Jefferson, Madison, and other Republicans placed so much emphasis on the militia as a means of defense. "I am for relying, for internal defense, on our militia solely," Jefferson stated in 1799, "till actual invasion...and not for a standing army in time of peace." Jefferson slashed the budgets of the Army and Navy during his first few years in office, reducing the size of the former from an already small 5,500 down to 3,400. Concomitant with these reductions was an increased reliance on the state militias for national defense, a reliance made all the more important by the growing threat of war with one or more European powers after 1805. This was particularly
so with Great Britain after the Chesapeake incident of 1807, when a British warship fired upon and boarded an American ship. "It is at all times important to have a well-organized and well-disciplined militia," Ohio governor Samuel Huntington observed in 1808, "it is peculiarly necessary when our rights are invaded and our national independence threatened."³

Jefferson's conception of a well-organized and well-disciplined militia rested on the notion of classification, which boded ill for its chances of realization. Taking statistics from the 1800 census, Jefferson noted that there were 304,062 men of prime military age between 19 and 26 years of age, inclusive, and proposed forming them into a separate corps of militia with additional responsibilities. Jefferson and his secretary of war, Henry Dearborn, worked together to form a classification plan to present to Congress in late 1805. The details of the plan were not important to Jefferson; what was crucial was that Congress finally accept the concept of classification. For this, he was willing to give up provisions of his plan that dealt with arming and training the militia: "Let us once get
possession of the principle [of classification] and future Congresses will train and arm.\" A narrow focus on a single goal might even help the plan's chances of passing Congress, he felt, since the more details it contained the more different constituencies it might alienate. What Jefferson wanted was simply \"to get at the young for a year's service at a time.\"\n
Samuel Smith of Maryland introduced the classification bill in the Senate in early 1806; Smith, a very wealthy Baltimore merchant as well as a major general of the Maryland state militia, had already previously supported classification plans in the previous decade. The classification bill divided the militia into four classes, composing the ages of 18-21, 21-26, 26-35, and 35-45. The primary burden of duty would rest on the second, or junior class, which might have to serve a tour of duty of up to one year in national service. Smith's bill met with little approval. In the House, Joseph Varnum (another militia general) noted that each class would require a separate organization and officer corps and objected to the provisions for electing officers in the first class. But the plan's greatest problem was the
unequal burden it placed on individuals in different geographical areas. In too many areas of the country the population was sparse and scattered, compelling individuals to travel great distances for musters or reviews. Smith's plan, Varnum pointed out, would necessarily extend the limits of each unit over four times the territory they now existed in (a militia unit comprising only 1/4 of the population of military age would have to draw its members from four times as much territory to keep the same numbers), which in turn would "burden the citizens with a proportionate additional expense in the acquisition of [military knowledge]."

Varnum did not merely criticize Smith's classification plan, but attacked the notion of classification itself, even if additional peacetime burdens were not imposed. Dismissing a suggestion that only those under age 26 take the field, except in great emergency, Varnum pointed out that men aged 18-21 were completing their education or learning a trade, while those from 21 to 26 years of age were mastering the skills that would support them for the rest of their life, as well as marrying and beginning families. To
compel these individuals to bear the greatest military burden "might justly be deemed a departure from that principle of distributive justice which ought to be a paramount characteristic of the government of the United States."

Varnum's opposition helped to doom Smith's plan (which did not pass the Senate, either), frustrating Jefferson's efforts finally to achieve a classed militia. Jefferson knew that Varnum opposed the multiple organizations that Smith's plan entailed, but had hoped the New England Congressman would at least accept the principle that young men should bear the primary military burden, a hope made more urgent by Jefferson's conviction that the secret to Napoleon's military success was in the Emperor's composing his armies of young men. However, Congress proved no more tractable while Jefferson was president than it had for the Virginian's predecessors.

Attempts to classify the militia continued after Jefferson himself retired to Monticello. Supporters brought up classification in 1809, 1810, and again in 1812. The 1812 proposal, on the eve of war with Great Britain, represented a reasonable attempt at a compromise
proposal. The classification bill divided the militia into three categories: the minor class (ages 18-21) would not serve more than three months nor out of state; the junior class (21-31) could serve in any part of the United States for up to twelve months; and the senior class (31-45) might serve within the state or in an adjoining state for up to twelve months. The bill also provided for arming the militia at government expense. Supporters noted that while it might at first glance appear inequitable, every man who lived to be 45 would equally pass through all three classes. Opponents feared "odious and oppressive" burdens on militiamen and compared it to "the detestable conscription of the French Emperor." Again, Congressmen raised the fear that classification might divide the people into classes, "some into a favored, and others into an overburdened class." Classification simply could not provide what lawmakers deemed an equitable distribution of the military burden. As William Findley suggested, "All able-bodied men must render personal service in the public defence, whether they are rich or poor, married or single...The further these conscriptions extend over the
mass of society, the law approaches the nearer to equal justice. It is much more unjust to lay the whole burden of general effective service on those alone between twenty-one and thirty-one years of age, than on all those able to serve...because in the latter case it will be divided among a much greater number, and, consequently, be the easier borne." This classification scheme, like the others, failed.  

Arms and the Men

Ironically, the only significant militia reform measure achieved during either Jefferson's or Madison's administrations was the passage by Congress in 1808 of a law appropriating $200,000 annually to go towards arming the state militias. This was a reform that they cared little about because it aided the militias directly, instead of subordinating the state institutions to the federal government. It was not Thomas Jefferson but his one-time ally turned foe, John Randolph of Roanoke, the quixotic conservative Republican from Virginia, who was responsible for the reform.
The question of arms in the hands of the militia was a crucial one. A weaponless militia was worthless on the battlefield or as a deterrent to the dangers of a standing army; moreover, arms in the hands of the militia raised the morale of militia units considerably, and elevated the institution in public esteem. Yet at the same time, as one militia officer put it, "If the public should be willing to place their arms in the hands of the soldiery, they would, under every care which would be taken, be nearly rendered useless in a very short period." If republican fears that giving the federal government power to provide arms for the militia dwindled in the years after the ratification debates, the concern over the immense cost of arming the entire militia did not.

Because of these concerns, the 1792 federal militia law mandated that the responsibility for arming the militia rest in the hands of militiamen themselves. Such a requirement could not, however, cause arms to appear out of thin air. Particularly in southern and western states a shortage of arms existed, where arms were not manufactured nor easily obtained. "We are certainly in a
very defenceless condition," wrote one Ohioan in late 1811, "without arms--without discipline...and how can we arrive at the knowledge of arms unless in the possession of them? I am afraid that men will never be brought to a knowledge of military duty by the use of clubs and cornstalks...Had our men arms in their hand, they might be instructed--measures might be adopted to enforce discipline." The governor of North Carolina expressed similar concerns when he discovered how few arms the state had while attempting to raise a detachment of militia volunteers requested by Thomas Jefferson in 1807: "It would prove a...cruel delusion to expose such a band of patriots with only such arms as chance hath offered them." Even in the western areas of more settled states such as New York and Pennsylvania, militiamen could not easily purchase arms, presuming they had the money or the inclination to do so.40

Because of the general shortage of arms in the United States, and the unwillingness of the federal government to make substantial provisions for arming the state militias, a number of states made efforts to purchase or manufacture weapons on their own. Vermont
sent an agent to Europe to contract for 20,000 muskets and 24 brass field guns in 1796, while Virginia spent over $164,000 to construct an armory near Richmond, which between 1802 and 1821 produced over 60,000 muskets and rifles, 235 cannon, and numerous other weapons. Maryland appropriated an annual sum for purchasing militia arms.  

More common were attempts by states to enlist the aid of the federal government in helping to arm the militia. After the Chesapeake crisis, the Ohio legislature appointed a committee to devise a plan to procure arms for that state. Its chair, Thomas Worthington, discovered that only one-third of the militia of Ohio were armed, but that "even if inclination to purchase them exists, arms are not to be had in Ohio." Worthington tried to squeeze a sum for purchasing militia arms from money appropriated for other purposes, but had to resort to asking the United States government for a loan of 7,000 arms until the crisis subsided. Ohio's congressmen in Washington discovered that Ohio was hardly the only state to make such requests and that the War Department could not comply beyond depositing some arms in Newport, Kentucky, and Pittsburgh, Pennsylvania. The
congressmen examined other sources of arms, both foreign and domestic, without much success. "We cannot learn from all the enquiries we have made, that arms are to be obtained any where else in the United States," they informed their counterparts in the state legislature.  

The Ohioans, Edward Tiffin and Jeremiah Morrow, also introduced resolutions in Congress to help the states obtain arms, but not all Congressmen, even in those states short of arms, felt this was a proper province of the federal government, nor, indeed, that anybody other than individual militiamen ought to be buying weapons. When North Carolina's legislature made a similar appeal to its representative, Thomas Blount, the congressman instead sent back a letter showing where and at what prices the state government might buy arms for the militia, which he hoped the state would indeed do. "Yet, sir," Blount, also a militia general, informed the governor, "I am not one of those who think that arms ought to be given by the state to the Militia without price; and much less am I inclined to think that they ought to be so given by the United States." Blount argued that it was dishonorable to accept arms "necessary
to the defense of their own liberties" from any
government on earth. "My opinion is," he explained,
"that as it is their privilege to carry them so it is
their duty, and ought to be their pride to obtain them at
their own expense."¹³

Blount was hardly the only person to express such
reservations, yet increasingly there was sentiment in
favor of the national government taking action to help
ease the distressing arms situation. In 1803, South
Carolinian Federalist John Rutledge introduced a
resolution to exempt states from paying the 15% duties on
arms imported for the militia. This was largely a
sectional measure designed to aid the Southern states,
which had, according to Georgia Representative David
Meriwether, a deficiency of 140,000 arms. Ironically,
this was opposed by John Randolph, who disliked removing
the duty, and failed. More formidable opponents to such
measures in general were New Englanders such as Joseph
Varnum, proud of their states' militias and unwilling to
spend their own money to arm the citizens of other
states.¹⁴

However, the Chesapeake crisis of 1807 temporarily
created a groundswell of support for military measures. In terms of military preparations, the reaction of the Jefferson administration was cautious indeed; in the absence of firm guidance from Jefferson, the Tenth Congress—dominated by Republicans but hardly unified—debated the necessity and desirability of military preparation for a possible conflict with Great Britain. Congress passed a naval appropriations bill as well as funding for coastal fortifications with little rancor, but John Randolph opened the door for considerable argument by proposing in late December 1807 that Congress make provisions for arming and equipping the "whole body of the militia of the United States." Such a proposal fit Randolph's ideological perspective neatly: it neither increased the size of the navy or the army, while it committed the resources of the federal government to aiding the state militias, without increasing the amount of federal control over them. Randolph did not argue for arming the entire militia at once, an action feasible neither in practical or monetary terms, but rather the Virginian called for "a very liberal appropriation," as well as a commitment by the House of Representatives to
putting arms in the hands of every militiaman.\textsuperscript{15}

Randolph's proposal--or at least the concept of arming the militia that was at the heart of it--received a good measure of support, though more as a war measure than as a fundamental reform of the militia. Thus fellow Virginian John Eppes argued for arming not the whole militia but a mere portion of it: those militia ordered held in readiness by Jefferson. Arming the whole militia was unnecessary, since the whole militia would not be called out in case of war; moreover, it was prohibitively expensive. Most of the early debate on Randolph's proposal centered around the issue of a potential war, which never came. In the spring of 1808, the question arose again, this time in the context of more permanent reforms to the military establishment, including the classification of the militia and the enlargement of the U.S. Army. Randolph proposed appropriating one million dollars per year for arming the militia. Distribution of the arms would be by proportion to the states, who could dispose of them as they wished. New England states could place them in arsenals, if they so wished, while other states might immediately arm the militia.\textsuperscript{16}
Those who argued most strenuously for the measure were Southerners, who did so largely on the grounds of the expense to militiamen of arming themselves. Marylander Edward Lloyd claimed that he would never agree to a bill requiring that each man provide his own arms: "It is said indeed that ten or twelve dollars is a trifling sum; but to some it is serious, for a man may pay a cent toward the same object for which another man pays a hundred dollars, and yet the former feels the expenditure more than the latter." Nathaniel Macon asserted that he had always thought it wrong to make the poor contribute the same amount towards the general protection of the rich man. The House whittled the one million dollar sum down to $200,000 annually (to Randolph's disgust), then passed the measure easily. Opponents were almost overwhelmingly from the Northeast. The Senate concurred, 19-4, on April 21, 1808.¹⁷

Even after Congress passed it, the 1808 law would have no effect for quite a long time; not until after the War of 1812 would a regular system of procurement and delivery be fixed in place. Nevertheless, the law proved to be highly significant for the state militias. In the
first place, after long and fruitless battles over classification (which were by no means over yet), Congress had finally proven that it could—if it so desired—agree on measures to aid the state militias. Congress could in fact muster the support needed to reform the militia, as long as that reform was not tied to giving the federal government greater control over the state institutions. As New Jersey Representative Lewis Condit said regarding a bill introduced on the eve of the War of 1812 to classify and arm the militia, "It might not be considered that those who voted against the passage of the bill for classing and arming the militia, were unfriendly to arming the militia." Furthermore, the 1808 law provided a powerful motivation for the individual states to keep their militia systems intact and operating at least at a rudimentary level. In order to keep the flow of free arms coming, states were required to report on the status of their militia to the federal government and this required a functioning militia system. That such a small amount of encouragement on the part of the federal government could have such a beneficial effect on the state militias
suggests how the life of the institutions might have been prolonged had the federal government encouraged them further.\textsuperscript{18}

The Tactical Shortcut

The fact that there were no further encouragements to the militia during the Jefferson and Madison administrations disappointed many. As John Taylor lamented, "All the eulogies of our presidents have been expended on the militia, and all the money for military purposes, upon regular troops. One tenth of the sum laid out during the last [twenty] years by the federal government, upon the least efficient regular army in the civilized world, would have established the most efficient militia." However, substantial reforms of the regular army had been no more forthcoming than had any reform of the militia.\textsuperscript{19}

For those who actively sought military reform, it was a trying time indeed. Some, such as William Duane, the fiery editor of the Philadelphia \textit{Aurora} as well as a militia officer and self-educated military thinker, blamed the failure of reform efforts on the obstruction
of the Federalists. Others, however, seemed more resigned. One militia reformer as early as 1801 suggested that "we may yet hope that some of the hardships under which the present system labors, will soon be removed. It is our duty to wait until the constituted authorities shall produce a more compleat and perfect plan." Another individual suggested that the United States had "an apathy, which is unconscious of danger until it has penetrated our threshold." 

Military thinkers during the Jefferson and Madison administrations were a mixed group, reflecting the fact that the military was dominated during this period by the citizen soldiery rather than a standing army. Some, such as Jonathan Williams, were Army officers; others like Louis Tousard were former officers or Revolutionary veterans. But more Jeffersonian military reformers tended to be militia officers or private citizens, though some, like Irenée De Lacroix and Maximillian Godefroy, were also European expatriates and ex-officers. To those Americans interested in military affairs, it became increasingly obvious as the decade wore on that no consensus existed in the nation as to the nature or
extent of potential military reforms, despite the equally increasingly obvious threat posed by the warring nations in Europe. As a result, many individuals interested in military reform tailored their suggestions to what they thought was feasible in the political and cultural climate of the early 1800s. This was not true of all of them; one expatriate Frenchman, Maximillian Godefroy, suggested in 1807 a legionary system of free corps, containing infantry, artillery and cavalry, to act as cadres that the militia could fill out as needed in case of war (an early version of John C. Calhoun's expansible army, perhaps). Another writer, proposing his views in 1808 and again during the War of 1812, pressed for a system of depots through which officers and non-commissioned officers could filter, learning the elements of soldiery during their stay. However, proposals such as these, involving complicated military systems (and greater federal control over the military), were unlikely to meet with the support necessary for adoption.²¹

Far more feasible were attempts at reform which would require little effort or no money on the part of state or federal governments and which would require no
radical reorganization. David Humphreys suggested to the governor of Massachusetts early in the decade that the militia of that state organize into larger units to facilitate inspections. This would, he argued, provide great benefits without any expense to the state. He also suggesting exempting from the poll tax all militiamen who produced military clothing, to help create an *esprit de corps*. Others suggested creating a corps of topographical engineers to allow officers and political leaders to conduct war more efficiently. But increasingly, military thinkers in the Jeffersonian era focused on the idea of an improved system of tactics, or "discipline," as a quick and painless way to achieve parity with the European nations, by adopting those methods learned by the Europeans in actual warfare; methods, as one writer put it, "gleaned from the fields of Europe, now literally fields of blood." American reformers would seize upon the idea of tactical improvements as a "shortcut" by which the nation could bypass the Gordian knots of militia or Army reform but nevertheless still be the equal of the Europeans in battle. Such reform ideas were predicated on the belief
that the most serious threat to the nation was that posed by European countries, particularly France and Great Britain. The militia did not need new European tactics in order to do battle with Native Americans or to put down insurrections or riots.²²

The United States did have a prescribed set of infantry tactics, as specified in the 1792 Uniform Militia Act, the system devised by von Steuben for George Washington's Continental Army in 1778. Steuben's tactics (like those of the British throughout the Revolutionary and Napoleonic wars) were in turn based on the Prussian tactics of Frederick the Great. During the period 1801-12, Steuben's tactics were reprinted widely, usually for the benefit of the militia. Excerpts from Steuben or slight variations of his company maneuvers also found their way into print often. However, this distribution occurred in a haphazard fashion: few printings of Steuben's tactics were ever of the same length. One edition printed in Portsmouth in 1804 ran to 180 pages; another published in Salem three years earlier was a meager 23 pages. Other editions varied between those extremes. Steuben's tactics ran to varying lengths
because many publishers left sections out. The typical abridgement contained only those instructions for the exercise of a company of infantry: firing, marching, wheeling, and the oblique step; just enough information for a company officer to maneuver troops on the parade ground at muster time. The abridgements left out all the evolutions essential to moving larger formations, in addition to specialized (but useful) topics such as battalion exercises, column maneuvers, moving columns and lines across terrain, and information on baggage, encampments, and guards. The lack of information for militia officers elicited scorn from some. "The important points of military service," wrote Godefroy, "certainly do not consist in parades, or the dextrous handling of the musket. Such exercises are the alphabet of war, nothing more." William Duane, who frequently disagreed with Godefroy, nevertheless agreed with this analogy. The military man, he argued, must learn the "alphabet of military knowledge at the drill." However, he stressed, this was not yet a system.23

Even the abridged versions of Steuben were not always readily available. Many of the printings during
this period came near its end, as war with England seemed very likely. The Chesapeake incident caused a rash of editions, as many states found themselves without adequate copies of the manual. In the various western territories, Steuben was often impossible to come by. As late as 1811, Indiana Territorial Governor William Henry Harrison had to train the men he led on the Tippecanoe campaign with an ad hoc system of maneuvers.24

Conditions elsewhere were often little better. Although one individual suggested to Colonel Jonathan Williams that "enough of theory may be found in books accessible to every military man," and a bookseller's advertisement in the National Intelligencer in the spring of 1812 listed twenty different military books for sale, much of the theory available in such books had little practical use for either Army or militia officers. In 1807 the New Hungarian Broadsword Exercise saw print, but it is unlikely that many rushed to adopt it, nor that it would have had great effect had they done so. Many of the military works printed in this decade were more military primers than useful tactical manuals. Joseph Lord's Military Catechism was essentially Steuben's
company exercises relayed in a question-and-answer format. "What is the first word of command?" asked the manual: "The first word of command is Attention."

Jonathan Williams' translation of Scheel's Elements of Fortification began by asking (in Socratic method) what a fortification was.²⁵

Military reformers in the United States suggested replacing such tactics with new systems based on the wartime developments in Europe. The nations of Europe, many theorists believed, had through practice perfected the arts of war. As one put it, "These nations, from a litigious disposition, are all...so frequently at war, that they have opportunities of fully proving all new discoveries in the science; and surely we cannot reject what experience has taught them by long practice, when we are only guided by theory." The French had only triumphed after undergoing numerous wars and suffering great defeats; this caused France's generals and statesmen to perfect their military institutions. "While we have been inattentive to the rapid progress of military knowledge among other nations," explained William MacNeven, "twenty years of constant warfare have
greatly added to the Generalship of our Enemy."26

Though a few looked to the British system of tactics, most reformers naturally enough found the French achievements more impressive. The French victories, especially those achieved by Napoleon, were spectacular despite their cost. "France has made all the science, and all the passions of human nature subservient to her tactics," wrote one admirer. Though some felt that the Topographical Bureau or the French General Staff were responsible for French success, most military writers in the United States focused on French tactics. The improvements that impressed reformers the most were the developments in artillery and infantry tactics. "The military tactics of the war of your revolution," Godefroy informed Americans, "will no longer answer the purpose...It is now good for nothing. The present military men of Europe have availed themselves of a dreadful weapon, and of a species of tactics hitherto unknown to this continent. That weapon is the light artillery supported by picked companies of every description of troops, whose velocity of approach and retreat vies with even the light cavalry itself...It is
against this combination of new arms, and new tactics...that a people agricultural, mercantile, gentle and happy, will have to contend." The French artillery won almost universal praise, both in its adoption of the Gribeauval system of uniform artillery carriages and its bold tactics. Infantry developments included the use of light troops, but also maneuver and attack by echelon, and maneuver and attack by column. A number of reformers looked to the French infantry regulations of 1791 for guidance; during the period 1801-12, William Duane, Irenée de Lacroix, and Alexander Smyth all came out with translations or adaptations of this system."

The tactics of the Europeans made more of an impression on American military writers as the decade wore on; even though not all writers chose to translate the French system, many of the ideas learned on the battlefields of Europe found their way into tactical manuals printed in the United States. Daniel Fisher stated that his system united "most of the European improvements in tactics, with those that are found correct, laid down by Baron de Steuben." Fisher's tactics contained extensive modifications of Steuben;
other writers simply gave a nod to European practices, noting that their system of movements of maneuvers had improvements over Steuben, though containing little that was different. Nevertheless, the French tactics diffused. By 1810, even a volunteer militia company in Portland could boast a manual that contained "the echelon movements, which have been found so conducive to success in the French armies, and other modern improvements."

Far more important than which exact portions of the French exercises the Americans adopted is what those writers thought that adoption could accomplish. Many felt that a modern system of discipline could provide the militia with the means to stand up to the European armies. More than one writer noted that the "orientals," by which they meant peoples such as the Arabs and Mamelukes, could not compete against the modern tactics of European armies, despite having modern arms and artillery. However, with the modern tactics, a nation could fight on even ground. "Once we were steadied on true principles," argued one writer, "there is little doubt that we would soon arrive at tolerable
proficiency." William MacNeven suggested that proper attention to the new military developments "can alone enable our citizen soldiers to contend advantageously, with the no less brave, than accomplished Generals of Europe." The forward-looking Portland Military Association agreed; the way for a militia to prevail against such foes, it argued, was to adopt their rules. What many of these writers proposed, either implicitly or explicitly, was that military discipline could make up for other defects in the military establishment. By itself, discipline could provide an equalizer. Thus Joseph Lord could suggest that because the militia were called out only three days a year for practice, it was of "the greatest importance that the Military System be explained in the plainest terms possible." William Duane argued that if the United States followed Godefroy's suggestions for tactical reform, it would not need the free corps that Godefroy also proposed. Because other elements of the American military establishment could not be changed, military theorists searched for a discipline that by itself could elevate the armed forces of the United States to those of the Europeans. As Duane noted,
"Mankind in every country, educated in the same way, varies very little in those points which are adapted to military services. It must, therefore, in a great measure depend upon the education which is applied to military affairs, in the discipline of armies, whether they are victors or vanquished." Not least in the minds of some reformers was the fact that tactical reform might obviate the need to rely on a standing army, because the reform could raise the militia's efficiency without "violating the principles of our government, or endangering the liberties of the people." Military writers suggested to their audiences that other factors were not as important as discipline, the key ingredient. The United States, wrote de Lacroix, "I sincerely hope, will adopt a new method of discipline, in order to command that respect due to an independent power, and frustrate the plots of ambitious enemies." This was a tall order for any single reform to fill."

Military writers could argue so strongly for the positive results of a change in tactical systems because of their beliefs about the nature of warfare. For most military intellectuals in America during the early
nineteenth century, warfare was a science; one can find little understanding of the Clausewitzian concept of friction. On the contrary, armies were "machines," their "action, reaction, momentum and effect," all "subjects of calculation." Warfare—or as one writer put it, "the science of mischief"—could be studied and reduced to a set of true principles which if followed guaranteed success.30

"It is pretty generally known throughout the civilized parts of the world," claimed Daniel Fisher, "that the art of war is now reduced to a proper science." The European armies had had the opportunities to prove "all new discoveries in the science." The Portlanders agreed, noting that it was the militia's task to drive back the invaders "who have reduced war to a science." Some reformers did recognize war as an imperfect science, one in which there was "confessedly a great deficiency of knowledge, or otherwise a very unaccountable disagreement in it." Nevertheless, they still tried to come to grasp with it. The military science, wrote one writer, commenced with acquiring the knowledge of an artificial method of employing the natural faculties for defense or
offense. This knowledge consisted of a number of rules reducible to four operations: marching, facing and wheeling, and the use of arms. Duane agreed with the three principles of movement, explaining that the reason why there were different systems, despite the "universal concurrence on the truth of these principles," was because of mistakes in carrying the principles into effect. The principles themselves were inviolate; war was a science."

Perhaps the best manifestation of this belief, and of its expression in the advocacy of new tactics, was in the United States Military Philosophical Society. Lasting from 1802 to 1813, this organization began at West Point as a stepchild of the Corps of Engineers and the Military Academy, but evolved into a national organization of prominent men and citizens, including governors, adjutants general, militia officers and politicians interested in military affairs. Its motto, *Scientia in Bello Pax*, or "Science in war is the guarantee of peace," reveals something of the intellectual framework of the group. The philosophy of the Society was very much the same one that propelled the
military writers of the time. War, stated founder Jonathan Williams, "has become a contest of skill rather than of force, for mere physical effort, whether produced by the natural prowess of individuals, or that resulting from number, would serve only to render the victory gained by a small but compact band of scientifick soldiers, so much the more brilliant." Military science embraced many other sciences; therefore, it had "a good a claim to the title of philosophical as any other."^32

The Society had two practical functions. The first was to act as an informal topographical branch, where members could deposit or access maps and diagrams. The second function was to act as a repository of military knowledge culled from surviving veterans of the Revolutionary War, or their writings, and from Europe. While it operated, the Society managed to accumulate a fair library of military knowledge, including works on the French artillery system, use of light artillery, and French infantry tactics. The Society also corresponded with Europeans about military matters. The purpose of such actions was to provide the militia with the military knowledge necessary to meet French or British armies on
the field: "We place our great national defence...on the militia of our country. Be it so. But, ought not our citizens to be instructed? Ought they not to have disseminated among them...every principle of discipline, tactics, and martial regulation?" The goal of the Society was essentially the same as that evinced by the military writers of the period. It is not surprising that military intellectuals such as Williams, Tousard and Humphreys were also members of the Society.33

The end sought by the reformers--adoption by the United States of the new ways of warfare--was admirable; the nation could only be made more secure by the adoption of new tactics. Moreover, the writers struck upon an area of military reform in which it actually seemed feasible to obtain improvements. There was active support for such reform in some of the states; North Carolina in particular supported tactical reform. Its adjutant general informed the state legislature in 1809 that "It is of the highest importance that our Militia establishments should be put on a footing with those of Europe," noting especially the power of horse artillery and recommending the state purchase copies of a work on
that subject published by the Military Philosophical Society. In 1811, the state legislature resolved that its congressmen bring up the subject of American tactical inferiority before Congress.⁴

The subject even attracted interest at the highest levels of government. Henry Dearborn, Jefferson's Secretary of War, held considerable interest in European improvements in the art of war. A member of the Military Philosophical Society himself, he had books sent over from France and also commissioned the translation of other works into English. When in 1808 Dearborn and Jefferson secured an increase in the size of the regular army, Dearborn asked for--and received--a regiment of the vaunted horse artillery. And by the time the United States had declared war on Great Britain in 1812, the country had officially adopted (though, as it turned out, only temporarily) a new set of tactics based on the French system.⁵

Still, the efforts of the reformers, limited as they were, could not be termed successful. In some cases, the same forces which precluded other reforms also struck the tactical reforms; thus, Dearborn's successor, William
Eustis, had to sell the horses of the light artillery to meet cuts in military expenditures. Elsewhere, the reformers themselves torpedoed their own efforts, as when William Duane and Alexander Smyth dueled over whose system of tactics the United States should adopt, despite the supposed "universality" of the principles of war. However, the main difficulty with the notion of tactical reform was that it was not a panacea. The tactical backwardness of the militia was hardly one of the more important problems that institution faced, in terms of military efficiency. Indeed, for large segments of the militia, notably the frontier militias, the adoption of a new system of tactics would be an almost meaningless reform, in that it addressed few of the real problems that those militias had to solve. The emphasis on tactical reform was a result of the inability of the Jeffersonians to achieve reform in other areas, but not an adequate solution for the same.

Ropes of Sand: Frontier Militias, 1801-12

Of all the militias in Jeffersonian America, the territorial militias needed aid from the federal
government the most. Frontier militias faced fundamental problems not encountered by the state militias. The facts of frontier geography and frontier politics posed almost insurmountable problems for the people—primarily the territorial governors—who sought to maintain the institutions. The weaknesses of territorial militias had existed from the establishment of the Northwest Territory in the late eighteenth century. The ineffectiveness of this territory's militia led in the 1790s to repeated calls for federal aid by westerners, which eventually came in the form of expeditions led by Josiah Harmar, Arthur St. Clair, and Anthony Wayne. Problems increased greatly in the following decade, when Thomas Jefferson doubled the size of the United States with the Louisiana Purchase. Virtually all of this additional territory was frontier land, sparsely inhabited. Moreover, the purchase also put the United States into closer contact with a potentially hostile Spain. In fact, two of the United States' most strategically important areas, around New Orleans and Detroit, lay within territories. The fragility of territorial militias during the period 1801-12 had several very important consequences. Territorial
militias found that they were bearing a heavy burden indeed; perhaps an unduly heavy one. Some individuals acknowledged the burdens as necessary ones. As one governor wrote to a friend: "When we establish ourselves on the borders we voluntarily encounter hazzards of various kinds; and you and myself, I am very sure, are too much of Republicans, to wish a regular army, permanently stationed for our defence." Others, seeking instead to equalize the burden, repeatedly requested federal aid of various sorts. As Mississippi territorial governor William Sargent noted in 1799, "The local Circumstances of this Country...require...the best trained and the best Organized Militia and of course a devotion of a greater portion of time than may be elsewhere Necessary in the Union. --And this being bestowed some Consideration might possibly be due us." The federal government proved ill-prepared to grant such aid, precisely because it had placed greater reliance on militias than on a standing army. In addition, the military ineffectiveness of territorial militias proved a severe strategic liability to the United States and significantly hampered operations at the outbreak of war
in 1812.36

The root of most of the problems with territorial militias was the simple fact that they were on the frontier, an underpopulated area far from "civilization" and close to numerous enemies. This was, moreover, a situation that could only be solved over time by the gradual influx of more settlers, and the establishment and growth of cities and transportation links. The most significant problem of geography was simply the close proximity of potentially hostile populations. The territories of Mississippi and Orleans were close to the Spanish in Texas and Florida, while those of the Old Northwest rested along the border with British Canada. Concern for the security of those borders was natural, especially when hostilities were possible or imminent, as they were along the Sabine River in 1805-06, and along the Great Lakes in 1812.

To those living in the territories, however, the most dangerous enemies were those who respected no borders. Southerners, for instance, constantly feared the possibility of slave insurrection. In an address to militia officers, Winthrop Sargent explained the problem:
"Almost every day adds to the number of our Slaves, and (Reasoning from the fine feelings of Man) to the number of our most inveterate Enemies also. 'Tis more than probable, that in the Lapse of another year, there will be more Blacks than Whites within the Mississippi Territory. That we deprive them of the sacred Boon of Liberty is a Crime they can never forgive." His successor William Claiborne was no less uneasy, noting that "with a population of Negroes, nearly equal to the number of whites, the continuance of...Peace, is certainly precarious." Claiborne faced a seemingly more serious problem when he became governor of the Orleans Territory. There were substantial numbers of free blacks in New Orleans, many of whom were armed and belonged to organized volunteer militia units. Though these militia units never did threaten the established order, and even helped to put down a slave revolt in 1811, whites in the Southwest feared the intentions of the free blacks. Their relationship with Claiborne and the territorial legislature was tension-ridden at best."

More real and widespread than the danger of slave insurrection was the threat posed by American Indians.
Every territory had an Indian problem to one degree or another. In the Old Northwest fear and hatred of Indians far outstripped that of the British. Citizens of the Michigan Territory sent an appeal to Congress for military aid in 1811 that described many frontiersmen's concerns. It described the savagery of Indians and noted that the whole territory was a "double frontier," bordering both British Canada and Indian land. To many Americans, it was the very fact that there was no discernible frontier that was disturbing. As Governor Ninian Edwards of Illinois lamented, "Every part [of the Territory] appears to be equally exposed." Reports of massacres and Indian uprisings fueled a concern that the inconclusive Battle of Tippecanoe in the fall of 1811 did nothing to abate.  

The enormity of the frontier and its distance from populated areas increased the dangers posed by nearby enemies. Territorial governors administered huge areas. At one point in 1805, the territorial governor of Indiana, William Henry Harrison, administered the present states of Minnesota, Michigan, Illinois, Indiana, and all of the Louisiana Purchase save for present-day Louisiana-
-an area larger than all of the other states and territories put together. Settlers often characterized their situation as exposed or vulnerable. An address by some citizens of Upper Louisiana stated that because the area was "very thinly inhabited, extending over a vast extent with every here and there some weak and Detached settlements...They find themselves wholly exposed to the wanton abuse of the [Indians]." William Cla iborne, governor of the Mississippi Territory, noted that "if we take an attentive view of our particular local situation, we shall find our infant society far removed from the limits of reasonable succour, from our Mother States, and exposed on all sides to perilous casualties."39

One important effect of the great distance between the territories and their "Mother States" was the scarcity of manufactured goods, especially firearms. The arms shortages affecting the West and the South were particularly hard along the frontier. When weapons could be found at all, they were usually quite expensive. The governor of one territory reported "insuperable difficulty" in finding arms for a company of cavalry. Governor William Hull of Michigan Territory wrote
Secretary of War Dearborn in 1807 suggesting that the army and the state of Ohio (no great repository of arms itself) should provide materials that "cannot be procured in this Country." Claiborne noted in 1801 that in Mississippi the citizens had no arms, nor could they procure any. Eleven years later his successor, David Holmes, reported that nothing had changed: "Heretofore it has been, and still is, impracticable to procure arms suitable for actual service in this part of the United States." The situation was little different in Orleans, where Claiborne (appointed governor to the Orleans Territory upon its organization in 1803) had battalions armed with a "mixture of rifles, fowling pieces, broken muskets and sticks." Shortages existed even in Indiana, the closest of all territories to populated states, where Harrison complained that members of the militia were willing to purchase guns, "but they are not to be had in the Western country."40

The problems caused by the large size of the territories and their vulnerable, exposed borders and towns were exacerbated by their low population, which increased the burdens on all militiamen. The 1800
population of Indiana Territory (comprising the modern states of Michigan, Illinois, Wisconsin, Indiana, and parts of Minnesota) was only 5,641, while the population of the vast Louisiana Territory in 1804 was just 9,373. The population of the territories grew rapidly with the rush of settlements over the next decade, but could never compare with the roughly 200,000 people in Ohio or the 400,000 in Kentucky. Sparse settlement had two important effects upon the militias. First, the small tax bases of the territories proved insufficient to support militias adequately. Second, dispersal of small populations over vast expanses imposed great hardships on militiamen. A related problem was that governors and officers deemed much of the territorial population unreliable. In almost every territory, a majority of the small populations were of foreign origin or nonwhites: British, French, Spanish, African-American and Indian. While blacks generally and Indians naturally were not in the militias, other nationalities were, remaining a matter of concern for territorial governors and militia leaders. 41

Territorial governors constantly struggled with inadequate finances. Each territory had only its own
limited resources to draw upon; none received money from
the federal government, except for the salaries of the
highest-ranking officials. This left most territorial
governments in a state of poverty, especially since they
were unable to collect taxes effectively. Michigan, for
instance, collected no land or other taxes because of its
scattered population. The poor financial condition of
the territories was reflected in their militias.
Harrison complained in 1810 that he found it difficult to
find ways to improve the Indiana militia, because that
territory's finances were so limited.42

Often a governor would call out the militia to meet
some emergency, then find himself facing financial
trouble. "I am at a loss," wrote a distressed Ninian
Edwards to the secretary of war in 1811, "to know how the
militia of this territory are to be paid. The territory
is unable to pay them...yet the measure was not taken
without the best advice and the utmost deliberation."
The following year Edwards had to assure the militia that
if the Illinois government could not pay for their
services, he would pay them out of his own pocket. Not
every governor had the benefit of a personal fortune.
Frederick Bates could not even compensate a single militiaman who worked to train the militia, "owing to the deranged state of our Revenues." Lack of money made governors extremely cautious in calling out the militia, even when danger seemed imminent. They preferred to ask the federal government to call out the militia and thus bear the expense. As William Hull explained in 1810, "I presume it will be thought expedient to vest a power, of calling forth a portion of the Militia, at the expense of the United States, whenever it shall evidently appear that the safety of the frontier requires it." The Executive of this Territory, has the power by law, at the expense of the Territory. It would however be an unequal burden in the Territory, and one which indeed they would not be able to bear."\(^{43}\)

Frontier under-population made it difficult not only to pay militiamen but also to muster them. Great distances between settlements made it burdensome and expensive for militiamen to attend musters. To reduce the burden, some officers dispensed with regimental musters entirely, requiring only local musters. A dispersed population also meant that gathering a
considerable body of militia in one area stripped the
countryside of all military manpower. In the Louisiana
Territory, for instance, 2,000 militia were spread over
settlements as much as 700 miles apart. In Illinois the
governor, fearing that Indians might overrun his
territory, claimed "They are able to do so, for our
population is very much dispersed, and cannot be drawn to
any one point of danger." Harrison had similar concerns
for Indiana. Some Michigan pioneers claimed that "the
inhabitants are so dispersed, that to assemble one
hundred men, upon any one spot...is physically
impossible, and how are even the 100 to be induced, in
the hour of danger, to relinquish the last pleasure this
world can present them, that of dying along with their
innocent and helpless families, and to abandon them to
certain destruction, under the, perhaps, visionary hope
of any where embodying in force adequate to meet an
enemy!" The problem seemed so great to Meriwether Lewis,
governor of Louisiana, that he issued a proclamation
forbidding settlement in many parts of the territory,
though with little effect."

Exacerbating the problem of under-population was the
fact that the territories contained many people deemed unreliable by territorial officials. Michigan contained settlers of British origin, while Orleans had a sizeable Spanish population. The French constituted the majority of the population in Michigan, Illinois, Louisiana, and Orleans. Only in Indiana after 1805 and in Mississippi were "native Americans," as they called themselves, a significant majority. These demographic realities generated great concern among the American governors, who were skeptical of the willingness of the French population to fight for an American cause, or even to bear the burdens of militia service. This distrust stemmed from both simple prejudice and a recognition that many French settlers felt no allegiance to the United States. As a result, governors only reluctantly trusted the French and, of course, French militiamen, believing that "but little reliance could be placed upon them." William Henry Harrison argued that for any military purpose the French were "worth nothing," while yet another governor felt the French could not be trusted because of their traditional friendship with the Indians.45
This distrust and concern led to efforts by frontier governors to neutralize the danger. Some tried to create French support for the militia by appointing officers of French origin. In one regiment of Indiana militia, for instance, twenty-six of the thirty-three appointed officers were clearly of French origin. Similarly other governors, including Frederick Bates and William C. C. Claiborne, took pains to appoint French officers to encourage allegiance. As Bates in 1807 suggested to Auguste Chouteau, a recently appointed lieutenant colonel, "on the change of government it was natural that some apprehensions should be entertained; but I hope & believe that they no longer exist, and that we are already 'one people.'" In fact, when called out, French militia usually responded tolerably well. "The French were at first reluctant," reported Bates after an Indian threat had subsided, "[but later] they manifested a praiseworthy alacrity." In some instances, however, such as in Michigan on the eve of the War of 1812, the French were reluctant to become involved. But regardless of their actual willingness to serve, the governors' low opinion of them placed an even greater burden of military
service on the "native American" population.

These geographical considerations hindered the frontier militias greatly, placing considerable strains on those who served in them, but there was no real solution. Some of the territories lay close to populated states and could hope in times of emergency for succor from Ohio, Kentucky, or Tennessee. Some territories either on their own initiative or through the federal government arranged for obtaining aid from "nearby" states. However, in practice such intervention was very rare. Not only did state militiamen have an aversion to serving outside their state, but also many of the problems faced by territories were chronic and insolvable by temporary aid.

However, even solvable problems often met with indifference from the federal government, despite the fact that it frequently had to send military aid in one form or another to the territories. Many Republicans believed that the burden of defense ought to rest with the individual states and territories. Even those few acts passed by Congress to strengthen the militia failed to provide substantial aid to the territories. The 1808
arms legislation could have provided valuable arms to the territories, but no precise system of distribution was set up until after the War of 1812. At times the federal government simply seemed disinterested in the problems of the territorial militias. Among other ways, this indifference manifested itself in the appointment of militia generals. By law territories could not appoint their own generals; this power was delegated to the executive branch of the federal government, which responded extremely slowly to calls for appointments. Territorial governors often desired a general of militia to help organize the militia, yet the federal government sometimes took over a year to respond. In the case of Mississippi, the war department took seventeen months to appoint a brigadier general, despite petitions to President Madison by the governor and the territorial legislature complaining that the lack of a general had hurt the militia. In the meantime, the burden of organizing the militia fell solely upon the governor.47

As frustrating as federal apathy must have been to the frontier leaders, it could not compare to the viciousness of local political conflict, which often
centered on the militia. Judge Harry Toulmin of Mississippi complained of the "factious and disorganizing spirit of the undigested and heterogeneous mass of the territorial population," having just had a prominent militia officer denounce him before the assembled militia as a traitor to the United States for interfering with a filibustering expedition to West Florida. Most battles, however, occurred between territorial governors, appointed by the president, and territorial legislatures, elected by the people. Even William Henry Harrison had to admit that "the Territorial form of Government possesses some traits, which are not entirely reconcileable with Republican principles." The real source of conflict within the territories, however, was not simply that the governors possessed too much power, but that they were simultaneously strong and weak. While they wielded more authority than any state governor, their authority came not from the people but from the president. Citizens dissatisfied with their administrations could (and did) go over their heads and complain directly to the president. 46

No territory or its militia was immune from such
intrigues. Upon becoming governor of Louisiana, James Wilkinson ruefully recognized the "bitter animosities, and vindictive Personal Factions which rend several districts," and which would soon ensnare him. Within a year, the territory experienced mass resignations of militia officers who refused to serve under Wilkinson. His successor, Frederick Bates, caused a spate of resignations among officers when he removed a lieutenant colonel from his position. "At the very moment that I am answering your application for office," an irritated Bates wrote to an office-seeker about one such resignation, "a stupid Captain of Militia sends me his commission because says he, 'I do not feel disposed to serve under the present administration.'"49

Other territories fared similarly. Federalist Arthur St. Clair and his Republican opponents squabbled over the militia as part of their battle over Ohio statehood. A feud between Augustus Woodward, Michigan's territorial judge, and Stanley Griswold, a justice of the peace, caused Governor William Hull to revoke Griswold's commission. In retaliation, Griswold encouraged the militia to desert. Woodward himself later fell out with
Hull. He criticized the governor for ordering Michigan inhabitants to build stockades for the militia without actually calling them out (and paying them), as well as for forming a militia unit out of slaves escaped from Canada. Ferdinand L. Claiborne of Mississippi, a lieutenant colonel of militia and speaker of the house in the territorial legislature, led a rebellion against newly appointed Governor Robert Williams in 1807, which led to mass militia resignations. Many members of the Indiana legislature resented William Henry Harrison's attempts to increase his executive powers, while in the Orleans territory Daniel Clark fomented opposition against William Claiborne. Ninian Edwards arrived in the newly created Illinois Territory in 1809 to find the region hotly divided between those who had wanted to separate Illinois from Indiana and those who opposed separation. The issue had so inflamed Illinois that Edwards risked censure by backing, even inadvertently, any one faction. The only solution the governor could find was to relinquish completely his right to appoint militia officers and instead let the men select their own officers.\textsuperscript{50}
Political infighting in the territories was particularly intense. Even Thomas Jefferson noted it, sympathizing with the situation of Robert Williams. "I have seen with regret the violence of the dissensions in your quarter," Jefferson wrote. "We have the same in the territories of Louisiana & Michigan. It seems that the smaller the society the bitterer the dissensions into which it breaks." Whatever the reason, these internecine struggles greatly hurt militia effectiveness. Even those feuds without a direct bearing on the militias still affected them indirectly, by paralyzing the territorial governments and undermining the authority of the territorial governors and legislatures.51

The cumulative effect of these geographic and political factors led to militia organizations that were generally ineffective. Attempts to use frontier militias to meet serious challenges often resulted in chaos. Moreover, territories found themselves repeatedly forced to rely on assistance from the regular army. The difficulties faced by frontier militias were amply demonstrated in 1805-07 in the Orleans Territory, when border disputes with Spain and the intrigues of Aaron
Burr threw leaders in New Orleans into a panic. Though the United States by the fall of 1805 had held the territory for two years, its militia were still largely unorganized. When in September and October negotiations between Spain and the United States over possession of border lands broke down, Claiborne found the Orleans Territory threatened by 1,500 Spanish troops in Texas, Pensacola and Baton Rouge who appeared ready to march. There were few regular troops in New Orleans, and the Orleans militia was not ready to meet such a threat.

Claiborne believed he could count on the loyalty of only a part of the militia. Because much of it remained unorganized, Claiborne had to dispatch a militia officer with a number of blank commissions to organize the militia of several counties. Still, as late as January 1806, Claiborne could come up with no figures for the militia, citing great difficulties in the general organization. One territorial agent estimated that there were no more than one hundred militiamen organized. The governor was spared more complications when in February the crisis appeared to subside. Militia organization slowed, but by mid-June Claiborne believed he could raise
1,200 to 1,500 men. At the same time he still felt that he could not entirely count on the militia, and requested that at least 1,200 regulars be stationed in the territory.\^{52}

In late summer, however, conflict with Spain flared up again. Claiborne called up several hundred militiamen to aid the regulars commanded by James Wilkinson, but reminded the general that he could not send very many. "You will recollect the extent of this frontier; and indeed the vulnerable position of the whole Territory," he warned. "I am unwilling therefore to draw to any one point a large portion of my military least [sic] by doing so, I should invite attack in some other quarter." Moreover, Claiborne warned, the militia would be raw, undisciplined and poorly equipped for service. Actually, the governor mustered five hundred militiamen, though by October 1806 he was still dissatisfied by the returns and by shortages, especially of arms.\^{53}

Frustration turned to panic in November when reports reached New Orleans that Aaron Burr had a sizable force ready to descend the Mississippi and seize the city. Trying to arrange a defense, Wilkinson (who might have
conspired with Burr) and Claiborne moved forces from Mobile and the Texas border back to the city. Claiborne still had no confidence in the militia. Wilkinson had even less, telling the governor that the militia could "not for a moment withstand the desperation and superiority of numbers opposed to you." Claiborne worked feverishly to improve the militia, ordering exercises twice a week, and he even considered reconstituting a battalion of free blacks that had existed under the French and Spanish. He distributed arms to the militia, but most of the muskets in the city arsenals proved to be damaged and unfit for public service. In the midst of this crisis, he also finally finished organizing the militia of the whole territory--nearly four years after taking office. Even this brief period of activity did not last; by 1810, Orleans's militia had essentially collapsed, its last inspection having been in 1808. Because the United States could not rely on the militia to defend New Orleans, it had to increase substantially the number of regulars stationed in the territory, a number that rose to 2,000 during a war scare with Great Britain in 1809 (about 25 percent of the entire army).54
Many settlers in the Old Northwest would have preferred to see those regulars stationed farther north, especially during the years 1809-12, when their problems with Indians were particularly severe. The hostility of the Indians during this period demonstrated once again the ineffectiveness of the territorial militias and led to repeated pleas on the part of governors and citizens alike for government arms and troops. Of the governors whose territories were most affected, William Hull was the most optimistic about the capacity of the militia. Initially upon reaching Michigan, he discovered an "ardent and very meritorious military spirit" prevailing among the territory's citizens, and was quickly able to mobilize the militia. Over the years he repeatedly maintained his optimistic opinion of his citizen-soldiery. Nevertheless, he did solicit government arms and regular troops. Some of the settlers, feeling less confident, asked Congress for substantial reinforcements of regulars to defend their territory in the face of the Indian threat. Reuben Attwater, serving as acting governor in Hull's absence, had little faith in the militia, and wrote repeatedly to the secretary of war
urging the use of regulars.56

Unlike Hull, Governor Ninian Edwards of Illinois had no illusions about the ability of his militia to defend the frontier. "If the Illinois Indians become hostile," he warned the Secretary of War William Bustis, "they will over-run this Territory." In a later letter he reiterated this conviction, arguing that the 1,700 militia, dispersed across the territory, had little prospect of opposing them with success. Edwards asked the federal government for companies of rangers to defend against Indian attack. Inhabitants of the territory likewise asked the government for garrisons of regulars, which "would be of the utmost safety to the extensive and exposed frontier of both the Louisiana and Illinois frontiers." They also requested both arms and ammunition. Even William Henry Harrison, who with a combined force of militia and regulars campaigned against the Indians in the fall of 1811, looked askance at his militia. He characterized them as raw, extremely awkward with the musket, and only formidable when acting as mounted infantry. Harrison's tactical victory at Prophetstown (Tippecanoe) in November, in which the
militia performed questionably, did little to stop the Indian attacks across the Northwest.56

With the federal government usually unwilling to provide alternatives to the militia system and unable to strengthen it, the territories were left to their own devices, which in most cases meant inaction. A few territorial governors, however, actively sought to improve their militia systems. Unable to change immutable forces, they focused their energy on trying to reform their territories' militia laws, hoping that stricter laws would compel efficiency. These aims often squarely contradicted those of the settlers, who sought to reduce what they felt was already an unfair burden placed upon them. When William Hull, for instance, compelled Michigan militiamen to purchase uniforms, in the hopes of increasing military bearing and appearance, he faced apathy and resistance from settlers who had neither the desire nor means to purchase the military clothing.57

Militia laws were themselves often sources of frustration for the governors. Those for northern territories were derived from earlier laws of the
Northwest Territory, which themselves were adopted from the laws of the various states. The original militia laws of the Northwest Territory defined the militia as those able-bodied men from 16-50 in age. They required the militia to have muskets or rifles and to parade one day a week, or face fines ranging from $.25 to $1.00, though there was no guarantee the territory could collect them, especially in remote areas. By 1799 the lessened threat and increased population resulted in less stringent laws requiring musters only once every two months and not at all in winter. Moreover, although fines for non-attendance and lack of equipment had increased, the legislature granted exemptions from fines for those who could not afford the cost of equipment. Laws in the Mississippi Territory were similar. Originally establishing monthly musters (and four field days yearly for the exercise of larger units), by 1800 the laws had reduced company musters to six annually (with only two field days).\(^5\)

Reform-minded territorial governors generally tried to make such laws more strict. The two governors most interested in refining militia laws were Claiborne and
Harrison. Claiborne began his reform efforts as governor of the Mississippi Territory, following Winthrop Sargent, who had incited a near-mutiny among militia officers who resented Sargent's use of his officer-appointing powers. Claiborne delicately stepped in and conciliated angry parties, allowing militiamen to "nominate" (by election) prospective candidates for commissions. He also persuaded the territorial assembly to replace his predecessor's militia laws with a new code. However, Claiborne encountered more difficulty as governor of the Orleans Territory, where during the crises with Spain and Burr he discovered that territorial militia laws needed strengthening. Claiborne made several attempts to wrest from the legislative council greater fines and punishments, but the council was unwilling to increase the burden on militiamen.\(^5^9\)

William Henry Harrison was just as unsuccessful as Claiborne. Although Harrison stood out as one of the leading supporters of the militia, known nationally for his beliefs, he was unable to convince his legislature of the wisdom of his proposals. Harrison started his campaign for stronger militia regulations in 1805,
suggesting that current law was too complicated for the state of Indiana's society and population. The next year he repeated his demands, complaining that the law was "extremely defective and ill calculated for the State of our Society and population." The territorial legislature made no fundamental changes to the militia law, which did not deter Harrison. Harrison attempted to balance compulsion with relief, asking for both money to pay a staff officer in each county to train the militia and for the territory to assume the responsibility of arming those who could not afford their own muskets or rifles. When this failed, Harrison in 1808 argued for greater coercive powers to produce returns and greater punishments for officers who neglected that duty. The last militia law passed before the War of 1812 indicates that the legislature was considerably more interested in lowering the great burden on frontier militiamen than in providing coercion. It dismissed all outstanding fines for militia neglect, dispensed with regimental and battalion musters for those who had to march more than twenty miles to their place of parade, and stated that the militia did not have to uniform themselves.⁶⁰
While the reforms urged by Claiborne and Harrison might have increased the efficiency of the militia, it is not very surprising that they failed. Not only did they increase the burdens on individuals, but also could be perceived as giving undue power to the executive. The combination could create significant opposition. As Elias McNamee, a bitter foe of Harrison, said of one of the governor's reform proposals: "his bill contemplated the encrease [sic] of his military powers; by it the militia were to be called out at the governors [sic] pleasure, and the expence to be paid by the Territory, new officers were to be created with salaries anexed [sic] to them.--The members of the house perhaps felt indignation at this infringement of their rights & treated the bill with neglect." If this was not Harrison's intention, governors elsewhere might prove less scrupulous. Among the governors who attempted to use the militia laws to their advantage was Frederick Bates, who devised changes in the militia law that would vacate the commissions of officers who opposed the executive. Merely removing the officers would draw on him "the clamour of a certain set of People, who are
determined to disapprove of whatever he may do," but by changing the laws he could indirectly eliminate the positions of his opponents. Given circumstances such as these, it is not surprising that territorial legislatures worked to limit the military powers of the governors.61

In many ways, the ineffectiveness of the frontier militias was symbolic of the militia as a whole in the Jeffersonian era. Jeffersonians recognized weaknesses in the militia, but were unable to arrive at satisfactory solutions to them. In the territories, many problems would be at least partially alleviated by time, as more people and money flowed into the region. But the more difficult questions remained. To improve the efficiency of the militia with a coercive system, such as classification, would create corresponding burdens on certain segments of society. Other solutions, however, requiring little additional expense or compulsion, such as adopting a new European tactical system, could not solve the more fundamental problems that the militia had.

The Jeffersonian period, then, represented an uneasy compromise. Republican principles caused Jeffersonian
Republicans to continue to advocate the militia as a tool of national policy, despite the failure of both Federalist and Jeffersonian militia centralizers to install a system conducive to that purpose. Nor did they devote much attention, despite the efforts of John Randolph, to improving the militia in ways that did not involve increased centralization. The result was a collection of militia institutions that developed on their own, with little aid or guidance. In some areas, such as New England, progress was satisfactory. In other areas, most significantly the frontier, the burdens of an efficient militia system were too great for the scattered inhabitants of those territories to bear on their own. Because these areas were of such strategic importance to the nation, the United States would find itself handicapped in the war with Britain in 1812.
NOTES


2. *Journal of the House of Representatives of the State of Ohio, Fourth General Assembly*, 14; Calvin Jones to General Assembly, November 27, 1809, Letters, Orders, and Returns, 1807-12, Adjutant General's Department, North Carolina State Department of Archives and History (hereafter abbreviated as DAH).


Ibid.

5. Biographical information on Smith can be found in Frank A. Cassell, *Merchant Congressman in the Young Republic*, (Madison: University of Wisconsin Press, 1971). Smith received considerable political capital from his participation in and energetic support for the militia; see Cassell, 71, 87-88. For Smith's plan and Varnum's remarks, see AC, Ninth Congress, First Session, 69, 327-29.

6. Ibid.


George Washington University, 1975, 270.


13. Thomas Blount to Benjamin Williams, December 12, 1807, Governors' Letterbooks, Volume 16, 226-29, DAH.


15. For the attitudes of both Congress and the Jefferson administration to war preparation in the wake of the Chesapeake incident, see Mark Pitcavage, "Unwilling Warriors: The Military Effectiveness of the United States, 1807-12," M.A. Thesis, Ohio State University, 1990, 18-44. Randolph's statements can be found in AC, Tenth Congress, First Session, 1019-21.


17. Ibid, 2179-80.

18. AC, Twelfth Congress, First Session, 1032.


25. Extracts from the Minutes of the United States Military Philosophical Society...January 30, 1808, 8; National Intelligencer, May 5, 1812; The New Hungarian Broadsword Exercise, (Baltimore: S. Barnes, 1807); Joseph Lord, A Military Catechism with a Method to Form a Company, (Hudson: Charles Holt, 1805), 1; The Elements of Fortification, Translated from the French, (Philadelphia: C. P. Wayne, 1801), 5.

and Functions of an Army Staff, (New York: George Long, 1812), iv.


29. Godefroy, Military Reflections, 35-36; de Lacroix, Rules and Regulations, xxv, xxxii; Fisher, A System of Military Tactics, xxii; MacNeven, Army Staff, iv-v; Portland, 3; Joseph Lord, Military Catechism, (Hudson: William E. Norman, 1808), Introduction; Philadelphia Aurora, November 4-5, 1807; Duane, A Military Dictionary, iv. Most of the military writers during this period addressed their manuals to the militia, or to the militia and army together. The pecuniary advantages of writing for the militia could not have escaped most writers; the 10,000 copies of Joseph Lord's Military Catechism purchased by the state of New York in 1808 could have provided every officer and enlisted man in the entire U.S. Army with his own copy.

30. Humphreys, Considerations, 4, 16. For other uses of the machine analogy, see Fisher, A System of Military Tactics, xv, xx.

31. Fisher, Ibid, xiv; Portland, 3; Memoir on... Discipline, 6; Duane, A Handbook for Infantry (Philadelphia: William Duane, 1812), 4. Duane recognized
that if war was a science, then it was essentially applied science; see Philadelphia Aurora, November 4 and 14, 1807.

32. United States Military Philosophical Society Circular, December 20, 1806; Extracts from the Minutes of the United States Military Philosophical Society at an Occasional Meeting Held at Washington, January 30, 1808, 7. The term "philosophical" in the society's title was used in the older sense of the word, which meant "scientific."

33. Extracts from a Meeting of the United States Military Philosophical Society, December 20, 1809, 9-10; Minutes, January 30, 1808, 11.

34. Calvin Jones to General Assembly, November 27, 1809, Letters, Orders, and Returns, 1807-12, Adjutant General's Department, DAH; Calvin Jones to James Madison, December 30, 1811, Ibid; Resolution of the Legislature of the State of North Carolina, December 10, 1811, Governors' Letterbooks, Vol. 18, 13, DAH.

35. Dearborn to Jonathan Williams, March 13, 1811, National Archives, Letters Sent by the Secretary of War, Military Affairs, 1800-61, microfilm edition, Roll 5, 80; Dearborn to John Armstrong, May 18, 1807, Miscellaneous Letters Sent by the Secretary of War, 1800-09, microfilm edition, Roll 3, 60.


37. Address to Militia Officers, January 12, 1801, Ibid, 324; William C. C. Claiborne to James Madison, February 5,


47. Holmes to Bustis, August 30, 1809, Territorial Papers, Vol. VI, 15; Petition to the President by the Territorial Legislature, December 5, 1809, Ibid, 33; Ferdinand L. Claiborne to Bustis, April 22, 1811, Ibid, 193.


55. Hull to Dearborn, September 22, 1805, July 25, 1807, September 9, 1807, November 8, 1807, December 23, 1807, *Documents Relating to Detroit and Vicinity*, 73, 159, 197,


59. Winthrop Sargent to Timothy Pickering, December 29, 1799, Mississippi Territorial Archives, Vol. I, 198-200; Address to Commanders of Legions, January 1, 1800, Ibid, 200-202; Sargent to Daniel Clark, March 23, 1800, Ibid, 216-17; Claiborne to Henry Hunter, February 12, 1802, 383-85; Claiborne to Benajah Osmin, May 6, 1802, Ibid, 433-34; Claiborne to Henry Dearborn, August 6, 1802, Ibid, 480-81; Address to Mississippi Legislature, December 9, 1802, Ibid, 559-62; An Address from the Governor of the Mississippi Territory to the Two Houses of Assembly, December 2, 1801, Letter Books of Claiborne, Vol. I, 14; An Address from the Governor and Commander-in-Chief of the Mississippi Territory to the Freemen Thereof, March 1, 1802, Ibid, 51; An Address to the Fellow-Citizens of the Legislative Council, and of the House of Representatives, March 24, 1806, Ibid, III, 279; Claiborne to Dearborn,


CHAPTER III

"BURTHENED IN DEFENCE OF OUR RIGHTS": A CASE STUDY OF
THE MILITIA IN THE WAR OF 1812

A War Begins

In the spring of 1812, when war with Great Britain seemed imminent, Virginia Governor James Barbour ordered a muster of the Virginia militia to respond to that threat. One of the officers responding to that call was Colonel John G. Jackson, who duly ordered the lieutenant colonels of two regiments to muster their men and order the majors commanding battalions to furnish the required men. At the muster, one major refused to carry out Jackson's order. The officer asserted that his men "were not French conscripts" and that he "could not conceive any reason why they should be called out when no war existed." Such a response might have given Jackson some pause. The United States was entering into war with a great power, depending greatly on the militia for
protection and to a lesser extent for offensive force.

Was the militia in fact reliable? Would it refuse to fight?¹

In fact, in certain cases, it would—or rather, its leaders, such as Massachusetts governor Caleb Strong, would refuse to allow it to march outside the state in order to fight. But most governors—and most militiamen—were more amenable to being called up than Caleb Strong and James Pindall, the recalcitrant major. No one would realize this more clearly than Return J. Meigs, Jr., the Republican Governor of Ohio and father-in-law to Colonel John G. Jackson. Meigs watched his fellow Ohioans rally to the colors in the same spring.

However, despite the enthusiastic responses in Ohio, Kentucky, and other states outside New England, the militia would be under no less a test in the coming war. The war begun in 1812 would, it was clear to all, test the mettle of the militia. To many contemporaries and most historians, what was tested in that conflict was the military efficiency of the state militias. Militia historian John K. Mahon has argued that the militia's performance "was less efficient than in the Revolution
even though the United States had had a quarter of a century under the Constitution to tighten up a loose union. More than any other, this war revealed the weaknesses of the militia system, but at the same time it included a few of the most inspiring examples of superior fighting of citizens turned soldiers when commanded by officers who understood how much and how little they could expect from irregulars." Thomas Jefferson, writing from Monticello late in the war, seemed less inclined to be charitable than historians of future generations. "In the beginning of our government we were willing to introduce the least coercion possible on the will of the citizen," Jefferson observed. "Hence a system of military duty was established too indulgent to his indolence. This is the first opportunity we have had of trying it, and it has completely failed." With a proper militia system, he asserted, the United States could have had both Montreal and Quebec. The problem, though, was that militiamen might be willing to fight to defend Ohio or Louisiana or Maryland, but not as eager to invade Montreal or Quebec, well-trained or not.
The danger of concentrating too much on battlefield performance, however--cf trying to balance between New Orleans and Bladensburg, between Queenston Heights and the Battle of the Thames--is that it risks ignoring the other major test of the militia: how the militia functioned as an institution. The War of 1812 severely tested the militia system and the idea of the citizen-soldier as a whole, not simply because of battlefield performance, but because of the strains that long periods of warfare placed on the institution. The War of 1812 not only tested whether the militia could stand under fire, but also tested the whole notion of whether the republic could equitably distribute the burden of military service during a long conflict. In this, the pressures of war helped to reveal the conflict over the distribution of this burden that rested at the heart of the compulsory militia system. Americans were in general willing to bear a burden, but not if they felt they were carrying an unfair share of the load. This sentiment was felt in peacetime as well, eventually revealing itself in open opposition to the militia system some time after the end of the war, but the War of 1812 illustrates an
earlier manifestation of this concern created by the pressures of war. The concerns that war brought to the forefront were ones felt by many Americans in peacetime as well, if in more diluted form.

This chapter examines the militia system and its burdens during the War of 1812, and the opposition that such service eventually created. It concentrates heavily on the state of Ohio, whose the militia participated to a much greater degree than that of many other states. Ohio was on the forefront of the action, thus allowing an in-depth look on the effects of war on the militia as an institution, as well as the opposition thereby engendered. Here particular battles or campaigns fought by Ohio militiamen are not as important as is the way the system functioned and the degree to which it was accepted.

Of course, the War of 1812 has long been famous as a war to which substantial opposition existed in the United States. The nearness of the Congressional vote over the declaration of war, the refusal of several New England states to provide militia for the invasion of Canada, and the Hartford Convention in 1814 are all notable examples
of the degree to which the nation divided over the issue of war with Great Britain. Unfortunately, these incidents have led historians to concentrate on the political opposition to the War of 1812, viewing it as the natural outgrowth of the Federalist-Republican battles of the early national period. Because Federalists so vocally opposed the war, they receive attention at the expense of other groups. New England, that bastion of Federalism, receives attention at the expense of the rest of the country. The danger of concentrating solely on political issues is that the effects of the war itself on American communities—and thus public opinion—might be overlooked.3

Along with Kentucky and Tennessee, Ohio (dominated by Jeffersonian Republicans) was one of the western states which cried out for war in 1811 and 1812. Its citizens flocked to the colors when war appeared imminent. As the war dragged on, however, Ohioans became less enthusiastic about performing the military service required to conduct the war. Opposition to service in the militia took three forms. The first substantial opposition arose in communities along the frontier that
feared Indian attack and the consequences of sending their men away from their homes and families. The second type of opposition came from communities and individuals that felt they were bearing a greater part of the burden of the war than their neighbors. The third type, arising only late in the war, took the form of a general war-weariness characterized by considerable desertions and mass refusals to serve. It was only in this last phase of opposition that Federalist propaganda had any discernible impact.

The Exposed Frontier

The initial response on the part of Ohioans to military service was largely positive. Ohio Governor Return J. Meigs and Michigan Territorial Governor William Hull, commissioned a major general in the U.S. Army, had few problems assembling 1,200 troops in the spring and summer of 1812 to march to Detroit. Indeed, a larger army could have been raised, but was not because it could not be supplied. Ohioans were not just being patriotic; they were being practical: a war against the British,
many assumed, would in turn reduce the pressures Indians placed on white settlers. Thus though Ohioans were preparing to invade Canada, which American leaders viewed as the only way of bringing Great Britain to terms, they were also acting to support regional goals of their own.‘

Settlers’ fears of Indians also provided the first significant opposition to military service in Ohio in the summer and fall of 1812. People living along the ill-defined “frontier”—which ran from southwest Ohio north by northeast towards Lake Erie—viewed with alarm the prospect of stripping the frontier of men capable of bearing arms by sending them to Canada. Not surprisingly, they wanted the state and national governments to provide more protection, rather than less. Benjamin Mortimer, pastor to a mixed community of Indians and whites, observed to Governor Meigs that while fear of Indians was one of the excuses used by those who would rather stay at home, “a still greater number are in fact under much anxiety on this head, and represent to themselves, that if during their absence, an Indian war should break out...their families would be in great danger of their lives.”5
Similar sentiments came from a group of Richland County settlers, self-described "young enterprising people who have brought our helpless families to the gloomy wild." These families would be left defenseless by a calling-up of the militia, "exposed to the brutal disposition of the merciless savages." While the settlers realized their services were needed, they felt that "yet the calls of our tender wives and infants ring louder in our ears than the calls of consulted authority." A second petition from Richland County asked for arms and for release from having to perform military service outside the county.6

Some settlers believed their work in taming the frontier was service enough to the state. Others added economic arguments against military service. One group of petitioners, for example, hoping for release from militia duty, noted that they were the economic mainstays of both their families and of the frontier community--families would suffer and crops would fail if they were called away. This would result in "very flourishing townships in this county" becoming entirely depopulated, and fertile fields returning to a howling
wilderness. The Indian threat would increase the exodus, because the settlers called out to militia service would take most firearms from the community. With the remaining settlers without arms or ammunition, the petitioners asked, "what safety or what refuge they can have other than to take to their heels [sic] and clear out as fast as possible...?"  

The news of Hull's shameful surrender of Detroit and its garrison, mostly U.S. Army troops, on August 16, 1812, which reached Ohio some days later, only increased the clamor for protection of the frontier, as settlers envisioned a horde of savage Indians descending upon their communities. Governor Meigs ordered frontier militia generals to take defensive measures, and armed citizens rushed to the frontiers in what one newspaper described as a "spontaneous and rapid" movement. Militia generals not on the frontier itself ordered units held in readiness to march in case of emergency. One such general, John S. Gano, also argued that no militia units should be sent to join the army, so that the frontier could be protected. The surrender of General James Winchester's Northwestern Army, composed largely of
volunteers and militia, to the British in January 1813 only increased the concern about Indian attacks.²

The pressure to protect the frontier eventually led Meigs to adopt a general policy of exempting frontier settlements from militia drafts by allowing militia officers to except them from filling divisional quotas. Exactly when this practice began is not clear. One militia general in 1815 claimed that Meigs issued a general order in 1812 to that effect. However, Meigs received a letter in April 1813 from residents of Piqua, Ohio, who complained that their village was left exposed to attack because its militiaman had been drafted to serve 35 miles away. The settlers called for the governor to exempt from draft those militia companies bordering on the frontier. This suggests that there was no uniform system of exemption in place. It is likely that the practice was more informal than formal, although the state legislature, in its revision of the militia laws passed February 9, 1813, gave the governor authority to exempt the militia from frontier settlements from being called into service and to make any further provisions thought necessary for the defense of the
frontier.9 Through 1813 and 1814, most frontier settlements were not called upon to fill militia quotas for service away from their communities, but Thomas Worthington questioned the practice when he became governor in late 1814. Concerned about the defense of the frontiers of Ohio (as well as Indiana and Illinois), Worthington proposed to Secretary of War James Monroe in November 1814 a plan of defense arguing for, among other things, the division of frontier militia regiments into six classes, each to serve as minutemen (militia ready for immediate call-up) for two months, to meet every week for drill, but to be exempt from all other militia duties. This measure, he argued, Ohio had already substantially adopted. Actually, the state had adopted no such measures, though Worthington desired them. In any event, the federal government did not adopt the suggestions before the war's end.10

In early 1815 Worthington ended the policy of absolutely exempting frontier militia units from duty outside their settlements because he believed the exemption promoted a decay of the militia in those areas.
Actually, Worthington could obtain relatively little information about the condition of the frontier militia. Militia returns were infrequent at this late stage of the conflict, while the few returns that did exist were in the possession of Worthington's adjutant general, who lived in Zanesville, a considerable distance from the capital city of Chillicothe. Because of the paucity of information Worthington eventually sent a subordinate around to the various regiments to ascertain their condition and the number of weapons they had, with a view to reorganizing the frontier defenses. He also appointed a new adjutant general, one more willing to live in Chillicothe.\textsuperscript{11}

Worthington's plan was essentially the one that he had suggested to Monroe was already in operation: "I think it probable, I shall exempt all the Battalions, immediately on the frontier...and organize them into minute men, for their own immediate defence." However, the news of peace took away much of the necessity for such actions. As a result, many frontier communities successfully avoided most of the militia duty with which other parts of the states had to comply.\textsuperscript{12}
An Equal Burden

While frontier communities protested the calling away of their men for military service, people elsewhere in Ohio protested that they were being called upon to provide an unequal share of military manpower. Like the settlers on the frontier, these protesters were generally in agreement about the justness of the war and represented themselves as being willing to serve. But they cast envious eyes at other communities, generally nearby, that they felt were called upon less often for troops.

Because Ohio had for some time been on a hostile frontier, where the possibility of military service was considerable, its lawmakers had designed the state's militia laws in such a way as to spread the burden of such service as equally as possible among the population. Unlike many other states, Ohio's militia laws dictated two methods of military organization that both complemented and contradicted each other. The militia throughout the state were divided into standard military units of divisions, brigades, regiments, battalions, and companies. But except for the hypothetical case of a
general invasion of Ohio, in which the whole militia could be called out to defend the state, the divisions in practice existed as administrative units. The second form of organization occurred at the company level. According to law, militia captains each divided their companies into eight distinct groups or classes. When the governor or high-ranking officers acting on his orders ordered a militia draft, the first class of each affected company would be ordered into service. The next tour of duty required would fall upon members of the second class, and so forth. The only exception to the principle that every able-bodied man would perform his share of the duty was a provision that allowed men to procure substitutes for themselves.  

Not surprisingly, it proved impossible in practice to insure an equitable distribution of military service, which caused resentment among communities that perceived others were not performing their fair share. Conscientious objectors--primarily Quakers and Shakers--formed the most visible target for resentment. Many other states had long since listed members of the two sects among their standard exemptions to military
service, but Ohio had not done so, although the 1809 militia law did allow those "conscientiously scrupulous" of bearing arms to avoid service by purchasing a certificate for $3.50. But the state legislature denied the petition of Shakers from Warren County who wanted to perform work on the highways instead of doing military duty in 1811. A legislative committee reported that it would be "inauspicious" to interfere with the militia system during a time of crisis; that granting exemptions to Shakers might cause Quakers, Mennonites, and other denominations to claim exemptions as well; and that, perhaps most importantly, "even the present applicants themselves in another memorial...spurn the thought of having any distinction made between them and our other citizens."\(^{14}\)

The outbreak of war increased the determination among Ohioans that Shakers and Quakers should do their fair share. The 1809 provision for exempting conscientious objectors for a fee fell by the wayside in the revisions to the militia laws over the winter of 1812-13. An amendment in the House to exclude all conscientious objectors from duty failed by a vote of
forty-seven to three. A committee on Quakers the same
day recommended no exemptions, even partial, from militia
duty for the conscientiously scrupulous, because it was
"improper at the present momentous crisis to lessen the
effective force of the state." The committee must have
known, of course, that a force of Quakers was hardly an
effective force. Officers as early as August 1812
reported that Quakers would not serve if called on to do
so. However, the legislators could not easily let some
groups avoid military service while others did their
duty. "The Quakers are flanking about us, pleading for
exceptions," complained one lawmaker, who wanted Congress
to take the problem of exemptions out of the hands of the
states. The legislature held firm: no conscientious
objectors were excused by law from duty or paying fines
for the remainder of the war.\textsuperscript{15}

After the initial outbreak of support for the war,
the burden of military service was not borne very
enthusiastically. Although the officers of his
detachment were cheerful, wrote one militia general to
his superior in September 1812, "the privates are like
all other militia, uneasy and many desirous of returning
home and it will be with the greatest difficulty that they can be induced satisfactorily to remain in the service two weeks." A year later, after American victories leading to the recapture of Detroit in September 1813 and the Battle of the Thames in October, respectively, a Zanesville, Ohio, newspaper congratulated its readers: "How cheering to the wife and children of those militia now in service, to know that the dangers of battle are no longer to be dreaded: and to those who fearful that another draft might soon call them from their homes...what a pleasing reflection that the necessity for militia will be daily decreasing." The victories in 1813 allowed some militia who were serving with Harrison's forces to return home, but continued garrison requirements, Indian scares and false alarms meant that Ohio had to call up militiamen until the end of the war. Added to the dangers of battle, in the minds of the militia, were the hazards of camp life, the economic hardships caused by leaving home, and the long delays in getting paid for their services.16

Those communities protesting military service on the grounds of being asked to perform more than their share
took pains to demonstrate their patriotism, the amount of service they had performed, and their willingness to serve in the future. Junior officers of one regiment that had not filled its quota of militia informed their divisional commander in August 1812 that they had already volunteered one company, despite the fact that most of the men had families to provide for, and had that very day volunteered a large number to go on yet another expedition. In fact, "in consequence of our turning out so large a proportion...other regiments have not been burthened in defence of our rights as we have done." The men were aware of the duty they owed their "fellow[sic] creatures and our families and our own persons in exercising a laudable zeal in defense of our country...to sacrifice a full proportion of time and property to the service of our country." However, they believed "as a regiment" they had already offered as much as circumstances permitted, and so wanted relief from the latest draft. A similar protest from another unit in the same division stressed that the militiamen had served their country and beseeched their general to "grant relief by appointing to us only our share of the
Such sharp measurement of local burdens was by no means limited to Ohioans; it occurred wherever drafts were made across significant geographical areas or in large militia units. Towns and villages as well as companies and regiments all cast suspicious eyes at other communities and units. One example from neighboring Indiana may give an example of the widespread nature of such complaints. Early in 1813, Indiana territorial government, led by Governor John Gibson, made a significant call-up of Indiana militiamen. Among the communities hit hard by this draft was the hamlet of Smocksville in Jefferson County, which recently had formed a new regiment due to population increase. The new regiment was still small in number; consequently, the call for men threatened to take a very large proportion of the regiment away from Jefferson County. One unit faced the drafting of 64 of its 85 privates. "Many have been the slanders and unjust aspersions thrown on our county," wrote one protester to the governor. "We are unwilling to lay under such calumnies. I have no doubt but Jefferson county to her numbers are as willing to
bear her part in this war as any other county...but should the number of men now called for march it would ruin us."

These militia attitudes led to sharp reactions against militia officers who were deemed to have acted too enthusiastically in calling out the militia. James Kilbourne, the central Ohio surveyor, manufacturer, and politician, complained to Governor Meigs in 1812 about the "most ruinous and oppressive system" operating in Franklin and Delaware counties under General Joseph Foos. Foos, said Kilbourne, had called out the whole military force (several hundred men) of both counties on what proved to be a false alarm, then kept that force in service. While some units were later allowed to return, two companies from Worthington were not, though forty-five men had families "with not a person beside women and small children to do the smallest chore of work," and others were landless laborers whose families depended upon their daily presence. Captain Stephen Smith of Williamsburg, Clermont County, had the unfortunate audacity to volunteer the services of his company to the state. According to one observer, evidently a member of
the company, the men cheerfully made preparations to
march, thinking that a general call on the militia had
been made, but then discovered that no company other than
Smith's was to march. "The men," reported the observer,
"being freeborn Americans and jealous of their rights
began to think that they were some way imposed upon."
They reacted with anger when they discovered that Smith
had several times solicited Governor Meigs for orders.
"Had not Smith behaved in a humble manner," the
 corresponent stated, the officer "would not have escaped
 without blows." After stressing the amount of duty the
local militia had willingly performed, the observer
argued that opposition arose from a love of liberty and
an abhorrence of tyranny and foul play, rather than
disaffection from the government. They would step
forward with willingness, he assured the governor,"when
an equal call of the militia is made."\(^{19}\)

The zealousness with which Ohioans guarded their
sense of military fair play eventually reached the higher
ranks, whether from officers' sense of equity or simply
their desire not to anger the people whom they commanded
is hard to say. Brigadier General George Kisling had to
inform his superior, John Gano, in early 1813 that a
colonel from his brigade refused an order to provide a
company of militia from his regiment on the grounds "that
the order is oppressive in taking the whole of the
company from the one Regiment," and that other units had
also been taken from that regiment. Gano himself two
days later, when issuing general orders for detachments
of militia from his division, noted that, because two
brigades situated on the frontier had been more exposed
and performed more duty, he would not call on them for
this detachment. This sort of justification was
necessary to preempt protests from the other brigades,
and to demonstrate to the Fourth and Fifth Brigades that
their commanding general would not force upon them an
undue burden. Gano, like other militia officers, had to
walk a tightwire between military necessity and the
outcry that military hardships perceived as unfair would
raise. It is not surprising that he felt "a militia
office is truly an arduous, troublesome, expensive, and
unthankful one if strictly and properly attended to." 20

The idea of equalizing burdens extended itself to
economic issues as well, as rich and poor suffered in
differing degrees because of the war. Taxes bore down more harshly on those of fewer means, and in addition, the wealthy could avoid military duty by purchasing substitutes, or by occupying positions that would exempt them from service. Othniel Looker, acting governor of the state in 1814, recognized the "undue pressure" of the militia system on the poor, but suggested that if the burden were "judiciously apportioned," then "the spirit of our citizens will be equal to any emergency."[21]

Because so many citizens of means found positions that let them avoid military service, exemptions were the first symbol of economic inequality to come under fire. Before the war began, Ohio exempted from military duty all ministers of the Gospel, judges of the supreme court, presidents of the courts of common pleas, jailkeepers, custom-house officials, postal workers, ferrymen on post roads, and those exempt by federal law. The revisions to the militia law debated by the Ohio legislature over the winter of 1812-13 included a proposal adding associate judges, sheriffs, and clerks of court to the list of exemptions. Defenders of this measure argued that other states allowed these exemptions, and that "the poor man
who may have suffered, is obliged to sit down in silence, and wait the return of [the armies] before he can have that justice." Opponents replied that "no man holding a lucrative office, such as that of sheriff, or clerk...ought ever to be exempt from military duty; for if the office is worth holding, it will furnish the means of procuring substitutes." The measure failed, though so too did a simultaneous attempt to remove the exemption for ministers of the gospel. The next revision of the militia laws, passed at the very end of the war, actually saw most exemptions removed from the list: only customs officials, postal workers, and ferrymen could avoid the prospect of serving in the military or procuring a substitute. Ohioans were determined that as many people as possible bear their share of the burden.  

However, equalizing the burden of the war did not extend very far towards making the financial burdens of militia service more equitable, though there were calls for such measures. As one newspaper observed, while the rich and poor received equal personal protection from the militia, the poor also provided property protection for the rich. The newspaper called for taxes on wealth so
that the poor would not subsidize the wealthy in this way.²³

In late 1814, Thomas Worthington, recognizing that willingness to perform militia duty existed only in proportion to the perception that the weight of defense should rest equally on every member of the community, tried to convince the legislature to make the system more fair. "Every man feels consolation and satisfaction under the conviction that he does not bear an unequal proportion of the public burdens. Such a state of things will not fail to create an attachment to the government and a readiness to contribute to its defence and support." Worthington observed, however, that there were people able to avoid much of the burden: the wealthy could avoid personal services by paying a fine, while men without families and fixed location could absent themselves during drafts. This threw the burden of support "on others in moderate circumstances, unable to pay the fine, with large families to maintain, whose sole dependence for support is on the head of the family, and what is worse, taken by such evasions of the law from their homes, when least expected and most unprepared."
The way the law operated, Worthington argued, the greatest share of personal service fell upon that part of the community least able to bear it.  

Worthington wanted more severe punishments for draft evaders, but he also argued for using taxation as a way to equalize the contributions that citizens made towards the war. Under his plan, all males eighteen and over in each company district would pay an equal share, but property "real and personal" in the district would also be taxed "in fair proportion with the other moiety." The district would then use the money raised to engage substitutes equal to the number of men required. In the event substitutes could not be obtained, they would draft the men required and use the money to pay the draftees. The men could either keep the money as compensation or use it to defray the cost of substitutes. Those better off would thus help to subsidize the military burdens of the poor. Every man in the community would contribute, each more or less according to his means.  

This was too radical a scheme for the legislature, which did not adopt it. Legislators recognized the problems that Worthington pointed out, but were unwilling
to adopt the sort of progressive taxation for which the governor called. The measure that the legislature did adopt was one that affected far fewer people. For "the purpose of carrying into effect the provisions of this act with equality and justice to all descriptions of the militia," the revised militia act prescribed that those individuals who had heretofore been exempted from militia duty because of physical infirmity, but who owned a tract of land, a house and lot in town, or were proprietors of a store, would be listed on the local company muster rolls and would have to pay equal shares, along with all other militiamen, towards purchasing a substitute.²⁶

This act would, to a certain extent, help to equalize the burdens of military service by making certain members of the community who had not previously contributed to the public defense bear their fair share. It did not, however, act to remedy the problems with the militia system that Worthington outlined. Community leaders were more willing to exhort people to contribute to the war and to exercise charity towards neighbors in straitened circumstances than to advocate a new system of taxation. Be kind to the families whose men are in
service, advised one newspaper, because "it is a common cause, and the family of that man who by lot has been called into the service, ought no more to suffer than those who have the means of living well." But while many families did receive aid from others in their community, hardships could never be altogether alleviated.²⁷

A Land Weary of War

As the war dragged on with no end in sight, spirits flagged considerably in Ohio, and patriotic ardor lessened. As early as February 1813 the Zanesville Express lamented the reluctance of Ohioans to turn out for defense: "The report of a draft causes some to abscond, while others obstinately refuse to enter the ranks of war, and set the laws at defiance.--Where is the spirit of '76? Where is the patriotism of 1812...?" The patriotism had not disappeared altogether, but the willingness to serve in the militia had slowly ebbed away. Tiresome service in garrisons and frequent false alarms coupled with severe lags in service pay led eventually to a virtual disintegration of Ohio's militia, and provided Ohio Federalists, who used discontent with
the militia system to oppose the war and Republicans, with political ammunition. 28

While no one doubted the importance of serving in the militia if threats to Ohio were imminent, many disliked the most common forms of militia service, which usually consisted of garrison duty or responding to real or supposed British and Indian threats. It was especially irritating to militiamen to be called up only to discover that there was, after all, no danger. Such men experienced the dislocations and discomforts of military service with no corresponding sense that their sacrifices had at least served a useful purpose. "We have lately had a false alarm which has given considerable trouble," General Duncan McArthur confessed to Thomas Worthington in 1813. "I have just returned from a ride of about 200 miles in consequence of it. And in course of my travels called many off from their harvest, who could illy spare the time." Those called off for false alarms—like the militia noted earlier who served under Joseph Foos—seldom took such occurrences lightly. 29
The most important false alarms for the Ohio militia were the Fort Meigs incidents of 1813, the lasting consequences of which can be identified as the turning point for people's willingness to serve in the military. Fort Meigs, a strong fort constructed in early 1813, was situated on the eastern bank of the Maumee Rapids in northern Ohio, where its blockhouses and batteries protected supply lines and the surrounding country. In the spring of that year, British Major General Henry Proctor and an army of over 2,000 regulars, militia, and Indians travelled around Lake Erie to attack the fort, defended by only about 550 men under William Henry Harrison. Proctor resorted to siege warfare to take the fort, beginning with an artillery bombardment on May 1, 1813. An attempt by Kentucky militia a few days later to relieve the fort overran the British guns, but a sharp counterattack by British and Indians resulted in disaster for the 1,200 Kentuckians, who suffered almost fifty percent casualties (mostly prisoners). Nevertheless, Proctor, whose militia were unhappy and whose Indians were leaving in large numbers, lifted the siege on May 9 and returned to Canada. In July he returned, this time
with some 5,000 troops, and tried enticing the defenders of Meigs to leave their fortifications, but with no success. Proctor withdrew his forces a second time, this time for good, as the American navy under Oliver Hazard Perry soon achieved command of Lake Erie.30

Fort Meigs became a problem for the Ohio militia because during the crisis Governor Return J. Meigs had mobilized a force of several thousand Ohio militia to come to the relief of the fort. Harrison, however, preferred instead to rely on the Kentuckians to fight the British. Once the British left, Harrison met Meigs and his militia on the lower Sandusky River in mid-May. After giving the troops an address praising their patriotism in assembling to relieve the fort, Harrison dismissed most of them, keeping only a few Ohio militia. Initially, Ohioans were simply proud of the "zeal and alacrity" that their citizens had shown in turning out so many militia (estimates vary, but at least 2,000 actually marched) in so short a period of time. "Such zeal, such promptitude, such patriotism was never surpassed in the annals of the world," gushed the Freeman's Chronicle in late May. "All ages and ranks of citizens flocked by one
noble impulse simultaneously to the standard of their country. The aged veteran and the beardless stripling, the farmer, the merchant and the mechanic mingled indiscriminately in the ranks... We are confident that if the fort had not relieved itself for 10 days longer, ten thousand men from Ohio would have been on the march towards it." Another newspaper noted in mid-May that the "honorable display of patriotism" was almost universal, and party distinctions done away with.31

But the exultation at the initial relief of Fort Meigs soon turned sour. The events of the next few months, especially Proctor's second attempt to take the fort, caused more false alarms for the militia. They once more mobilized to defend against British invasion without ever seeing the enemy. As one officer observed in July, "The militia were collecting again to relieve Fort Meigs... but the emergency must have been great indeed to have roused the people at this busy season of the year. Numbers however convened until the glad tidings were received that the Army and the outposts were [safe]. You can hardly imagine, Sir, how joyful was the news, to the laboring people of the state who are just
beginning harvest. To have been compelled to march at this period must have ruined many families, and left the crops unattended." The Zanesville Express, which in May had been so proud of how Ohioans of all political stripes had responded to the siege of Fort Meigs, three months later was quite bitter that "the militia of this state have once more been sent to chase the wild goose. They are ordered to return home, except 2,000...Such repeated calls upon the militia, and so much ado about nothing, is calculated to damage the ardor of their patriotism, and to lessen their sensibility in behalf of their country. There has been gross mismanagement somewhere."

Similarly, the Freeman's Chronicle was no longer speaking proudly of militia call-ups: "Our Farmers and Mechanics are as patriotic and as willing to defend their rights as any people under the sun—but they are irritated and disgusted at being marched and countermarched as they have been during the last four or five months, when no good has been effected by all their sacrifices." To some, militia service seemed even less useful after the American victories at the Thames River and on Lake Erie
in the fall of 1813, which seemed to remove any immediate threats to Ohio. However, militia drafts continued.\textsuperscript{32}

Such militia service caused Ohioans considerable economic hardships, especially as active periods of campaigning usually coincided with peak times of farming. Other militia-related hardships included militia fines and problems in paying those who served; of the two, militia fines were less of a problem, inasmuch as they applied only to those who refused to perform their required duty. But the fines were resented, even though they allowed those who paid to avoid serving. Eleven people were fined a total of $157.00 (a considerable sum) in December 1812 in Zanesville, and this was by no means exceptional as fines for individuals who refused to serve tours of duty could reach sixty dollars or more. The fines were made even more painful because they often were not applied uniformly across the state. Depending upon arbitrary enforcement by officers, militia companies might be fined heavily or not at all. Because of the lack of uniformity, in fact, Governor Meigs directed at least one militia general not to collect fines, an action which did little to enforce discipline or to stop the
arbitrary imposition of penalties. The case of militiaman George Bright, an inhabitant of Lancaster, is instructive in this regard. Bright was fined $120 in February 1814 for not performing a tour of duty with the militia the previous winter. In his defense, he produced several witnesses who testified that he had been sick almost all that winter. However, when one of the members of his board of inquiry asked Bright whether he would have served had he been healthy, Bright equivocated, saying he did not know whether he would have, after which, in the words of the clerk, "the court decided that he may as well be fined." Militiamen far more circumspect and intelligent than Bright also found the imposition of militia fines arbitrary.33

The most important cause of militia disintegration in Ohio, though, was the fact that Ohio militia more frequently than not received pay for their services only well after the fact, if at all. Ohio, with very little money of its own, depended upon the United States to pay its militia for their services when called up against Indians or the British. Consequently, compensation for militia duty meant a tortuous process of delay and red
tape leading all the way to Washington, D.C., and back. Indifferent record-keeping and military exigency often created additional problems. This knowledge that payment would be slow in coming, if in fact it came, made the economic hardships that militia service often entailed all the more threatening. How could the head of a household take care of his family if he were to go on a six-month tour of militia duty but not receive pay for an extended period of time? William Miller, the wartime governor of North Carolina, expressed a sentiment felt by many across the country when in late 1814, lamenting the delays in paying militiamen, he observed, "Patriotism alone cannot be relied on as a sufficient incentive to endure the hardships and privations of war; men must be paid or they cannot be expected to fight."  

The problem of non-payment obviously created difficulties for officers trying to raise troops. One officer tried to raise a company of militia in Circleville in January 1813, but failed. The men would not volunteer, he told Meigs, because they had not been paid for past services, "nor noticed in any other way to distinguish them from the men who sit quietly at home,
heedless of their country's call, bettering their circumstances by the necessity of the times." The problem worsened as the war progressed. A year later, the same officer addressed Thomas Worthington: "The Militia draft will be very oppressive at this time, and what makes it more discouraging to them, is that government have been very remiss in paying those that have been out. There is not a man in this Division, who will turn out at all, but what has been out at one time or another; and you know that few of them have been paid. This neglect on the part of the general government have begun to lose the patriotism of the citizens of Ohio."35

Worthington experienced the problem firsthand when he became commander-in-chief of Ohio's militia in late 1814. Discussing the problems of raising a regiment of militia with his adjutant general, Worthington noted that because of the current state of militia organization, as well as the militia law, it would be difficult to raise the desired number of men. "Other causes will contribute to this effect," he observed, "and one principally I have much complaint against because of the non-payment of
those who have already performed service." We must, he added, do the best we can. 36

By the beginning of 1815 the militia in Ohio had virtually collapsed. The economic hardships, the fines, the lack of pay, the repeated call-ups—all with no end in sight—caused support for the institution to drop to almost nothing. The problems with the militia proved fertile ground for Federalist propaganda, which many Ohioans felt fueled the problems in the first place.

Federalists, though few in number in Ohio, tried to use dissatisfaction with the militia system to their advantage. One resident of Dayton, identifying himself as "one of the people," warned his fellow residents in late 1813 that a recent meeting of a board of militia officers that had produced a slate of candidates for local office had been infiltrated by Federalists, who tried to have "federal proceedings" pass as Republican ones. "Beware of snakes," the writer declared, "something, is busy to make you believe it will have the militia law altered, or modified, or repealed—that you will not have military duty to perform, or military fines to pay...The scheme is to do away the militia system, and
make you believe that taxes on non-resident lands
can...defray all the expenses of the militia system."
Whether or not the individuals in question actually were
Federalists, or had simply been labeled as such, is
difficult to say; what is important is that Federalists,
or someone in sympathy with them, were associated with
opposing the militia system.37

The most notorious Ohio Federalist was Charles
Hammond, editor of the Ohio Federalist, published in St.
Clairsville, an Ohio River town on the eastern border.
Hammond frequently used invective and sarcasm in the
pages of his paper to oppose the war and the Republican
leadership running it. He also often protested the
"harassing calls on the militia." According to Isaac Van
Horn, the adjutant general, the efforts of Hammond's
paper and other Federalists "nigh put down the drafting
of militia" in the region around Zanesville and St.
Clairsville in the late summer of 1814. "There are
instances of whole companies refusing to join," he
stated, and though fines had been assessed, none had yet
been collected.38
Such circumstances were by no means unusual in 1814. The *Freeman's Chronicle* reported in March of that year that a recent draft of 1,400 militia had not yet been half-filled. "A most culpable remissness exists somewhere," the editor stated, but could not pinpoint the source. Militia generals frequently had to inform their superiors that draft requirements could not be met, and those who did turn out increasingly were substitutes. "Every exertion is used," confessed one officer, "but the men refuse to march." 39

Van Horn was quick to attribute blame for the laxness in the militia to domestic opposition. He had no doubt that it would take a great deal of effort to make Ohio's militia effective, "seeing that a host of internal enemies to the administration of the general government are exerting themselves to parralise and render the militia as contemptible, and inefficient as possible." By late 1814, even his hometown *Zanesville Express*, a paper that took pains to stress that though it was a federal newspaper it was not extreme, labeled the state's inability to raise militia a heinous dereliction of duty. "Proh pudor! [For shame!]" the newspaper exclaimed
scornfully, "that Ohio the most war loving state in the Union, except Kentucky, should be so wanting in patriotism!"40

By the tail end of 1814, the militia system was in complete disarray. The state government had no idea how many weapons or men were in the frontier areas, and across the state, especially in its eastern portion, men refused to serve. Indeed, many militia units consisted almost entirely of substitutes raised from fines collected from those not serving. Discharge certificates, proving that one had performed a tour of duty, had become a medium of exchange, as militiamen sold them to citizens who wanted to avoid duty. The state was unable to comply with federal requisitions of militia.41

Worthington proposed revisions to the militia law, many explained above, but to his irritation the legislature took no action on most of them, even though the country was "threatened with destruction by both internal and external opposers and enemies." At the same time, frustration with the militia system caused Worthington and the state legislature to consider alternative means of furnishing a military force by doing
away with compulsory militia service entirely and creating in its place a state army of some 3,000 officers and men for a period of two to three years. Ohio would offer this body of men to the United States in lieu of militia drafts. Several other states had considered creating state armies, most notably Massachusetts which passed a bill establishing one (never actually raised) largely in order to have a military force free from federal control. Worthington, on the other hand, had no qualms about letting the general government use his state army; he simply wanted to establish an alternative to militia drafts.42

The legislature refused to create the corps of troops, causing another frustration for Worthington, who admitted he had been "very desirous" of it. What the state government did do, however, was quite important: it fundamentally transformed the nature of the militia system, eliminating the idea of equal service. It openly admitted what had for some time become obvious, that the militia system had devolved into a system of purchasing substitutes. Under the revisions to the militia law passed by the Thirteenth General Assembly, militia
captains called upon for men would divide their militia company into a number of classes, or groups, each of which would provide a single man. A class could draft one of its members, or, the more likely possibility, its members could together purchase a substitute. In essence, the legislature provided Worthington with his state army by another route. By doing away with the principle that every man should be required to perform military service the new laws changed the militia system into a recruiting service. The ideal of the "citizen-soldiers" who would step forward to serve their country was dropped in the face of the realities of war.\(^4\)

The pressures of war were not felt merely on the militia of Ohio. The militia system of Virginia underwent considerable strains as citizens of western Virginia were brought east to help defend the coast; this eventually resulted in an attempt to establish a regiment of long-term state troops (which eight states eventually considered). Even Kentucky, throughout the war the martial heart of the nation, had to rely on forces that consisted of "drafts and substitutes, many of them too poor to keep arms of any description." The war initially
brought forth those most enthusiastic for the cause in Kentucky and elsewhere. These volunteers contained a large proportion of young men able to bear the burdens of military service because they were without families to support. When volunteering eventually waned and Kentucky, like other states, had to resort to militia drafts that affected men with and without families or crops alike, the burden hit communities harder than before. Even though Kentucky did not suffer, as did Ohio, from the mobilizations caused by Indian alarms, British raids, and false alarms, the reliance of Harrison and other western leaders upon Kentucky troops meant that the Bluegrass State suffered a steady and demoralizing drain on military manpower."

 Indeed, the poor shape of the nation's military situation by the end of 1814 had led James Monroe, Secretary of War, to propose a number of radical manpower solutions, two of which involved conscripting militiamen for long periods of time (including another system of age classification). These proposals and less radical proposals by Georgia senator William Bibb, met with sharp resistance from Congressmen, particularly from New
England. The objections came not merely from
Federalists, however, but included such men as Joseph
Varnum, the staunch Massachusetts Republican. Opposition
to the conscription proposals did include those who
objected on grounds of states rights, but just as vocal
were those who objected to the inequity of the
distribution of the military burden that the plans
proposed. As Varnum noted, the plan was "unequal and
unjust" because it included "only who are enrolled in the
militia, and excludes all who are not." Wealthy citizens
might have to contribute nothing towards the war, if they
did not belong to the militia. "The persons enrolled in
the militia are generally composed of farmers, mechanics,
and laborers, not very affluent in their
circumstances..." Varnum pointed out. "I imagine that
they do not hold one-third of the property which is to be
defended; and yet, sir, this class of your citizens are
to be called upon to bear the whole expense." 45

Even those who opposed conscription on
constitutional grounds also found fault with its
distribution of the burden of service. "The
unconstitutionality...is not the only defect," reported
one senator. "On whom...will this grievous oppression principally fall? It will fall upon the middling ranks, in society." The bill nevertheless passed the Senate (19-12), numbering among its supporters Thomas Worthington, not yet governor of Ohio, but failed to survive the legislative tangles of conference committees.46

The peace agreement, news of which finally reached Ohio, abruptly ended radical schemes of conscription or militia reform. News of peace reached Ohio only a little more than a week after the legislature had passed the law that so drastically altered the nature of the militia system. As a result, though concern for the frontier existed for some time, most of the pressure on the militia system evaporated. Later revisions of the militia law established a rather more traditional system.

Ohio's experiences with the militia during the war, though, provide valuable insight into the relationship between the military and society. In Ohio, only after several years of war did political opposition to it have an effect on people's attitudes and actions. Rather, it might be argued that it was the war itself, with its
perceived hardships and the nation's lack of success at waging it, that provided its own opposition. Many served willingly, while other communities and individuals by their protests gave notice that they were willing to serve only as long as their service was matched by that of their fellow citizens. The state ultimately failed to convince its citizens that the hardships they endured were equitable. Under the resulting pressure, the militia system threatened to transform into something quite different from the republican bulwark of liberty it had originally symbolized, because the people rejected their "people's army."
NOTES


6. Citizens of Richland county to Return J. Meigs, August 17, 1812, September 4, 1812, Reel 1, Frames 509-10, and Reel 2, Frames 33-34, Ibid.

7. Petition to Return J. Meigs, June 17, 1812 (damaged), Reel 1, Frame 330, Ibid.


9. Colonel John Moore to Thomas Worthington, February 27, 1815, Reel 9, Frames 711-717, Thomas Worthington Papers, Microfilm Edition, OHS; John Johnston to Meigs, April 8, 1813, Reel 3, Frames 325-326, RJM Papers, OHS; Chapter 43, Section 39, "An Act for Disciplining the Militia," February 9, 1813, Acts Passed at the First Session of the Eleventh General Assembly of the State of Ohio. Later complaints by Johnston indicate that the problem existed--at least near Piqua--through the end of 1814, and also give further evidence of the informality of the practice. One militia general drew an exemption line through his division's territory, exempting all outside of it. However, the officer's successor allowed no exemptions for militia drafts. See Johnston to Othniel Looker, May 12, 1814 and October 7, 1814, Reel 1, Frames 69-71 and 229-231, Othniel Looker Papers, Microfilm Edition, OHS.

11. Colonel John Moore to Thomas Worthington, February 27, 1815, Reel 9, Frames 711-717, Worthington Papers, OHS.


15. Ohio House Journal, Eleventh General Assembly, February 2, 1813, 224-229; Colonel John Hindman to Major General Elijah Wadsworth, August 1, 1812, MSS 3133, War of 1812 Collection, Western Reserve Historical Society; Duncan McArthur to Thomas Worthington, January 20, 1813, Thomas Worthington and the War of 1812; Vol. III of the Document Transcriptions of the War of 1812 in the Northwest, (Columbus: Anthony Wayne Parkway Board, 1957), 151. The refusal to exempt Quakers may also have had roots in the fact that those Quakers who were politically active tended to be Federalists, because of their opposition to the war; see William Cooper Howells, Recollections of Life in Ohio from 1813 to 1840 (Gainesville, Fla, 1963 [orig. pub. 1895]), 33-34.

16. Brigadier General Simon Perkins to Major General Elijah Wadsworth, September 4, 1812, Elisha Whittlesey Papers, container 71, folder 1, WRHS; Muskingum Messenger, October 20, 1813.
17. Petition to Elijah Wadsworth, August 28, 1812, Ibid; Petition to Elijah Wadsworth, October 22, 1812, Container 71, Folder 3, Ibid.

18. John Nawles to John Gibson, March 12, 1813, Governors' Papers, John Gibson, Indiana State Archives; Jacob Rhoads to John Gibson, March 3, 1813, Box 32, Folder 12, William H. English Collection, Indiana Historical Society; Williamson Dunn to John Gibson, March 12, 1813, Ibid.

19. James Kilbourn to Return J. Meigs, 1812 (only date), Reel 2, Frames 537-538, RJM papers, OHS; John Morris to Meigs, September 8, 1812, Reel 2, Frames 86-87, Ibid.


23. Zanesville Express & Republican Standard, February 17, 1813.


25. Ibid, 105-06.
26. Chapter 54, Section 49, "An Act for Organizing and Disciplining the Militia."

27. Muskingum Messenger, October 20, 1813.

28. Zanesville Express, February 17, 1813.

29. Duncan McArthur to Thomas Worthington, July 10, 1813, Reel 8, Frames 485-87, TW Papers, OHS.

30. This account is largely drawn from Alec R. Gilpin, The War of 1812 in the Old Northwest (Eau Claire: Michigan State University Press, 1958), 173-93, 201-08; Mahon, 159-64; and Reginald Horsman, The War of 1812 (New York: Alfred A. Knopf, 1969), 99-102. A contemporary author, Robert Breckinridge McAfee, describes these incidents in more detail in History of the Late War in the Western Country (Lexington: Worsley & Smith, 1816), Chapters VI-VIII. The Canadian militia were unhappy because they needed to return to Canada to plant corn in order to feed their families during the winter.

31. Freeman's Chronicle, May 28, 1813; Zanesville Express & Republican Standard, May 12, 1813.

32. Jesup N. Couch to Thomas Worthington, July 5, 1813, in Thomas Worthington and the War of 1812, 212; Zanesville Express, August 18, 1813; Freeman's Chronicle, August 20, 1813.

33. The example of militia fines is from the Zanesville Express & Republican Standard, February 3, 1813. That it is not atypical can be seen by inspecting surviving regimental record books. For instance, the record book for the Second Regiment, Fourth Brigade, Third Division of Ohio Militia during the war contains mostly fines of small amounts for lack of equipment or not appearing at muster, but several fines of $60 or more (often to be paid in monthly payments); see MSS 2396, Western Reserve Historical Society. The Third Regiment, First Brigade, Second Division of Ohio Militia issued some very heavy fines; see the John Hayslip Papers, MSS 2944, WRHS. For the case of George Bright, see Proceedings of a Court of Inquiry in the Case of George Bright, February 18, 1815, George Bright Papers, OHS.
34. William Miller to the General Assembly, December 20, 1814, Governors' Letterbooks, Volume 21, NCDAH.

35. James Denny to Return J. Meigs, January 16, 1813, Reel 3, Frame 19, RJM Papers, OHS; Denny to Thomas Worthington, February 12, 1814, Reel 9, Frame 44, Worthington Papers, OHS.

36. Thomas Worthington to Isaac Van Horn, December 19, 1814, LEO Reel 1, Frames 07-08.

37. Ohio Centinel, October 4, 1813.

38. The Ohio Federalist, January 5, 1815; Isaac Van Horn to Othniel Looker, August 16, 1814, Reel 1, Frames 162-163, OL Papers, OHS.

39. Freeman's Chronicle, March 11, 1814; Brigadier General J. Patterson to Elijah Wadsworth, September 30, 1814, Elisha Whittlesey Papers, Container 71, Folder 4, WRHS; Brigadier General John Campbell to Wadsworth, December 12, 1814, Ibid.

40. Isaac Van Horn to Othniel Looker, May 11, 1814, Reel 1, Frames 62-64, OL Papers, OHS; Zanesville Express, November 16, 1814. For another example of Van Horn's opinion of the effect of political opposition, see Van Horn to Looker, April 9, 1814, Reel 1, Frames 15-16, OL Papers, OHS.

41. On discharge certificates, see Duncan McArthur to Return J. Meigs, June 28, 1813, Reel 1, Frames 38-39, Duncan McArthur Papers, Microfilm Edition, OHS. McArthur claimed that such exchanges occurred daily.

42. Worthington to Van Horn, February 4, 1815, LEO, Reel 1, Frame 23; Worthington to James Monroe, January 17, 1815, Ibid, Frames 17-19.

43. Worthington to Monroe, February 20, 1815, Reel 1, Frames 32-33, LEO, OHS; Chapter 54, Sections 44-45, "An Act for Organizing and Disciplining the Militia," Acts Passed, Thirteenth General Assembly.


CHAPTER IV

"A COMPULSORY COURSE OF PROCEDURE": THE MILITIA AS AN INSTITUTION

 Civilians and Soldiers

In the fall of 1822, Alabama Governor Israel Pickens wrote a former adjutant general of that state a letter, asking him if he had retained any militia returns from his tenure in office. Pickens was trying to establish the past size of the Alabama militia, to get the state its proper share of firearms from the federal government according to the law of 1808 appropriating money for that purpose. The ex-official, John Hanes, soon replied. "I have examined all the Militia Returns in my possession," he told Pickens, "but they are totally incomplete as to the strength. They are Militia Returns indeed, yes, Republican Militia--this is all I know about the Militia--all the Returns I have bear [the] date 1818. I distributed Forms to the different Regiments and ordered
Returns conformably, but the officers continued
Republican Militia, as I suppose they are yet."¹

John Hanes, sarcastic as he was, had a clear understanding of the nature of the state militias as they had developed. The early attempts by militia centralizers to impose a comparatively coercive system based on classification had failed, as would future attempts. Under the pressures of war, as during the War of 1812, the militia system could exercise considerable compulsion, yet as the case of Ohio demonstrates, even that system could break down due to war-weariness and discontent. Marcus Cunliffe has said of the militia that Americans "opted for a minimum of efficiency and compulsion, and a maximum of patriotic rhetoric blended with various shades of antimilitarism."²

There is a great deal of danger, however, in simply assuming that through lethargy, apathy, a concern for states' rights or republican zealousness, Americans chose an inefficient militia system. Though some individuals were perfectly content to expend no energy in making the system work, others taxed themselves (and their subordinates) in an effort to insure that things were
done right. And occasionally they succeeded. When they did not, it was not necessarily because of foolishness or neglect, but often due to factors completely beyond their control, circumstances geographic and demographic that conspired to make the operation of institutions such as the state militias extremely difficult. When to these problems is added an emphasis on individual responsibility rather than compulsion, it becomes easier to see why the militia operated the way it did. This chapter examines the nature of the militia as an institution, its organization and its methods of compulsion. It also looks at the effects of the federal law of 1808 on the militia as an institution, as well as the militia's ability to function when called upon by the state to act.

The most important thing to keep in mind when discussing the militia as an institution, though, is its uniqueness in blending together the separate military and civilian spheres into one body. While the United States historically had a closer relationship between the two spheres than most European countries, it was only in the militia that the two merged completely. It was not,
however, a smooth merger in which a civilian might by
shouldering a musket become a soldier. Rather, the
merger was a rough, sometimes involuntary union, one in
which the civilian side was forever asserting its primacy
over or separateness from the military side.

Two expressions of sentiment from shortly after the
War of 1812 illustrate the Janus-faced nature of the
civilian-soldier. In December 1815, Ohio governor Thomas
Worthington, having witnessed the collapse of that
state's militia system during the war, called for strict
subordination and punctuality from the postwar militia.
"All military government in the nature of things is
despotic," he told the state legislature. "It is
unavoidable--one head must direct, and the whole corps,
as one hand, must act to produce any valuable effect,
whether in time of war, or in peace, when discipline is
to be taught." Worthington argued that the civilian side
of the militia's nature must be suppressed: "To attempt
to infuse into a military code, all the principles which
govern in civil life, is to do nothing." But to many
Americans, it was exactly that civilian spirit which made
the militiaman valuable. "The armed citizen cannot
easily be made a slave," *Niles' Weekly Register* reported in 1817, "A sense of the duty that he owes to the law and to his country in the time of its need, teaches him obedience, and he yields himself up to those whose province it is to command him, for the time being--but he still *reasons* upon the fitness of the things required of him--and when his period of service is ended, carries the result of that reasoning, together with his experience in the business of a soldier, into the mass of the people, and adds them to the common stock of intelligence and force. And, perhaps, the restraints that he suffered in his *military* character may also cause him more dearly to estimate the rights that belong to him as a *citizen*." The reasoning soldier was hardly completely compatible with the corps that moved as one hand, yet it was exactly these two competing visions that the militia somehow had to reconcile.³

Because conflicts between the two spheres usually occurred when the desires of the civilian sphere clashed with the requirements of the military sphere, a common method of trying to reconcile conflicts was to sharply define when the military sphere would predominate. This
was a tactic often seen in courts-martial, where it was to the advantage of the defendant, on trial for some dereliction of duty, to minimize the size and importance of the military sphere. A good example can be found in the 1825 trial of Captain Nelson Foos, commander of a rifle company in the Ohio militia, for disobeying orders. A superior officer ordered Foos to put under guard three men of his company who had been spotted exchanging guns while under inspection, but Foos refused, allegedly telling one officer to go to hell, and led his company from the field. In his defense, Foos argued that some of the actions occurred after 3:00 pm, when the muster was officially over. "The officer and the soldier is merged in the citizen," claimed Foos, "at all other times except when commanded to muster by law or when called out for that purpose by an officer duly authorized. If a company appears upon parade without an order and without the command of law, they can only be considered as citizens, and if the superior officer of such company should attempt to control their movements contrary to their will and pleasure, it would be an usurpation upon their rights and liberties as citizens." Only on legal muster days
and within certain specified hours were citizen-soldiers bound to obey their officers. This was not the first time that such a defense had been used in Ohio. As early as 1815, one militia officer had complained that "it is the opinion [sic] of many in my regiment that an officer cannot keep men on the parade after [3:00 pm]--and that soldiers may break from their officers after that hour with impunity." Asserting the superiority of the civilian sphere through legalisms or other means was a common tactic by those wishing to avoid militia service as well.  

Even when undeniably in the military sphere, the citizen part of the citizen-soldier could never fully be vanquished. It was such an integral part of the militiaman that many officers would hardly have tried to remove it. Instead, officers often appealed to the civilian aspect of their men as a way to obtain willing compliance, as did one general officer during the War of 1812: "Officers of an inferior grade must be respectful to their superiors, and soldiers must implicitly obey the orders of those who they have selected to govern and direct them in the hour of danger. You will bear in mind
that you are not selected from the refuge poor of populous cities, but that you were independent in your circumstances, at home respectable and respected. This character you must not lose [sic] by your misconduct."

By appealing to the independence of their men, officers hoped at least partially to replace the need for compulsion by the creation of a willingness to do duty.⁵

The existence of civilian and military spheres meant that any attempt to run the militia like a regular military organization, with an emphasis on compulsion and obedience, would immediately meet with opposition. There was too much citizen in the citizen-soldier. On the other hand, supporters of the militia sometimes saw a silver lining in the nature of the militia, one that might sustain the militia through both inefficiency and opposition. "The truth is," stated one adjutant general, "we are a military people; the defence of the country is the interest of every man, and so felt, and so acted upon; and the tenacity with which the people cling to a system already described as falling to pieces, is the best possible proof of the truth of this position."⁶
The Men of the Militia

The militia of each state contained an elaborate military hierarchy, each level of which had to perform as required in order for the whole to operate as intended. At the top was the governor as commander-in-chief, at the bottom were the many rank-and-file, while most of the officer corps operated at levels in-between. The organization of the militia was at heart an administrative one rather than one designed for military action. A state's militia contained a number of divisions, each of which usually had two or more brigades, which contained a number of regiments. A regiment might be divided into two battalions, but certainly contained a number of companies, the basic local militia unit. Quite often, especially in the South, military administration coexisted with civilian administration. The boundaries of a regiment in North Carolina might co-exist with county lines. Within a regiment-county would exist several districts, each containing a company of militia. It was common for company commanders in Southern states also to handle local elections or slave patrols as well as strictly
militia duties. It is important to keep in mind that these units—the divisions, brigades, regiments and companies—were essentially administrative units. That is, only under exceptional circumstances, such as the siege of Fort Meigs in the War of 1812, might an entire division of militia actually be called out and expected to perform duty. In peacetime and in all but emergencies, divisions and other units acted as conduits of authority, providing an organizational system by which bodies of militia might be mobilized, through volunteering, draft or otherwise. One important difference between the traditional militia and the oft-asked-for classified militia was that supporters of the latter usually envisaged a militia in which the administrative units and combat units were one and the same.

At the top of the militia was its commander-in-chief, the governor. The importance of the governor was entirely dependent upon that individual's interest in the militia. Many governors entirely ignored the militia in favor of other, more pressing or interesting topics. At the other end of the scale were those commanders-in-chief
who delighted in managing the militia, who oversaw each request for arms or each officer's resignation. Some governors assumed virtually all the duties of the adjutant general themselves. Most governors fell somewhere between the two extremes, but since many had held high militia office themselves, it was quite natural for governors to have more than a passing interest in military affairs.

In practice, however, the power of a governor to affect the militia was limited. Although territorial governors possessed significant powers of appointment and command, most states circumscribed the authority of the governor over the militia. When militia officers were not elected by the men or by other officers, it was almost invariably the state legislature which selected them, not the governor, whose appointive powers were usually limited to a few aides-de-camp and, sometimes, the office of the adjutant general. The governor had the authority to issue orders to the militia, but except in the case of a mobilization, the responsibilities and duties of militia officers and men were usually strictly spelled out in militia legislation, with the result that
what the governor could issue orders about was similarly limited.

The limited power of the governor over the militia can be most clearly seen in the nature of his two most important functions involving the militia, neither one of which involved compulsion. The most important role played by the governor was that of advocate for the militia, through the use of his annual messages to the state legislature. With his annual message he could point out defects in the militia law or its operation, suggest reforms, communicate information and attempt to muster support for the institution (assuming, of course, that the governor himself supported the militia). Widely distributed throughout the state, his concerns regarding the militia would reach a wide audience. Legislatures, however, had no particular responsibility to address his concerns. The second important role that a governor could play was for the governor to review his troops. It was a not uncommon phenomenon in the antebellum era for governors to embark upon journeys around the state, reviewing divisions or brigades from different areas. The governor's authority and responsibility were quite
limited; the role was a symbolic one. All the governor need do was show up, preferably in finery, and properly appreciate the martial displays. The value of such actions, simple as they may have been, was to demonstrate to the members of the militia that they were valued in their military capacity. This helped to reduce the many complaints regarding the uselessness of the militia and of militia musters and reviews. James G. Carroll, the longserving adjutant general of Alabama, explained the value of reviews to Governor Arthur P. Bagby in 1833:

"The General officers in this part of the state are particularly anxious to see you here on review; I am of the opinion that nothing could have a more happier effect, in the way of improving the State of the Militia. The Executive of the State some 10 or 12 years since reviewed this part of the State partially and I assure you that it had a very Salutary effect. It produced a kind of pride among the Militia that was very desirous." Though such tours on the part of governors could be quite expensive, the additional political benefits accrued by reviewing often made the attempt seem worthwhile.  

The most important individual in the militia
hierarchy was not the governor but his assistant, the adjutant general. It was to the adjutant general that the task of day-to-day management of the militia fell. At the very least, it involved collecting the militia returns from the various officers and forwarding them to the governor, but usually it involved far more onerous duties than that. In some states, the position of adjutant general was a full-time salaried position occupied by someone who gave all his attention to the supervision of the militia. Other states gave the adjutant general short shrift. The difference usually showed. In Missouri in 1825 the adjutant general received a $200 yearly salary; Ohio in 1816 gave the officer only $75 each year. Mississippi in 1814 saw fit to give the adjutant general $300 annually, while for some time North Carolina and Connecticut offered no salary at all (yet the latter state maintained a quite respectable militia). These may be compared with Massachusetts, which allowed even the adjutant general's clerk a salary of $1200 per annum until 1843, when the state abolished the paid clerkship and set the adjutant general's salary at $1500.8
Just as variable as salaries were the terms of office. Generally speaking, adjutants general could stay in office as long as they performed satisfactorily. As a result, some remained in office for very long terms.

James Carroll of Alabama was that state's adjutant general from 1827 to 1843, and again from 1847-51. William G. Sumner of Massachusetts served from 1818 to 1834. Most held the position for only a few years. Indiana saw 15 different individuals in the office from 1801 to 1861, for an average of four years each. There was also variety in the people chosen for the job. In Massachusetts, for instance, the post usually went to individuals with considerable militia or military experience. In other states, the position of adjutant general was merely a position of patronage, a stepping-stone for higher office. Not a few future governors were at one point adjutants general for a time. Sometimes applicants for the job were quite blunt about their reasons for desiring the position; Samuel C. Andrews of Ohio told Governor Allen Trimble that he needed the money, for there were too many lawyers in competition. Andrews was careful to stress his kinship in politics
with Trimble. The low (or non-existent) salaries that in most states came with the position precluded such motives. For one prospective adjutant general in Alabama, "the compensation was not an object," but the rank "is too low; it ought to be a Brigadier General and to rank by law every Brigadier in the state." Most states gave adjutants general a rank somewhere between lieutenant colonel and brigadier general."

If money was not always an object in applying, it frequently was a reason for resignation. Edward Pasteur of North Carolina accepted a commission with the U.S. Army in 1808, in part because the state offered him no compensation for his duties. An Ohio adjutant general resigned because the salary was not enough to induce him to move to the state capital. Other officers learned to economize. Ebenezer Huntington, the adjutant general of Connecticut, informed his North Carolina counterpart that "Being situated similar to yourself in point of remuneration [none], and having done the duty of adjutant general for 18 years, I have learned, wherever practicable, to save postage."¹⁰

The duties of an adjutant general were many. In
Mississippi in 1814 the adjutant general had to transmit orders from the governor and the territory's general, keep a register of officers, keep a register of the strength and arms of the militia, record all general orders, make out and transmit drafts, keep muster rolls, forward blank forms, record sentences of courts-martial, and report twice a year on the condition of the militia. The "Duties of the Adjutant General," inscribed by one such in North Carolina on the first page of his record book, listed the following: distribute governor's orders, attend reviews that the governor attends, execute his orders relative to discipline, handle blank forms, demand returns, make abstracts, make out annual return to the President of the United States, prosecute all general officers for neglecting to review, keep a roster of general officer commissions, send copies of registers to various individuals, bring suits against officers for neglecting returns or breaches of military duty, and to report to the state legislature on the militia.\textsuperscript{31}

Such duties or their equivalents were generally required of most adjutants general, although both the governor and the legislature frequently added to the
burdens of the office. Both the governor and some members of the legislature of the state of Alabama wanted the adjutant general, in addition to his regular duties, to review all the regiments in the state, but the legislature proved unwilling to raise the salary of the office to compensate for the additional expense. Samuel Andrews, the Ohio adjutant general who sought the position for pecuniary reasons, soon found that the work involved in the office was not inconsiderable. "I am at present pretty much occupied," he complained to Governor Duncan McArthur, "making out that vexatious index to the Militia Law, which the Legislature as you will remember among other new duties imposed on me. Whether the suggestion of your Excellency that it was done by the Legislature to keep me out of mischief be the real motive or not I cannot say—but if such was their design I ought perhaps...make it as bad as I can." Andrews hastened to add that he was, however, doing it correctly.12

The adjutant general stood at the heart of the militia system. An energetic and conscientious officer could mean all the difference between a functioning militia and a moribund one. It is no coincidence that
when militia reform movements arose, they often crystallized around the adjutants general. Perhaps one of the best testimonies available to the importance of the adjutant general comes from Jesse Green, adjutant general of the Delaware militia before the War of 1812, who described his office in answer to a query from another adjutant general. "I am but a young adjutant general," he confessed, but upon reaching the office, "I could not find one blank form in any of the offices of this state. My predecessors never made returns of the militia of this state."13

Green sympathized with the non-salaried position of his correspondent. "Indeed," he wrote, "this officer ought to be well-paid, or you never can have a good militia. This I speak from experience—In this state we had four in the course of 15 years. The Legislature allowed them nothing for their services, and they did nothing; the militia dwindled to nothing. The State was often called on by the General Government for a return, and the governors would call on the Adjutant General, and he would resign." Green himself received only $100 yearly from the state. "This will just about feed my
horse," he complained. "What the militia of your state may be I cannot tell, but in this, the Adjutant General is the life of the militia, and without he is an active militia man, the whole system goes down." Green was certainly prophetic; the Delaware militia was one of the first state militias to collapse.\textsuperscript{14}

The largest group of people associated with the militia who had specific responsibilities and duties were the militia officers. Only if the officer corps as a whole performed its duties properly could a state's militia function with a semblance of efficiency. Yet because of the hierarchical nature of the militia chain of command, inadequate performance by any individual along the chain could hamper or render irrelevant efforts above or below that position. Company commanders had to forward returns to commanders of regiments, who in turn had to report to brigade commanders who reported to commanders of divisions. Only if all these individuals performed their duties would an adjutant general receive complete returns. Needless to say, this very rarely occurred. The task of making out and forwarding returns was the most important duty that officers had to perform,
aside from the related task of enforcing attendance and possession of equipment at musters or reviews. For the compulsory militia, the perfunctory training or drilling that officers led had largely ceased to have any but a symbolic significance. By ritually drilling several times a year, militiamen acknowledged, even if grudgingly, the services they owed the state.

The duty that officers had to make out and forward returns, however, was an important one. At the local level, militia commanders could not enforce attendance unless they knew who actually attended musters. At higher levels, returns informed militia leaders and state officials of the military manpower strength of a region and when the occasion demanded, aided them in mobilizing the militia. In addition, proper returns guaranteed a state its due proportion of arms from the federal government under the act of 1808. And perhaps most significant of all, since a state militia only rarely activated its units directly as military units, their ability to function as administrative units was their primary rationale for existence. Once a state militia lost the ability to function administratively, there was
no reason not to abandon the system and depend solely on individual volunteers in case of exigency. However, it was precisely in compelling militia officers to perform their administrative duties that most state militias faced serious problems.

A Matter of Compulsion

Even discounting opposition to militia service or apathy or neglect on the part of officers, it is impossible to deny the fact that the simplest goal of the militia system, that of keeping itself informed of the number and location of its military strength, was an enormously difficult task to accomplish in nineteenth-century America. To begin with, the United States was immense, with a generally low population density. Militia officers, trying to keep track of men scattered over wide areas, had to expend a great deal of effort to satisfy their responsibilities. Sometimes, this effort was too much; Nathan King, a militia officer in Ohio for over five years, finally resigned, noting that "The difficulties and expenses to be encountered in producing even a moderate degree of discipline in a company
scattered over so large a tract of country as mine was, have been considerable." The population also grew, which sometimes strained the militia system. Every time new regiments had to be created and new boundaries delineated, problems arose as officers quarreled over their new status, communities complained because of unsatisfactory muster grounds and new units struggled to constitute themselves.¹⁵

But even more of an obstacle than the scattered population was the fact that the population moved. Nothing was more hazardous to militia organization than the incredible mobility that Americans exhibited in the antebellum era. The administrative functions of the militia depended on knowing the individuals who owed militia service, but keeping track of the people who moved into and out of militia districts was at best formidable.

The statistics for population mobility are astounding. Only 20% of the 1849 population of Rochester, New York, could be found in that city a decade later. Stephan Thernstrom and Peter R. Knights have shown that in nineteenth century Boston, about one
Bostonian in seven left the city each year. Some periods exhibited even higher mobility. Annual turnover for the period 1830-40 seems to have been around 30%, increasing to 40% in the period 1850-60. Population turnover in Boston amounted to several times the size of the population of the city itself in any decade. New York City exhibited much the same turnover; 40% of that city's 1850 population was no longer there in 1860.16

Mobility in the countryside and towns was just as great as it was in large urban areas. Jonathan Prude, studying factory towns in rural Massachusetts, has demonstrated the great mobility of their inhabitants, noting that "factory workers may have been the most restless of a restless people." In villages he examined, population turnover fell below 100% of the annual labor force only twice between 1813 and the mid-1830s. Most of those who moved, some 80%, moved beyond nearby townships. Such rates of mobility were not only common in the Northeast, but in other sections of the country as well.17

Not everybody, when they moved, moved very far, but any dislocation beyond company boundaries could affect the operation of the militia. Nineteenth-century
American cities not only experienced great rates of in- and out-migration, but also exhibited great residential mobility. Even people who stayed in cities or towns frequently moved within those population centers. A study of nineteenth-century Philadelphia reveals that residential mobility increased from 26.8% in the 1820s to 37.6% in the 1850s. In order for the militia system to operate effectively, it had to keep track of every individual within a particular district, and compel that individual to serve. This was a daunting task when the faces constantly changed.18

Because young men were disproportionately mobile and disproportionately served in the militia as well, the ability of the state militias to operate was particularly affected by the high mobility rates. Massachusetts adjutant general William Sumner confessed to Henry A. S. Dearborn in 1832 that, "the activity and enterprise of all American citizens, particularly the younger part of them, is such, that a large proportion of them are occupied in travelling about in commercial and other pursuits, away from home...In the cities, particularly, not near 1/2 of those who are within the enrolled ages
actually do Military Duty, in Boston not 1/3." A committee of the North Carolina state legislature reported that "the frequent emigration from one part to another" was one of the main obstacles to training and organizing the militia. In 1850, the Massachusetts militia suffered greatly from the California Gold Rush. "The class of young men active and energetic, that enter so largely into the composition of our military companies, is, of course, especially liable to be drawn into a bold and romantic adventure congenial to such character," reported George Devereaux, the state's adjutant general. Devereaux noted that in some companies between 1/3 and 1/2 of their members removed themselves from Massachusetts, and two companies lost so many members that they had to be disbanded entirely.19

The problems posed by mobility were increased in those states which placed the burden of maintaining enrollment on officers, rather than on individual militiamen themselves. In such states, such as North Carolina, company officers had to notify all persons liable to muster of their requirement to attend the gathering. However, militia officers soon found that
people could live in a district for months before any officer realized it and notified them of their obligation. Sometimes officers themselves were the mobile ones. One Indiana militia officer expressly warned the militia of one district to elect "persons permanently settled within the district for which they were elected," but the citizens nevertheless voted for individuals newly-arrived in the area. What was worse, he reported, "they have also elected some who have no fixed abode anywhere--under such circumstances it is impossible that the militia can arrive at anything for one of these fellows is scarce commissioned until he is off and then a new one must be had in his place...the moment you talk of punishing him he quits the Territory."

Quite frequently, militia officers had to resign their commissions because they were about to move. Such resignations created even more of an obstacle to militia organization than the mobility of militiamen.20

But for all the difficulties imposed on the militia by geography and demographics, it still remained the responsibility of the officer to perform his duties, and this the state frequently had great difficulty in
convincing the officer to do. At the lowest levels, officers often disliked enforcing unpleasant requirements such as collecting fines for non-attendance. Considering that the soldier fined one day might also be the citizen conducting business with the fining officer the next day, it is more than understandable that discipline could be lax. Thus a battalion court martial of the Black Creek Militia of South Carolina could allow excuses for non-attendance that ranged from "elsewhere on his own private business" to "was in the beat but a short time, did not know of his enrollment" to "got lost and arrived at ground too late." The only excuse not allowed, as a matter of fact, was "forgot." An Indiana regiment in 1834 acquitted four captains and a lieutenant for not making out returns, accepting excuses that ranged from illness to "too much business on day of company muster."

At all levels, the problem of insuring prompt returns was a great one, even though securing them was very important to the state, since the state's proportion of federally supplied weapons was dependent on its returns. Any laxness in making out returns would be felt up and down the line. As one officer explained to a
militia general, "It has been impossible for the commander of this Division to be more punctual in the discharge of the duties assigned to him, as the returns from the Brigades under his command have in some instances been partially and in others wholly withheld from him; or they have been made months after it was his duty to have forwarded them to the Adjutant General."

Returns were so incomplete in Alabama in 1834 that returns accounted for only three thousand militiamen. Nor did matters improve; in 1848, Alabama adjutant general James Carroll ordered all the brigadier and major generals of the state to have forwarded their returns to him by January 1, 1849, but received only one (partial) divisional return, as well as incomplete returns from six brigades and a few regiments.\(^2\)

Forcing officers to do their duty was difficult, because there were few punishments that the militia system could impose. Although some states passed laws providing for fines in cases of non-compliance, other states allowed only removal from office. When a Massachusetts captain of militia was convicted of refusing a superior's order to bring his company into the
line of parade at a review in 1833, the court punished him by removing him from office and forbidding him from future office for a year and a day. A lieutenant colonel of the same state who refused to allow his unit to perform escort duty and was found guilty on all counts against him but one, received merely a reprimand. North Carolina imposed fines on officers not performing their duty, but Adjutant General Beverly Daniel was not convinced of the wisdom of such laws: "There are evils growing out of the laws subjecting General Officers to a penalty for not reviewing their respective commands within certain periods, which are considered more than equal to the advantage derived from them." The duties of being a militia general, Daniel felt, were onerous enough as it was. Perhaps it was for this reason that Duncan McDonald, a major general in the North Carolina militia, was able to hold office for twenty years without ever once reviewing many of the regiments of his division.

The way to enforce compliance was through the court martial, but instituting one was no guarantee of success, nor was it a popular recourse. Courts-martial were lengthy and expensive to both the state and to officers
serving on them. Massachusetts spent over $10,000 on court-martial expenses from 1812-21. During the period 1840-43, when Ohio's militia was in large part no longer functioning, the state still spent $1,415.21 on courts-martial. The military trials were no more popular to the officers serving on them than to the legislators who had to pay for expenses; as a result, it was often difficult to assemble the officers required. Frustrated at one court-martial in which only seven out of thirteen officers attended, one adjutant general asked for punitive measures, suggesting that "it is but justice to those officers who have left their homes and travelled fifty miles to discharge their duties faithfully that the delinquents should be held accountable for neglect of duty."  

Sometimes those officials who tried faithfully to discharge their duties met with worse fates than travelling long distances. The convergence of military and civilian spheres allowed individuals faced with the prospect of fines or a court-martial to pursue unusual means of defense, including use of the legal system. This was the problem faced by Captain E. W. Tuck,
commander of a company of North Carolina militia, who upon assuming office proceeded to hold courts-martial as the law directed and fine men for non-attendance. As per the laws of North Carolina, Tuck gave his written judgments to the local constable for collection, but the fined men refused to pay. Moreover, they threatened that if their property were confiscated and sold by the constable to pay their fines, they would in turn sue Tuck and the constable. Not surprisingly, this threat made the constable extremely reluctant to collect fines. This was a frequent occurrence in those states that depended on civil authorities to collect militia fines. The experience of another North Carolina constable, William B. Toley, is typical. In 1850, Toley had a recalcitrant militia company put under his authority. When its men refused to attend muster, their officers fined them and gave Toley the judgments for collection. Toley confiscated a horse from one of the men and sold the animal. The delinquent sued Toley and won, because a lieutenant who had signed some of the judgments had not properly been commissioned. The judgment against Toley amounted to $180. With this sort of retaliation at the
disposal of delinquents, it is not surprising that attempts at coercion often failed. Sometimes there was no coercion at all, as when the members making up a court martial were delinquent themselves. In such cases, one official noted, "it is not in human probability that the penalties of the law, will be very rigorously inflicted."

Leaders of state militias that had civil authorities collect fines frequently wanted to change to a system whereby the militia itself would collect them, but as states that had that system often sought (as a way to improve collection) to change to a civil collection system, it appears that neither system was more effective than the other.²⁵

Nevertheless, there was a strong current of support for more efforts at compulsion, especially against officers who neglected to perform their duties. Legislators frequently called upon militia officers and officials to enforce the militia laws more effectively, and sometimes introduced bills designed to provide the means. One typical such bill authorized the governor to strike delinquent colonels from the officers' list and to publish their names in the state newspaper. It also
required generals to have a certificate from the adjutant general testifying that they performed their duties before they resigned, or else face a possible penalty of $50. Militia officers themselves frequently deplored misconduct by fellow officers. The Judge Advocate of one Alabama regimental militia court martial wrote to the governor in 1837, censuring the major general of their division as well as their brigadier general. "This court further authorizes me to say with all due deference and respect," wrote the officer, "that it is their humble opinion that for such neglect of duty the law empowers and expects you to have the major general arraigned before a court martial and tried." Such independent pleas for coercion were not uncommon in the antebellum state militias. 26

Occasionally such pressure would result in concerted efforts at compulsion. Such measures were usually though not always the efforts of newly-installed militia officers or adjutants general, trying to exercise the powers of their office to enforce compliance with the laws. Although sometimes such efforts were temporarily successful, the vast majority of them ended in failure.
Typical of such attempts is the case of Calvin Jones, adjutant general of the North Carolina militia from 1807 to 1820. Shortly after assuming office, Jones became concerned about the number of high-ranking militia officers who did not make out returns. He wrote to the governor, David Stone, asking what course to take in prosecuting colonels and generals who neglected their duties. Stone's reply was a realistic one. "The course most likely to produce the desired effect upon the delinquent officers is that of moderation and forebearance," he advised Jones. Stone suggested writing to the officers individually, commending them for their efforts in reviewing their troops during the previous year, and express "regret that causes have existed to prevent the laudable example of those who have done their duty in this respect" from being universally followed. Jones might also mention the critical situation of national affairs and the "unwelcome duty" imposed by law upon the adjutant general of prosecuting for such delinquencies.  

Stone's response cooled Jones' ardor somewhat, but he remained interested in prosecuting officers. When a
militia colonel complained of the difficulty in collecting fines the following year, Jones asked the colonel to keep him posted as to the results of any prosecutions. In 1809, Jones threatened a number of officers with bringing suits against them. Finally, in 1811 and again in 1814, Jones instituted a number of suits in the Superior Court of Wake County against officers (mostly colonels and generals, but including at least one major) who failed to make returns. Jones prosecuted a total of 33 officers, usually for an amount of £25, and received judgments on the officers. However, the Attorney General dismissed many of the suits, and the governor (by now William Hawkins) released still more of the officers from paying any fines. As a last indignity, one suit successfully prosecuted later failed when the fine was executed by taking a slave named Peter and trying to sell him, only to find no bidders. Jones' energy was largely for naught. This no doubt added to the frustration that caused him to resign some years later. Bitterly disillusioned, he wrote a public letter of resignation in which he confessed that he "entered the militia service with the most sanguine expectations of
introducing reform...but the sober lessons of experience
have taught me the futility of all such hopes and
attempts."28

Jones' attempt at compulsion was noteworthy in that
it went after high-ranking militia officers, who were
perhaps the least susceptible to such pressure. "The
only consequence of neglect on the part of officers...is
a trial by a court martial," noted Alabama governor Henry
Collier, "Which may result in the loss of an office
neither profitable nor very desirable." Many militia
generals were of higher social or political rank than the
adjutants general who tried to get them to perform their
duties, and resented being subjected to discipline. As
ineffective as it often was, the militia's disciplinary
system could still be brought to bear against ordinary
militiamen who had no choice but to serve. However,
officers did have an option. When attempts to coerce them
seemed irksome, they could resign. In the later
antebellum years, lack of officers willing to serve in
the militia would be an important factor in its decline
in some states, but even earlier the propensity of
militia officers to resign caused the militia
considerable difficulties. Resignations could occur for virtually any reason, but most frequently because militia duties were too burdensome or because they conflicted with civilian activities (usually of a commercial nature). Three junior officers from Coshocton, Ohio, resigning their commissions in 1809, give some indication of the range. John Hartley resigned because he had to travel because of his trade, while a fellow officer asserted that it "does not suit my calling to hold it."
The third, Lieutenant David Wolgamatt, was the most frank, admitting that "I am too big a fool in the military." That Wolgamatt had the previous month been fined $20.00 suggests that he knew whereof he spoke.29

Sometimes the system was powerless to prevent resignations, even when the reasons given were fanciful or unjustifiable. This was the situation of Ohio's first governor, Edward Tiffin, who found it extremely difficult to cope with the numerous resignations in his state. "I sincerely wish I could devise some plan to prevent so many resignations in the militia..." he confessed, "But the law not authorizing a peremptory refusal to accept resignations, has hitherto prevented my interference."
Militia resignations, he noted, threw additional burdens on generals (and himself); moreover, the continual changes in the officer corps prevented their becoming familiar with their duties and responsibilities. Vacancies in office were also a further excuse for avoidance of duties. As one adjutant general observed, "heretofore it has been held as a good excuse for not returning the strength of a regiment that there was no Colonel in command."

Even where governors or adjutants general had legal power to stop or refuse resignations, the process of doing so frequently occupied much of their time. Shortly after assuming office as adjutant general of Massachusetts in 1818, William Sumner exhibited a typical burst of bureaucratic energy, deciding to try to crack down on the number of resignations in the Massachusetts militia. Massachusetts militia officers frequently resigned their commissions after having served five years, although there was no particular legal grounds for such resignations. It was on these that Sumner decided to crack down, returning such resignations to the major generals who had forwarded them to him. When a Captain
Dodge requested a discharge on account of "my health not being firm, and having held a commission five years,"
Sumner acidly responded to the officer who had forwarded the request that "there are but few people in the community, who can be said to have firm health." He found that "such allusion to the state of general health" was very common among applicants for discharge.31

Sumner scrutinized each discharge request sent to him, weeding out the ones that seemed to indicate only a dissatisfaction with serving. "Lt. Stocking says he has served for four years and is afflicted with an indisposition of body which makes it inconvenient for him to do military duty," Sumner observed, "If he was disabled thereby his excuse would be a good reason." The adjutant general was no more forgiving of a militia captain: "Captain Carr, says he has a liver complaint, so have a thousand others, and are yet not disabled from performing military duty." A Lieutenant Lyman also came in for criticism, for trying to resign after having served only three years. Lyman "complains of the 'expenses,' which no law requires him to encounter; 'that he has no real estate,' which is not a requisite
qualification; 'that he has served two years as Ensign without a Commission,' which was extremely wrong, and in any event is no reason why he should be discharged after he has obtained one; and 'that his Education is poor;' while his hand writing indicates a better one than most officers discover.'  

Sumner feared that resignations had become so frequent that, along with the increasing number of individuals exempt from militia duty, the physical strength of the militia might decline considerably. He consistently urged major generals to withhold their approval of discharge requests unless they were "fully satisfactory." After several months of such requests, Sumner was cautiously optimistic about the number of resignations, but he still had to remain on guard, for unwilling officers still tried to resign through any means possible. One such officer was Major Thomas Wood, who asked Sumner for a discharge in 1822, stating that he had "certain religious impressions" that made it improper for him to perform his duty. Wood also admitted that he had previously applied to his superior officers for discharge, who had ignored his request because, Sumner
observed, "you did not assign a long list of plausible excuses, which you found it inconsistent with truth to do." Sumner took pains to point out to Wood that "no general rule...requires any fictitious or fallacious reasons to be set forth...On the contrary, these rules have been adapted for the purpose of guarding against false pretences." Needless to say, Sumner did not approve Wood's request. Many states passed laws, or tried to pass them, to guard against unwanted resignations, but by and large these provisions were ineffectual. The inability to stem resignations would eventually become a critical problem in some states as the militia system became increasingly unpopular."

In an attempt to compel obedience with the law and yet not incur either the expenses and difficulties of courts-martial or the resignations that might result from too much coercion, a more common tactic was the one that David Stone suggested to Calvin Jones: moderation and forebearance. Referring to officers who did not forward returns, an Ohio adjutant general suggested that "While in strict military propriety [they should] be placed under arrest, but circumstanced as we are under this, our
most weak and inefficient Militia system, forebearance and persuasive methods are doubtless the best and probably the only means of eliciting obedience." An Alabama counterpart agreed. "It is exceedingly difficult for the state to accomplish its purpose by a compulsory course of procedure against the citizen," he noted. "I am persuaded that an indulgent course of conduct...is expedient." 34

Such sentiments resulted in numerous attempts at attaining compliance without compulsion. Adjutants generals or governors might extend the deadline for turning in returns or simply write defaulting officers gentle reminders. Ohioan John Sloane, trying to help a militia general collect returns, wrote to "the most influential characters in the different parts," in an effort to get a little pressure put on militia officers. Occasionally novel solutions to prompt officers and men to willingly perform their duty were tried, such as the attempt by New York in 1837 to institute a system of prize standards to be awarded to the best kept regiments. Not surprisingly, though, efforts at forebearance tended to encourage laxity at least as often as they prompted
compliance. Gentle or hard, efforts to apply the stick to the militia all too often met with failure.\textsuperscript{35}

\textbf{The Public Arms}

The difficulties involved in enforcing coercion, especially the inability of the system to compel officers to do their duty, created severe pressures on the militia as an institution. An institution that could not perform its basic functions simply could not last. However, there were forces operating on the state militias that tended to increase diligence or the willingness to coerce. These forces included militarism, external events such as war threats, and singular individuals who could compel obedience. But the most important positive force by far was the 1808 federal law appropriating $200,000 annually to purchase arms to distribute to the state militias. This law presented state officials, legislators and militia officers and men with a tangible reward for keeping up their militias, increasing the prospects of cooperation among the different groups. The 1808 law caused states to create systems of arms distribution or safekeeping, thus reinforcing the
institutional strength of the state militias. The prospect of losing the free weapons also created another reason to use compulsion. However, the presence of the arms themselves in the state caused a host of dilemmas for the militia, which now had to maintain them despite having, as we have seen, a very imperfect system of maintaining obedience.

The 1808 law appropriating money for arms had little effect through the War of 1812. Though after 1808 the United States government made contracts for slightly over 100,000, by the War of 1812 only a few contractors had delivered on their commitments. The muskets that the United States did receive it haphazardly distributed and delivered. Vermont received 2,500 muskets, for instance, while neither New York nor Pennsylvania received any at all. During the War, states such as Massachusetts strenuously objected to the lack of a proper system, which deprived certain states of arms rightfully theirs, but though the federal government distributed arms during the war approximately equal to the total number of arms that would have been distributed had the government followed the provisions of the act, the situation never
reached a satisfactory resolution. After the war, however, Congress passed a supplementary act requiring the money appropriated to be used as directed by the act of 1808, which started the flow of arms from the federal government to the states. This flow was fitful at first, as problems of procurement and questions about the law's operation had to be resolved. A significant hampering factor was the inability of many states to provide accurate militia returns, which caused the U.S. Army Ordnance Department and its hard-pressed officer, Lieutenant Colonel George Bomford, no end of difficulties. As a result, though some arms were distributed during the period 1816-22, regular yearly distribution did not begin until after 1822.  

Arms distribution, once it began, had an energizing effect on the state militia systems. To their credit, the states realized what a windfall the federal arms were. Largesse from the federal government was infrequent enough that the 1808 act operated as a "carrot," succeeding in some areas where the stick of compulsion failed. The irregular distribution actually helped in this regard, because it gave states a large
backlog of weapons "credit" against the federal
government that made the value of the first shipments of
arms considerably greater than had they been merely the
apportioned fractions of a single $200,000
appropriation. Ohio, for instance, estimated the value of
the weapons it took ownership of in 1823 at $89,222. The
arms due North Carolina from 1823-30 were worth $80,483.
As a result, states were eager to get their hands on
them. 37

To do so, however, states had to have an
organization in place that could transport, store, take
care of, and distribute the weapons. Some states,
notably those in New England such as Massachusetts, which
had long been well-supplied with arms, already had such
systems in place. Most states did not. In Ohio, for
instance, responsibility for weapons and equipment--such
as there was--was divided among five quartermasters
general appointed by the General Assembly, all having an
equal authority. This inefficient system--"a body acting
without a head," in the words of one official--broke down
under the strains of the War of 1812. The end of the war
and the beginning of arms distribution caused most states
to make significant reforms to their militia establishments in this regard. At the same time that the first waves of mass opposition to the state militias were beginning to make themselves felt in state legislatures in the forms of discussions over the prospect of reducing or eliminating militia duty, legislators were busy adding to the institution by creating or reforming the office of quartermaster general and by setting up systems for arms storage and distribution.\textsuperscript{38}

The quartermaster general was the individual most responsible for the state of the public arms. Sometimes this office was merged with that of the adjutant general; more often it was a separate post. The quartermaster general was responsible for procuring weapons from the federal government, from overseeing their transportation to the state and placement in arsenals or other locations, for supervising such arms-keepers or repairmen as the state might employ, and for distributing arms as required and keeping track of their whereabouts and condition. Usually a salaried position, the actual amount of compensation varied greatly, but was often less than that of the adjutant general. One governor of
Indiana objected that the services required of the quartermaster general were "equally arduous and more responsible" than those of the adjutant general, but the former received no compensation. The job of quartermaster general was often more difficult and thankless as well, not only because the quartermaster general often had less authority, but because he was frequently watched like a hawk, due to the value of the weapons he oversaw. Although legislators virtually never attended militia reviews or encampments in an official capacity, it was common for members of a legislature's military committee to visit arsenals in order to inspect the condition of the arms stored within. A quartermaster general's records might be inspected to make sure the official was performing his duty. Nor were legislators slow to suggest punishment, through reduction of salary or otherwise, for nonperformance of duty.  

Governors, legislators, and militia officers alike evinced a healthy interest in the yearly quota of arms. Because the federal government distributed arms to the states on a proportional basis depending on the militia returns submitted by the states to the federal
government, state officials were doubly distressed at 
late or incomplete returns. Indeed, it is quite possible 
that were it not for the desire to maintain their quota 
of federal arms, many states would not have tried to 
enforce prompt or complete returns at all. Governors, 
legislators and others waited each year to see how 
complete their militia's returns would be. When in 1821 
a failure to get proper returns threatened to deprive 
Alabama of its proportion of arms, Governor Israel 
Pickens ordered the adjutant general to "ascertain the 
several officers [responsible], and to cause all 
defaulters to be arrested without discrimination and 
tried by court martial." A frequent complaint by 
governors in their annual messages to their general 
assemblies was that the lack of proper returns decreased 
their share of the apportionment of arms. Indiana 
Governor James Ray became frustrated not only at the 
irresponsibility of militia officers, but also at the 
legislature, which "inadvertently" repealed the muster at 
which company commanders made their returns.40

States not only scrutinized their own returns and 
share of the arms, but also jealously looked at the
performance of other states. Since the number of weapons procured each year remained stable, whether a state's proportion of arms went up or down provided an indication of how well that state was doing relative to the rest of the Union in maintaining its militia—or at least its militia returns. Ohio's adjutant general reported to the governor in 1831 that "In the [National] Intelligencer of March 8 I perceived a statement of the strength of the nation in militia. Our return stands the third on the list and exceeds that of Virginia by about 24,000. From the list it would seem that most of the other states have systems less effective even than our own." Other states did envy Ohio's ability to submit large militia returns; William Sumner in 1827 regretfully compared Ohio to Massachusetts. The former state, the adjutant general discovered, had a militia strength with a 1:5 ratio to the whole population of the state. Massachusetts' ratio was slightly worse than 1:8. "States which have the fewest exemptions, or are most vigilant in making their enrolments, are amply remunerated for their attention," he noted. North Carolina's proportion of arms declined from 763 in 1831 to 616 in 1840, because its returns
remained static while the total number of militia in the country grew.41

The distribution of arms was a positive reason for the states to attempt as much compulsion as possible, but sometimes, despite their best efforts, officials simply could not make the system work well enough to generate returns. In such cases, states faced the loss of valuable arms. While some states simply swallowed the loss, others became desperate enough to resort to measures that bordered on subterfuge. In the late 1830s, Missouri's legislature decreed that the adjutant general should arrive at a figure of militia strength to report to the federal government by taking the number of white males aged 18-45 and deducting 10% from that total. In 1843, Missouri provided for an annual increase of 2% in the militia population after each census.42

Alabama's situation serves as an example of the pressures put upon state officials to serve up high militia numbers. As early as 1829, state officials realized that they had reached a crisis of sorts in the matter of returns. As Governor John Murphy reported to the legislature that year, the largest returns to date
had been from the years 1822 and 1823. "It was notorious to the Ordnance Department," Murphy related, "That our strength could not be decreasing, and the largest return was in justice related to, to apportion our quota. The returns are every year more incomplete, threatening a general inattention to making any return at all."

Indeed, the situation did worsen almost every year. In 1838, Adjutant General James Carroll had to report to the governor that the loss in arms through improper returns would amount to over $20,000. Carroll recommended courts martial and penalties for those not returning, but to no effect. But to insure that the state would suffer no further loss of arms, at some point Carroll began to resort "when there was a falling off in the Returns," to making an abstract that showed "the largest amount ever received at this office," and forwarding that figure to the federal government. But by 1851, returns had fallen off so much that Carroll could not get from them even one-quarter of the militia's strength. Carroll completed the cycle of hedging that he had begun the previous decade by looking in the assessors' books to find the number of white males between the ages of 20-45 and
setting that number forth in his abstract to the general government. "I am confident that it is still short of our actual number," Carroll told Governor Henry Collier, "But I thought it was better to have it a little short than many." With the implicit acceptance of the War Department, state officials found a way to get their arms without having to accomplish the seemingly hopeless task of coercing officers to perform their duties.43

Even more daunting a problem than getting a state its fair share of arms was the pressing question of what then to do with them. While most figures in state government or high militia circles realized that the public arms could best be preserved by storage in arsenals, with regular maintenance, there were significant pressures constantly exerted on the states to distribute their arms among militia units, usually volunteer companies. Such distribution would not only save the state the cost of maintaining the weapons, but would also please local militia. Members of the volunteer companies in particular could exert no little pressure, as legislators and governors soon found out. Alabama Governor Reuben Chapman experienced this form of
lobbying in 1849, when he received a letter from Joseph D. Jenkins, a former state legislator from Wilcox County, writing on behalf of a volunteer cavalry company from that county commanded by Captain M. M. Bonham. Jenkins lamented the recent act by the state government to stop distribution of arms to volunteer companies and urged Chapman to help the company get arms. "There are besides considerations personal to myself, which increase my anxiety to obtain arms for the company," Jenkins explained. "I am a member of the company, and was a member of the Legislature which passed the 'Act' prohibiting any further distribution of arms, and they will rather corner me, if there is no possibility to obtain arms." Chapman himself was being cornered by Jenkins, a frequent enough occurrence when arms were involved."

In Ohio, the decision to distribute arms won out early, but was later partially revoked. Soon after the War of 1812, Governor Thomas Worthington recommended building an arsenal at Columbus to receive the anticipated shipments of arms; his suggestion went unheeded by the legislature. In fact, the legislature
was in no particular hurry to decide what to do with the arms, leaving Worthington's successor, Ethan Allen Brown, unable to distribute arms except on his own responsibility. Pressure mounted on the administration for some sort of distribution; the quartermaster general received applications for weapons from sixty-six different militia companies. Still, as that officer noted, "All experience has shown, that the distributing system will not answer, except in cases of absolute emergency." Nevertheless, the system finally settled on by the legislature was a proportional distribution of all arms among the different militia divisions across the state. Getting the militia returns to make such an apportionment was no easy task, but by 1824 the process had been set into motion.45

At first this method of distribution seemed to work well; early reports indicated that the militia kept the arms in good order. However, by the end of the decade problems had begun to surface. Governor Allen Trimble, trying to redistribute some of the arms upon the creation of several new divisions, discovered that many of the arms could not be accounted for: "No satisfactory
account can be given by the officers now in command, either of the distribution, number or present condition of those arms." In 1833 the legislature appointed a committee to study the propriety of building an arsenal for future arms, but the committee was unwilling to recommend any such action. In the meantime, the quartermaster general found himself unable to ascertain the condition of most of the arms in the state. Governor Robert Lucas, a former militia general, again urged the assembly to call in all distributed arms and place them in an arsenal. The legislature was still unwilling; a committee on the subject concluded that "should the public arms be withdrawn from the different corps to which they have been distributed, that the militia system may be considered as virtually abandoned by us." The assembly ignored repeated subsequent pleas as well.

Finally, in 1840, Quartermaster General Charles Niswanger, largely on his own authority, decided to call in all arms not properly being taken care of, repair them, and store them in the abandoned state prison, which he had partially repaired at his own expense, as an ad hoc arsenal. By 1844, Niswanger's successor, W. F.
Sanderson, had managed to accumulate 4,500 muskets in the penitentiary, which maintained a precarious existence. Not until 1859 was construction on an actual arsenal begun; by 1861 the state had only around 3,700 muskets and rifles at its disposal."

North Carolina exhibited the opposite tendency from Ohio, in that an early conservatism in the southern state regarding the public arms gave way to fairly widespread dispersal. Soon after the war, a legislative committee called for the erection of arsenals in different parts of the state, and in 1819 actually provided for "places of deposit" at Edenton, Newbern and Fayetteville, and authorized the governor to collect and repair arms. In doing so, Calvin Jones, the adjutant general, discovered that more than half the public arms had been lost or destroyed while distributed. Nevertheless, the process of collection and repair went on; in 1822 the arms at Edenton and Newbern were moved to Fayetteville. The state also established an arsenal at Raleigh. While the governor during this time period still had the authority to distribute arms to the volunteer companies, he was not required to do so. Beverly Daniel praised Governor
Hutchins Burton for not doing so, and commented that
"However desirable it may be, to give encouragement to
volunteer companies, by loaning to them the public arms,
yet experience has shown that the state must sustain
sacrifice under such a disposition, not warranted by any
benefits to be derived from the ordinary use of them by
the militia." As a result, by 1835 the state had so many
arms stored that the arsenals at Fayetteville and Raleigh
couldn't contain them, and the adjutant general
recommended that some arms--principally damaged ones--be
distributed among the militia. In early 1837 the
legislature mandated a widespread distribution of over
7,700 muskets and rifles among the various counties of
the state, to be deposited among one or more of the
companies in each county. By 1841, the state had only
about 3,200 rifles and muskets at Fayetteville and
Raleigh. Moreover, the governor was receiving signs that
the arms in the hands of the militia were deteriorating
quickly. By 1846, a Wilmington native informed Governor
William Graham that "it is worse than folly to distribute
arms to the militia." All the volunteer companies
previously formed had broken up, and since it was no
one's responsibility to collect the weapons, they were either lost "or possibly sent to the neighboring rice fields to shoot some birds." The lesson was clear; distribution meant destruction."

This was most clearly the case in Alabama, where distribution was combined with a particularly poor system of compulsion. Alabama's governors began distributing arms to volunteer companies quite early, despite the admonition of one of them that the "most effectual mode" of preserving the arms would be to keep them boxed in an arsenal. Although the state built an arsenal soon after the War of 1812, the arsenal served primarily as a temporary holding place for arms soon to be distributed to volunteer companies. In early 1827 the legislature passed a law formalizing the distribution of arms, giving the governor essentially no power to regulate the dispersal. By the end of the decade, most arms had been distributed; throughout the 1830s volunteer companies routinely received arms upon application for them. This resulted in the loss of most of them within a few years of their dispersement, leading the adjutant general to suggest in 1838 that all arms be called in and stored.
Most arms went the way of those originally loaned to Cleaveland Robbs, captain of a volunteer company in Livingston. The company broke up, Robbs "has moved or is about moving," leaving no one to take care of the muskets, which ended up "lying in an old waste house," the boxes open and the guns "eaten up with rust."

Repeated calls for calling in the arms led in 1848 to an act designed to do just that, but the act provided no funds to allay the expenses. The temporary embargo on arms distribution was soon partially lifted, giving the governor some discretionary power over the dispersal of arms, a power which at least some governors used sparingly.44

That public arms in the hands of militia were soon either no longer public or no longer arms was obvious to most state officials. But it proved too difficult to resist the calls for distribution. Though the annual apportionment of weapons was a boon to the state militias and undoubtedly aided their institutional health, they did not in the end materially increase the effectiveness of the institution. Given the choice between the carrot and the stick, the state militias ate the former and
shrugged off the blows of the latter.

Institutions in Action

Although it is fair to say that the difficulties the state militias faced in maintaining institutional routines such as attendance at musters or the prompt forwarding of returns were symptoms of weakness and even decay, the ability of the state militias to function effectively when called upon despite such liabilities must not be overlooked. The militia system contained strengths that sometimes were masked by inadequate returns or frequent resignations. When called upon for duty, the militia usually responded relatively well. Here a distinction must be made between militiamen as individuals and the militia as a system. To say that individual Americans volunteered to serve in a conflict or possible conflict is to say much about the belligerency or militarism of Americans but little about military institutions; Americans flocked to the colors, both sets of them, in 1861, despite the lack of organized military systems in most states. But if during a crisis a militia system itself were able to provide, direct and
maintain military manpower, it would be possible to make a judgment on the institution's effectiveness. Most crises that involved the militia in the antebellum years were minor, in terms of numbers of militia required, so do not provide much room for analysis. However, occasionally states actually required of their militia systems significant mobilization efforts. Two examples of such efforts are the Michigan-Ohio boundary dispute in 1835 and the "Creek War" and Creek Removal in Alabama from 1836-38. These mobilizations allow us to look at how the militia system functioned (or did not function) when called upon.

The Michigan-Ohio boundary dispute, or the "Toledo War," as it has sometimes been called, was the result of inadequate mapmaking in the early nineteenth century that left a thin strip of territory in what is today northwester Ohio subject to ambiguous jurisdiction. Efforts by Ohio to survey the line led to call-up of militia by both Michigan Territorial governor Stevens Thomson Mason and Ohio governor Robert Lucas. Although Michigan called up few militia, Lucas in the late summer of 1835 ordered the mobilization of a significant number
of troops. Previous to his mobilization a number of troops ranging from various volunteer companies such as the Mansfield Dragoons and the Lebanon Cadets to an entire regiment of 1,800 riflemen had offered their services to the governor: 2,340 in all, not counting those who offered services but did not provide exact numbers. Lucas wanted volunteers rather than people compelled to serve, both because the legislature was not in session and because of the questionable nature of the service. But he did not simply accept proffered service; Lucas used the formal militia system to recruit his army.  

In August, Lucas called upon all major generals to ascertain the number of volunteer cavalry or mounted riflemen that could be raised in their respective divisions. Response was relatively rapid; within a few weeks Lucas and his adjutant general had received returns from thirteen of the divisions, providing volunteers that varied by division from a low of 118 to a high of over 1,600. In most areas, the generals called meetings of the officers of their divisions, then the officers went out to find volunteers. Receptivity to the mobilization
varied widely; some areas reported great enthusiasm for the idea, while other towns or counties seemed sullen at best. Local politics, generally revolving around the Democrat Lucas, often figured in willingness to volunteer. The officers of one rifle regiment from Batavia, Ohio, informed Lucas that they deemed it "neither patriotism nor duty to volunteer," but gave notice that "mandates, emanating from an Executive we respect, an officer we honor, will be met and executed [with] promptitude and fidelity." But aside from a few such responses, the militia system quickly found a total of 10,021 volunteers, not counting the 2,340 early birds, a total far higher than the "war" actually required. Its institutional integrity was more than intact enough to provide significant military manpower to the state in a crisis.50

The use of the Alabama militia against the Creek in the 1830s represents a stronger test of a militia system because the militia of Alabama were called out numerous times for extended periods of duty. Numerous call-up and lengthy duty replicated some of the conditions of the War of 1812, in which communities, weary of militia service,
began to question the equitable apportionment of the military burden.

The use of the militia against the potential threat of Indian unrest was not uncommon in Alabama history, but white-Indian relations deteriorated quickly in the early 1830s when Alabama (along with Georgia) decided to defy the federal government and extend its laws and administration over the Creek country. A succession of governors, including John Gayle, Gabriel Moore and Clement Comer Clay, aggressively pushed for the "rights" of white settlers and for the removal of the Creeks. The Creeks agreed to part with their land in 1832, although individual ownership of land by Indians remained possible. In reality, this was just a mechanism for the encroachment of white settlers, which led to increasing white-Indian conflicts. With each incident, settlers called out for military protection to governors who had pledged themselves to the settlers' cause. In the spring of 1836, partially as a result of provocation by Georgia militia, bands of Creeks began attacking settler households in southern Alabama and Georgia.51

Alabama Governor John Gayle had considered calling
out the militia during the previous year but decided against it. Now, however, his successor Clement Clay had the support of the federal government, which became concerned that the Creeks might decide to move south to join the Seminoles currently engaged in a bitter guerilla war against the United States. The federal government decided on an active campaign against the possibility of such a move, to be commanded by Generals Winfield Scott and Thomas Jesup. This began a series of calls on the Alabama militia that would last for many months. In January Scott called upon Clay to furnish a regiment of infantry or riflemen for three months, to act as an "Regiment of Observation" to hold the Creeks in check; Clay immediately began mobilizing the militia, ordering the commanders of three divisions to provide the necessary troops by volunteering or drafts. Offers of assistance flooded Clay's office, most of them unsurprisingly coming from individuals vying to be named commander of the regiment. But although Clay occasionally accepted the services of volunteers, in the main he adhered to the established militia structure, calling upon certain officers to furnish specified
numbers of companies, some of which, because of the enthusiasm for service, numbered as much as 250 men. Clay was pleased with the mobilization, writing that he was "gratified to say that everything succeeded agreeably to my most sanguine expectations." One division had furnished eleven companies (six more than required; the remainder had to return home) on less than ten days' notice.52

By April, Alabama was a state in arms. In addition to the "Regiment of Observation" being raised, Alabama had already contributed a regiment for the Seminole War in Florida, a company to disarm certain Indians and a few miscellaneous units (in addition to some very unofficial volunteers for the Texas Revolution). Clay settled on Major General E. D. King as commander of the new field regiment. But it soon appeared to Clay that one regiment would not nearly be enough to insure the safety of the frontier regions along the borders of the Creek and Cherokee territory; as a result, Clay appealed to Secretary of War Lewis Cass for authority to call out more troops. As reports came in from angry and fearful settlers, Clay began to authorize on his own the calling
up of more companies, urging one to "lose not a moment's time." By mid-May Clay determined to have three or four regiments in the field and called upon the commander of the U.S. Army arsenal at Mount Vernon, Alabama, for 2,000 muskets. From different divisions Clay called for around thirty-six companies of various types of troops, which would form about 2,500 men.\textsuperscript{53}

Such an extensive mobilization strained the militia system. As Clay confessed to Lewis Cass, "The organization of our militia is such that great expedition in the collection of men is almost impracticable." Moreover, complaints began to emerge, including one by the militiamen of Lowndes County, in the southern central section of the state, who complained of the "most unequal quota of men" required of them. The county had earlier responded to a call of 462 men, perhaps one-third of the entire militia of the county, but resented a second call made in mid-May made by Major General William Irwin. "They are mostly poor men," the citizen-soldiers described themselves, "with families dependent on their own personal labor for a support and...if they are compelled to go into the campaign they will be
irretrievably ruined and their families reduced to hopeless want." Clay sympathized with their position, writing to Irwin that he "regrets that you found it necessary to call into the field so large a portion of your command." Although Clay stressed that he would never censure any officer who was acting to relieve the suffering of the population, he explained to Irwin that he had "made requisitions upon other parts of the state so as to equalize the burden...and hence a large portion from your command was not called into the field." Clay disbanded some of the troops that Irwin drafted. However, at the same time that some in Lowndes and elsewhere complained of the burdens of prospective or ongoing military service, in other regions of the state, troops still urged to be accepted. A member of the Greensborough Light Artillery Guards pleaded with Clay to "Give us a fair chance, and do not for God's sake, subject us any longer to the epithets of the base and cowardly." Clay also had to deal with touchy militia generals, who easily resigned at the slightest provocation. Resignations in May included the chastised Irwin as well as E. D. King, commander of the Regiment of
Observation, nettled that he had not been chosen commander of the mobilized troops.\textsuperscript{54}

By late May the federal government sanctioned Clay's mobilization. Clay received word of this as well as the fact that U.S. Army general Thomas Jesup would command the Alabama troops and certain friendly Indians. Jesup assumed command on June 9, 1836, although only after Clay was forced to appeal to the militia officers to accept subordination to a regular officer. In the event, Jesup's energetic style of command proved compatible with the rough-and-ready Alabamans, who caused no further trouble in that regard. Clay on June 21 called for an additional 2,000 volunteers to serve for up to twelve months, but only to be called out in case of Indian hostilities, which never really materialized. By June 25, Jesup could claim that the war was at an end, though many Alabama volunteers remained in service through July, prompting a request by Clay to Jesup to release them. It was just as well that the war was over; Clay's June 21 call for volunteers met with little enthusiasm from some quarters; a number of officers reported no volunteers at all. The long possible term of service, combined with
the unhealthy climate of south Alabama in the summer, dampened the ardor of many prospective volunteers.\footnote{55}

However, the situation had not calmed down so much over the winter that Clay could dispense with the militia's services; accordingly, he began making another call-up, though less extensive, in the early spring of 1837. This call-up again excited opposition from some portions of the state, which felt they had provided more service than other portions. Clay had to explain at length his extensive efforts over the previous year to balance the militia requisitions evenly among the state's eight divisions. Still this was not enough for some, including a Price County officer who complained that "the government is too penurious, the pay too palling."

Others complained that the call-up the previous summer had caused great losses of crops, but the conclusion was still usually the same: "this county had already done more than its part." Fighters such as E. A. D. Pearce, who challenged a U.S. Army colonel to a duel for not calling up his company, seemed to be a distinct minority.\footnote{56}

"War-weariness" had not, however, become endemic.
The following year, Governor Arthur P. Bagby (who himself had complained about one militia requisition in 1837) managed the third mobilization in a row, to assist the U.S. Army in the removal of the Cherokee Indians. Bagby mobilized more than a regiment, accepting volunteers as well as several companies that had returned from service in Florida, which saw service for several months. Few problems seemed to have materialized with this call-up.57

Both the Ohio and the Alabama mobilizations demonstrate that even in the absence of effective peacetime compulsion, state militias could, when required to, operate effectively as institutions. At all times governors had to insure that the burden of service was equitable, so far as possible, and also remain aware of the civilian and military spheres that both were lodged in the militia, but a militia that did not forward returns was not necessarily a militia that was moribund.

What the lack of compulsion did mean, however, was that governors and adjutants general were comparatively powerless to stop the decline of the institution in areas where it had become unpopular. The nature of opposition and process of decline will be covered in later chapters.
For now, it is important merely to understand that the militia's insusceptibility to coercion from the top placed more emphasis on local willingness to participate in the militia.

As a result, in the 1830s and increasingly so thereafter, the state militias began to be institutions that operated effectively only in portions of their states, those portions in which there were people willing to do militia duty. In those sections of the state that refused to participate, there was little that politicians, officials, or officers could do. This fact was obvious to those who managed the militias. As Arthur P. Bagby noted not long after the Cherokee removal, "In some of the brigades I saw but little to encourage the hope, that [the militia] would shortly attain that degree of perfection so much to be desired; while others presented the gratifying prospect of affording ample and effectual defense and protection in any emergency." A decade and a half later, the disparity was more apparent, as Governor Henry Collier observed: "In some of the counties, the number on parade, bore a reasonable proportion to those subject to duty--while in others
there were no parades, or a meagre exhibition of the
strength of the militia." An Ohio adjutant general noted
the same phenomenon, that "there seems to be no
permanency in the present militia organization. In some
parts of the State quite an interest is felt—in others,
comparatively, nothing." This was the result of an
institution that at heart depended upon the willingness
of the citizen to become the soldier, without having the
means to force him to become one.\(^5\)
NOTES

1. John Hanes to Israel Pickens, October 16, 1822, Alabama Governors' Administrative Files, Container SG 4161, Folder 2, ADAH.


4. Defendant's Petition, Proceedings of the Court Martial of Nelson Foos, October 4, 1825, WRHS; Lewis Dille to Peter Hitchcock, December 27, 1815, War of 1812 Collection, MSS 3133, Container 1, Folder 5, WRHS.

5. Address by Elijah Wadsworth, 1812, Simon Perkins Papers, MSS 3122, Container 39, WRHS.


7. James G. Carroll to Arthur P. Bagby, March 12, 1838, Alabama Governors' Militia Files, Container SG 11960, Folder 2, ADAH.

9. Samuel C. Andrews to Allen Trimble, October 13, 1828, Reel 1, Frames 475-76, Allen Trimble Papers, Microfilm Edition, OHS; John B. Hogan to Israel Pickens, November 15, 1825, Alabama Governors' Administrative Files, 1822-25, Container SG 7342, Folder 12, ADAH.

10. Edward Pasteur to Benjamin Williams, June 7, 1808, Letters, Orders, and Returns, 1807-12, Adjutant General's Department, NCDAH; A. Bourne to Thomas Worthington, February 4, 1817, Reel 11, Frame 57, TW Papers, OHS; Ebenezer Huntington to the Adjutant General of North Carolina, June 20, 1810, Letters, Orders, and Returns, 1807-12, Adjutant General's Department, NCDAH.

11. Act of January 22, 1814, Mississippi Territory, Military Codes of 1814 and 1816, Container SG 3112, Folder 7, ADAH; "Duties of the Adjutant General," Letters, Orders, and Returns, 1807-12, Adjutant General's Department, NCDAH.


13. Jesse Green to the Adjutant General of North Carolina, June 2, 1810, Letters, Orders, and Returns, 1807-12, Adjutant General's Department, NCDAH.

14. Ibid.


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21. Proceedings of a Battalion Court Martial Held at Black Creek County on June 15, 1814, William Law Papers, Special Collections Library, Duke University; Regimental Court Martial, August 2, 1834, Record Book, Twenty-Second Regiment Indiana Militia, Indiana Historical Society.
22. Elisha Whittlesey to Simon Perkins, September 14, 1811, MSS 3122, Container 39, Simon Perkins Papers, WRHS; Governor's Message, November 18, 1834, in Alabama House Journal, Sixteenth Session, 9; James G. Carroll to Reuben Chapman, January 24, 1849, Alabama Governors' Militia Files, Container SG 12085, Folder 8, ADAH.

23. Boston Evening Transcript, March 7, 9, 1832, May 31, 1832, December 5, 1832, February 26, 1833; Beverly Daniel to Gabriel Holmes, November 28, 1824, Orders and Returns, 1821-40, Adjutant General's Department, NCDAH; Beverly Daniel to Hutchins Burton, December 1, 1825, Ibid; Charles Manley to R. W. Haywood, February 5, 1849, Adjutant General's Letterbook, 1847-1861, NCDAH.


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32. Sumner to Epaphras Hoyt, January 28, 1819, Ibid; Sumner to William King, March 15, 1819, Ibid.

33. Sumner to Hoyt, January 28, 1819, Ibid; Sumner to Sewall, March 25, 1819, Ibid; Sumner to Thomas Wood, April 16, 1822, Ibid.

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44. Joseph D. Jenkins to Reuben Chapman, March 5, 1849, Ibid, Container SG 12085, Folder 8, ADAH.


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47. Report of the Senate Committee on the Governor's Message relative to the Deposition of the Public Arms, December 28, 1816, North Carolina General Assembly Session Records, Box 3, NCDAH; Report of the Adjutant General, November 29, 1819, Ibid, Box 2; Beverly Daniel to Phillip Britain, June 8, 1822, Orders and Returns, 1821-40, Adjutant General's Department, NCDAH; Report of the Adjutant General, January 17, 1827, North Carolina General Assembly Session Records, Box 5; Report of the Adjutant General, November 30, 1835, Ibid, Box 6; Robert M. Haywood to John Morehead, June 29, 1841, Governors' Papers, Volume 97, NCDAH; Henry McLean to John Morehead, June 29, 1841, Governors' Letterbooks, Volume 33, NCDAH; Morehead to McLean, July 2, 1841, Ibid; Alexander MacRae to William Graham, June 22, 1846, Governors' Papers, Volume 114, NCDAH.


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CHAPTER V

"INTERWOVEN WITH THE INTERESTS OF THE COMMUNITY": THE MILITIA AS AN INFORMAL INSTITUTION

Muster Day

For all the frolic that followed, militia musters generally began with a highly formal and stylized announcement. "The Major General, desirous of giving the officers and soldiers of the Tenth Division sufficient time to prepare for the review the present season," went one such command, "orders that the division be inspected and reviewed in the following order...The Brigadier Generals will see that proper measures are taken to have the regiments and battalions in their respective brigades brought on the ground and to have the lines formed precisely at 9 o'clock." In a typical New England community the muster or review would be preceded by militia officers or noncommissioned officers notifying people of their upcoming duty. In towns or cities,
orders to the same effect were likely to appear in local newspapers or posted in public places. Since reviews and musters often were held at the same time every year, such notification was often unnecessary, though required by law. But such formal announcements gave little indication as to the real nature of militia musters, which exhibited an entirely different side, informal and unregimented, though no less full of tradition.¹

Most militiamen, living in rural areas, had to begin their journey to the muster or review grounds a day or two in advance. Consequently, the night before the muster, the roads leading to the muster grounds would be filled with the wagons, carriages and plodding feet of men, women and children making their way to the muster grounds. "Everybody from everywhere planned to attend the muster," related one writer in 1908, "All were up early and many a boy did not even retire, fearing he might oversleep and miss the great event by losing his seat in the first load when they started forth." Though some individuals disliked militia duty, others—including those who did not have to perform it—found great enjoyment in the musters. "There was no other event in
the whole year looked forward to with such eager anticipation," wrote one such person decades after they had ceased, "Not only to the soldiers participating in the military manoeuvres...but to their wives, children or sweethearts as well." Particularly in rural areas, families looked forward to meeting distant friends, relatives, or associates.²

The morning of the muster was often chaotic. "Early in the morning of muster day soldiers were seen on all roads leading to the muster field. Cavalrymen mounted on fine horses came galloping in from adjoining towns...waving plumes from steel clad helmets of the riders." In some towns, muster mornings produced more excitement. One Vermont writer recalled in 1871 that at the "earliest streak of dawn," some of the "younger and more ardent" soldiers would assemble in front of the houses of their officers "to fire a morning salute," awakening not only the officers in question but the entire town. Another Vermonter suggested that the "rousing volley" might sometimes take the door right off its hinges, while a New Hampshire man suggested that windows were often shattered. Officers would invite the
militiamen in and provide them with refreshments, primarily alcohol.3

The muster grounds themselves were thronged with spectators, with hundreds or even thousands of people watching, partaking of refreshments, engaging in games or sports, conducting business, or simply renewing ties. One spectator (not from New England but certainly not atypical of New England musters) recalled an 1842 muster:

"It was the great day for the vast multitude of over 5,000 people to assemble and prepare for war, to hear and discuss the topics of the day, and for all kinds of athletic games, wrestling, jumping and leaping, foot racing, horse racing, and music and dancing." Crowds were often largest in cities, where access to muster grounds was easier. One Boston newspaper reported in 1833 that the annual review of the Boston Brigade had been "thronged with thousands of people of both sexes, who deported themselves in the most orderly and proper manner." A review five years later was held at nearby Dedham, Massachusetts, that attracted so many Bostonians that railroad officials made special arrangements to add extra cars to the Dedham branch to accommodate the
spectators, much as modern cities run extra buses to handle concerts or festivals.\(^4\)

Exhibitioners set up tents near the muster grounds to accommodate the desires of the spectators. Inside could be found items for sale, gambling tables, minstrel shows, "alligator shows," and puppet shows, as well as "every sort of scheme to obtain the money of the people." Most common of all, however, were opportunities for food and drink. Gingerbread was the most common muster-time delicacy, appearing almost universally. Spectators could also find candysticks, sweet cider, pop beer and raw oysters. Alcohol was available in even more varieties. Remembered one writer, "every kind of wine, every kind of beer, choice brandy, apple and peach, and old whiskey that would not kill, but make alive" could be found at musters. Sometimes alcohol would be available officially, as in Maine, where rum and molasses were mixed to be "brought into the field in common wooden pails by soldiers detailed for that purpose." Sometimes ingenious souls had to work around liquor laws forbidding the sale of alcohol. One practice was the "striped pig" exhibition, which charged the curious a few pennies to
see a striped pig (painted). Close by the pig was a large container of liquor, available free of charge to those who came to look at the animal. Sometimes those who came to drink or gamble were rudely interrupted by more abstemious comrades. A Boston newspaper reported in 1840 that at the annual muster at West Cambridge, soldiers who pitched gambling tents had themselves and their roulette tables "assaulted pell-mell" by a company of artillery that charged upon them with cutlasses. A more serious conflict occurred between a rifle company and a group of gamblers in Manchester, New Hampshire, in 1839, which resulted in a death. Less serious fights were common occurrences at musters.\(^5\)

Muster mornings were devoted to drill, the seriousness of which depended on the commitment of the local officers and men to militia duty. The afternoon was often given to firing practice or, more exciting to spectators, to a "sham fight." Sham fights were mock battles or maneuvers, involving the discharge of powder but no balls. Occasionally, officers would decide to put on realistic field maneuvers. One volunteer militia organization in Alexandria, Virginia, put on a show in
1810 that included retreats, bridge actions, and flank attacks. More often than not, however, "sham fights" were confused brawls. "The sham fight in the afternoon was no great affair," reported a Boston newspaper in 1836 about that year's muster, "The sovereign people formed their own lines, and would not keep back to oblige anybody. Consequently, there was a mingling of civil and military, not convenient for movement or display."

With sham fights over by late afternoon, drinking and gaiety commenced in earnest. In some areas politicians would address the crowds, while other localities simply engaged in fun throughout the evening, disregarding the prospect of swelled heads the next morning. That morning, hangover or no, the muster would be over and citizen-soldiers would once more be merely civilians. As one reporter noted after a review, "The review is over, with all its drums and drunkards, fifes and fidlers [sic], trumpets and travelling shows, fun, frolic and fight. The negroes have staggered back to their hovels, the booths are deserted, and the field, where yesterday paraded the gallant 120th, is now covered with ragged ragamuffins, seeking sixpence and segar
stumps. Captains yesterday, are coblers [sic] to-day, Sergeants are Sausage makers, and Corporals are stripped of their military glory and are Commoners."  

This portrait of a muster in New England, differing only in the details from musters elsewhere, reveals not only picturesque and nostalgic scenes of bygone days, often related decades later by those who had been impressionable boys or young men when the events occurred, but more importantly demonstrates how closely the militia and the community from which it sprang were tied. Militia musters were not military events, they were community events; the citizen-soldiery erected no barrier to the citizenry that was not permeable with the slightest effort. As one group of petitioners informed the Massachusetts legislature in 1834, "the laws relating to [the militia] are interwoven with many of the interests of the community."  

As an inevitable result of this intermingling, though the militia had institutional functions of its own, highly formalized and codified, it also developed informal functions or relationships that were dependent on factors outside the province of the militia proper.
These relationships, though rarely formally expressed, nevertheless helped to define how the militia operated, and was perceived, as an institution. One of the most broadly-based institutions in America, the militia naturally reflected the concerns, desires and fears of the citizenry. The militia became a forum and sometimes battleground for civilian politics. Composed of males, it helped to define gender relations. A symbol of citizenship, it became a way for minority groups to achieve acceptance and a concern for the white, native-born citizens who feared such groups. It also raised the question of the relationship of religious minorities such as Quakers, Shakers, and Moravians, whose theological principles forbade them serving in the militia, to the community at large. In short, simply because it was composed of soldiers who were also civilians, the militia found itself shaped, as an institution, by those same civilians.

The Militia and Politics

On February 22, 1840, Whig supporters of presidential hopeful William Henry Harrison held a
convention in support of the candidate in Columbus, Ohio. Harrisonites from around central Ohio attended the convention. Not absent from the occasion was the militia. Volunteer companies composed completely or largely of Whigs marched to Columbus to offer a show of support for Harrison's candidacy. The Putnam Greys, the Warren Greens and the Zanesville Guards formed a battalion of troops. The Jefferson Guards also attended the convention, while from Columbus itself marched the Buckeye Rangers, the Columbus Rangers and the German Guards. A few years later it was the Democrats of Ohio who tried to use the military to show political support by organizing a militia convention in 1843 that would also be a convenient platform for Michigan politician Lewis Cass to speak, although, in the event, Cass failed to show.⁹

The presence of political partisans in their military capacity was not at all an uncommon phenomenon in American elections. As early as the 1790s, political clubs had formed around existing militia companies in some cities and towns, setting the stage for a close relationship between the militia and politics that would
last throughout the antebellum era. Though the militia itself would only occasionally become a major political issue, it offered to citizens and politicians alike a near-perfect political forum. Wherever the militia operated, it brought together citizens who quite naturally had an interest in politics. In some states, such as Alabama and Mississippi, the relationship was a formal one, as local officials such as justices and constables were elected at militia musters. But even where no such elections were held, the ballot and the bayonet maintained a close, republican relationship. In fact, as egalitarian spirit of the Jacksonian age brought the mechanics of politics to more and more individuals, the militia seemed increasingly important as a political instrument. Indeed, one Tennessee governor was impressed enough to remark on the "newly acquired habit of blending the military with the political pageants that have so signally distinguished the present era in the political history of the country." But the militia did not appeal only to egalitarian-style politics; it could be used just as well by patricians. As one historian has suggested, the state militia "served to bridge the social gulf
between the average citizens and the local elite who commonly made up the officer corps. It brought the sons of the Carolina rice planters out of their exclusive clubs and lowcountry retreats into the tented field, where yeoman farmers, town craftsmen, and clerks of the King Street mercantile trade might judge their traditional leaders at close range in an atmosphere of informal cordiality." Whether egalitarian or patrician, politics were an essential component of the informal militia institution.¹⁰

The simplest but most important advantage that the militia had to offer the political-minded was its use as a public forum. This was especially valuable in the South and in other highly rural areas, where great assemblages of the people—and the opportunities for public speaking that such gatherings brought—were rare. Militia musters were, along possibly with camp meetings, the most accessible meeting places for candidates or office-holders seeking to influence, reassure, or inflame their constituency. As a result, such politicians flocked to militia musters like moths to a flame. Jacob Hyatt accompanied some friends to a militia muster in
North Carolina in 1825, where he found "the whole assembly, say not less than 600...engaged in hearing the candidates for members of Congress and for their [state legislature] delivering their addresses to their Constituents." Thomas Oliver Larkin witnessed a muster some twenty miles from Wilmington in which 500 militiamen sat in a hollow square until dark listening to political candidates speak on the issue of the day. Such a practice was almost de rigueur in North Carolina. Indeed, political supporters often took efforts to insure that their candidates showed up at the musters. "I thought it would not be amiss to inform you," wrote one friend to North Carolina politician Willie P. Mangum in 1826, "there will be three musters in my neighborhood next week and I am satisfied that many of us would rejoice to see you at them. The musters were appointed for, and it is expected that the county candidates will attend them." Even though Mangum, having just resigned a Senate seat, was not an active candidate, his supporter had "no doubt it would be an advantage to you if you should ever be a Candidate again." Indeed, as a Boston newspaper suggested that same year, "a partizan could
'make unto himself friends of a mammon of irrighteousness,' at a muster, and, with a cigar in his mouth, a newspaper in his hand, and a gun on his shoulder, he could, in paying a marching salute to the staff, make fifteen converts to his political creed, while he was thus disciplining himself in the service of his country."\(^{11}\)

A group of Orange County, North Carolina, Baptists complained to their state legislature in 1817 that "militia officers, as if designedly to make way for such pernicious practices [treating with ardent spirits], do arrange their musters in the several districts, so that candidates may attend to treat and harangue the people," but this would hardly have come as a surprise to any of the legislators who read the petition, for the legislators depended on just such arrangements to show their faces to the people. "I am fond of the military," stated South Carolina planter and politician James Henry Hammond, who sought to be a brigadier general. "It will give me some additional influence, and it will carry me on my reviews through a part of the State where I should very much like to go."\(^{12}\)
It was not uncommon for militia officers themselves to deliver political speeches, especially insofar as they were often office-holders themselves, and even more likely that local office-holders or personages would address the militia, but possibly the individual for whom the militia held the most political importance was the governor, who held the office with the largest electorate in the state and often needed militia audiences for reelection or election to another position. A militia officer, inviting Ohio governor Allen Trimble to review his troops in 1827, reminded the politician that with "the knowlede [sic] you possess of human nature, you are well aware of the affect [sic] such a visit is likely to produce." The militia general in this case merely hoped that the governor's presence would invigorate the militia, but Trimble himself could hardly forget that reviews offered considerable political advantages. As one associate explained to North Carolina governor Edward Dudley in 1837 about the benefits of reviewing the militia, "I think that much good might result from it. Your taking such a tour through the state, would enable you to do good in more ways than one. It would bring you
in immediate contact with nearly all the people of the state and I have so much confidence in you, that I know the effect would be good." There was, nevertheless, a down side to the prospect: "As to the expense, I have nothing to say. It would be no joke. I hope it will be no obstacle to you." To travel through every or even most of the counties in North Carolina would indeed present a heavy expense. In this respect Dudley was at more of a disadvantage than his counterpart Isaac Hill in New Hampshire, who could reach the muster sites where he delivered his political speeches much more easily.13

Expense or no, reviewing troops offered governors so many opportunities for soliciting votes that the opportunity was difficult to pass up. A review, explained an aide to Governor Reuben Chapman of Alabama, "would be an occasion when you could with the strictest propriety meet the people of several counties in this end of the state. General [Thomas] Holland is a sincere friend of yours and concurs with you in the expediency of this visit if it is in your power to make it." On rare occasions, politicians might actually be more interested in issues than votes; one such example is James Hamilton,
governor of South Carolina during the Nullification Crisis, who turned a review tour in 1832 into what one historian has described as "a traveling nullification rally." Hamilton crisscrossed the state in an elaborate carriage, wearing an equally elaborate uniform, delivering speeches in support of nullification at every "inspection" stop.14

One of the largest prizes which the militia could offer politicians was its potential ability to function as a political machine. Assiduous courtiers of the militia could occasionally use positions within the militia to build up substantial networks of political support which would stand them well in political life. In 1840, the governor of Georgia appointed an astonishing 32 aides-de-camp, all with the rank of colonel (the governor of Massachusetts, in contrast, had only three aides-de-camp). The reason was not because he needed so many helping hands to administer the militia, but because he could use this appointive power to grant positions of patronage. Some politicians were even more thorough in building support through the militia. Samuel Smith, longtime senator from Maryland and hero of the War of
1812, used his leadership of the Baltimore militia to build a considerable political base in Maryland. His military aides became leaders in the Republican party, he courted the votes of militia companies, he regularly addressed militia musters throughout the state, and he used his status as militia leader to boost his status as political leader. Such relationships with the militia were not uncommon among politicians, though few were as successful as Smith. William Duane, the newspaper editor interested in militia reform, was also for some time a potent political force in Philadelphia, and this was in no small part due to his influence in the militia. After a group of militiamen with Federalist sensibilities assaulted Duane in 1799, Duane and his allies decided to form their own militia, a volunteer regiment which became known as the Philadelphia Militia Legion. Duane became a captain of an infantry company in the regiment (the Republican Greens), and later a colonel; his sometime ally Michael Leib became a brigadier general. The militia became a forum for Republican politics, and operated as a political machine in other respects as well, such as for marching people to elections. Duane
used his influence with the militia as well as his sway with immigrant Irishmen to help control politics in Philadelphia. When the Philadelphia Legion was destroyed by a political controversy in 1809, Duane commented to a correspondent that his opponents "have succeeded in breaking up our militia Legion...a corps the political and useful local influence of which you are not ignorant of." Andrew Jackson and John Quitman were two more successful politicians who owed early successes at least partially to their influence in the militia, but many military-political machines rarely achieved nationwide prominence. Joseph Ellicott of Genesee County, New York, for instance, incorporated the local militia into his political patronage machine in the early 1800s. To imaginative and active politicians, the militia could be a ready-made organization from which one could reap political benefits.¹⁵

The militia might not only serve as a base for political support, but could also serve as a sounding board for issues or to determine political strength. In the absence of sophisticated opinion polls and exit polls, the opinions expressed at militia musters on
political questions or on politicians themselves were an important gauge of which way the public wind was blowing. Thus the editors of the *Arkansas Weekly Gazette* observed with some pleasure the signal lack of enthusiasm shown by militiamen at speeches by two Whig candidates for the state legislature. "But as the 'boys' did not seem inclined to listen, the speech did not come off," explained the *Gazette* to its readers. "The fact of the matter was, that out of near two hundred persons who were on the ground, not more than twenty-five were Whigs of the new kind, and out of these we did not hear the name of Harrison once.--Mr. Cummins had given them 'Whiggery' enough for one day." William Valentine was able to determine the Whig strength in a nearby county in 1852 by attending a militia muster and listening to local election talk, while Joseph B. Hinton, an eastern North Carolina legislator, could find out from musters what positions his political opponents had taken on various issues.  

Not only were politics often talked at militia musters, but quite often straw polls on issues or campaigns were taken. Considering that the militia of a
town or county might well be equivalent to the voting
population of the same, such straw polls could be very
important indications of political strength or weakness
in various localities. Thus a Virginian, Hiram Haines,
visiting North Carolina in 1827 wrote to his wife
describing a militia muster, after which "it was proposed
by the Colonel of the Regiment to which the company
belonged (who happened to be present), to take their
sentiments on the presidential question, where it
appeared that 86 were in favor of General [Andrew]
Jackson and 5 for John Quincy Adams! In this state every
man who bears arms and pays taxes is entitled to a vote."
Haines could not have known it, but such straw polls had
played an important role in the previous presidential
election in North Carolina. In that election, supporters
of the various candidates criss-crossed the state
addressing political meetings and militia musters. At
many of these musters, votes were taken on "the
presidential question," which partisan newspapers
promptly published in order to gain support for their
candidate. Some newspapers--those whose candidates,
perhaps, did not show up so well in the straw polls--
decried the use of musters "where perhaps one-third of the votes are illegal" as a way to gauge public opinion, but "in fact there were few more accurate ways for candidates or supporters to do so." 17

Of course, if politicians could attempt to use the militia for their own purposes, so too could militia members try to turn the table and use political connections as a way to achieve militia-oriented goals. Nowhere was this more obvious than in North Carolina in the 1830s and 40s, where politics suffused the militia of this Whig-dominated state. "Every Jackson and Van Buren man and Speight man is looking for appointments," a concerned Whig informed Governor Edward Dudley, when the requisitions for volunteers from North Carolina to guard the Cherokee removal opened up positions for militia officers. "Do pray sir, do not let enemies crow over us in their appointments," he added. Volunteer militia companies led by Democrats sometimes found it difficult to get arms from the state for their use or their officers appointed to prized positions. As a result, it became common for militiamen to phrase their requests in such a way as to press, when possible, upon party
obligations. Reuben Deaver wrote to Whig Congressman James Graham complaining about Governor John Morehead's unwillingness to dispense arms. "Can you do anything for us," he asked Graham plaintively, "The company is allmost [sic] every man your friend." Lee A. Moore, applying directly to Morehead a few years later for arms for a cavalry company being raised in a known Democratic stronghold, chose to make sure that the governor was aware that his light dragoons were not of that persuasion: "The most of the company are whigs, tho in a democratic county, but on that ground we would not wish to bias your mind." The evidence suggests, however, that this is exactly what Moore wished to do. If militiamen supported politicians, it was only reasonable that the politicians return the favor when possible, so members of the militia frequently reminded officials of their party obligations.18

Such reminders most often took the shape of explanations as to how loyal a particular company or individual was. A Camden County company, desiring rifles, sabres and a cannon in 1844 provides a useful illustration. After suggesting to Governor Morehead how
"the military spirit" should be cherished, the militia representative got right to the point: "Every member upon our list old enough to vote has once at least given to the present Executive his hearty suffrage. Strange it may seem but we have not one member I believe but is a staunch Whig." The governor was expected to respond accordingly to these staunch Whigs. Some petitioners even made joking threats as to the consequences, as did Albemarle resident D. A. G. Palmer to Morehead's successor William Graham in 1845. "You well know we are nearly all 'Whigs' here," Palmer informed the governor, "and in these hard times, if you do not furnish us with public arms, the Locos may get the ascendancy, though I entertain no fears of such a result--but seriously, I do hope you will, if possible, comply with the above request." What was important was that the governor acknowledge and respond to claims of party ties. When possible, North Carolina's Whig governors tried to do so.19

While the militia could be used as a stepping stone to political office by politicians, it is important to keep in mind that militia office itself was often a
highly desirable honor. Though in some localities at some times, opposition to militia service and the ridicule created by such opposition made holding an officer's commission odious, it was more common for the honor of a militia title—especially a high-ranking title—to be earnestly sought after. James Henry Hammond, the South Carolina planter and politician, listed in 1839 the three honors he most desired: a brigadiership in the state militia, the governorship, and a U.S. Senate seat. It is not surprising that the militia position ranked among the others in Hammond's pantheon of wished-for honors, for militia office at the very least brought with it a title that according to custom individuals could use for the rest of their lives. Hammond would be "General Hammond" to many thereafter.

Since militia office was generally elective, whether by the troops, by subordinate officers, or by the state legislature, the desirability of militia positions led to spirited campaigns for election to such stations that were no less energetic—and indeed cannot be separated from—other political campaigns.²⁰

Electioneering, in whatever appropriate forms were
necessary, was not merely common but actually the rule. In Missouri, candidacies were often even formally announced. For lower level offices, the provision of spirits, or "treating," was an accepted or even expected election gambit; many legislatures tried to enact measures designed to prevent such practices, usually to little effect. Some legislatures, particularly in Southern states, limited popular election of officers, especially high-ranking ones, but this only transferred the election campaigns from the militia to the legislature, except in those rare cases where seniority systems existed. David Campbell, a militia general in Virginia in the 1830s, related the circumstances of his election to a relative: "I am Major General of the Highlands division of the Militia of Virginia. The election took place in the Legislature of Virginia on the 4th of February last and appeared in the Enquirer. I was opposed by all the nullifiers--and there was for weeks much maneuvering to defeat me. Finding however that they could not put forward a candidate of their own, with any prospect of success, they determined on running General Watts, a Clay man, in the hope of carrying all the
opposition with him. In this, however, they would have failed. Colonel McCulloch, our county member, who put me in nomination, told me that when he rose to nominate me, he calculated on either Watts or Governor Floyd being put forward." Such calculations and maneuvering were common attempts in militia election campaigns, and so was the involvement of political faction. Lewis Dille, an Ohio militia officer aiming for election to brigadier general, complained that "my enemies [sic] have been on the alert to find a candidate which they thought would successfully oppose my election," but won the election handily despite such attempts. Also successful was the husband of Mrs. Urcilla Bryan, who, she was informed by a friend, won his election for brigadier general handily, despite an opponent who "has been here from the first of the session electioneering." But often enough, electioneering bypassed party politics, going directly to the realm of personal politics. Indianan Joseph Bartholemew was well aware of the ways in which militia elections could be manipulated. In 1817, upon finding that John Tipton was going to stand for election for a brigadiership, Bartholemew promised to publicize the candidacy in his
regiment and gave Tipton tidbits of useful information. Of course, Bartholemew was not adverse to asking for payback, including a staff appointment for "one of your friends in this Regiment," and, two years later, when John Tipton had become General John Tipton, that officer's support in pressuring a candidate for militia office to abandon his candidacy in favor of another. Not surprisingly, Bartholemew himself was a general by 1821.21

Unsuccessful candidates for office, perhaps not as Machiavellian, were also considerably less satisfied at election results. One lieutenant colonel wrote huffily to North Carolina Governor Edward Dudley that he had been serving as acting commandant of his regiment for two years, but "it appears on the account of party spirits" that another had been appointed colonel over him. "Therefore I had rather go in the field with my gun," wrote the officer, "than to be duped by such a party." Militia elections were frequently contested and not infrequently physically contested. Even after controversies had been settled, the bad feelings caused by militia elections could seriously damage the workings of the militia. This was discovered by Samuel Andrews
and Robert Lucas in Ohio in 1832 when they found it extremely difficult to get returns from the 17th Division of Ohio Militia, a situation caused by animosity between the major general of the division and one of his brigadier generals, whose previous dislike for each other had been increased when the one was raised to the major generalship, "as has been alleged on party principles."

Electioneering, especially using party allegiances, was frequently condemned, as one pastor condemned the young Joseph Story, "another lawyer of boundless ambition," (and eventual Supreme Court Justice) who won election as a militia captain "by the arts of a party." When North Carolina Colonel Jesse A. Pearson failed to be elected brigadier general in 1814, supporter Archibald Murphy bitterly commented that "the Good of the Country and its Honour are forever made subservient to Party Ambition."

But such condemnation could have little effect, especially when such party arts were almost universally practiced.22

The inseparable interconnection between politics and the militia was the inevitable result of the highly politicized antebellum society and political culture, as
well as the structure of the militia itself. Consisting as it did of such a large proportion of the electorate, the militia was a natural battleground for political campaigns. The effect of such politics on the functioning of the militia was probably neutral; disruption caused by feuds and electioneering were generally offset by the increased attention given to the militia by politicians and officers. But the presence of politics did give a special cast to the character of the militia, and in particular emphasized the citizen side of the citizen-soldier.

The Militia and Masculinity

One characteristic shared by both politics and the militia was that they were part of the men's world. In a culture where the spheres of men and women were sharply delineated, with women given a much more restricted role, few pursuits were as associated with masculinity and maleness as was the military. Although few Americans ever joined the U.S. Army and wars were relatively uncommon, most American males were able at least to become citizen-soldiers for a few days a year; some,
especially in the officer corps or in volunteer companies, could for a time escape into a quasi-military world. Historian Bruce Laurie has characterized volunteer fire companies as being "exclusively a man's world;" the same can be said of the militia.23

The militia offered the opportunity for men, especially younger men, to associate with others in exclusively male company, with some important exceptions. Although only infrequently did militia service actually offer a test of manhood, in the form of war or, more likely, a call-up to respond to some emergency or commotion, it did place the individual male into a long tradition of such service. Although it was more likely that the masculine activities a young militiaman would experience would be drinking, gambling, racing, carousing, or brawling, nevertheless the more socially acceptable notions of discipline, bravery, self-sacrifice and honor could apply to varying degrees to the militia, especially in the institutions early years, before there was considerable opposition to it, and in the volunteer companies. South Carolinian Francis Pickens referred to southern military organizations in 1849 when he called
them schools "for manly and heroic virtues," but his comments would have been shared by many across the nation to whom the militia represented the masculine glories of Bunker Hill and New Orleans.²⁴

What was more important, in terms of defining masculinity, was that the militia separated the men from the boys, or at least gave the illusion of doing so. This was particularly true of the volunteer militia, in which men of their own free will subjected themselves to martial discipline. The volunteer militia symbolized not only masculinity, but adult masculinity. To shoulder a musket in the service of one's country (or state) was truly a symbol of adulthood. Members of volunteer companies often demanded that it be treated as such. To deny the volunteers what they considered their rights was to deny them their adult manhood. It is in this light that the reaction of "A Member of the Greensborough Light Artillery Guards" to a militia call-up in Alabama in 1836, mentioned in the previous chapter, should be seen. This mobilization, part of the flare-up with the Creeks that began that spring, left the Light Artillery Guards neglected. The volunteer company took it upon itself to
march to Montgomery and present its services. Informing the governor of the volunteers' intent, "A Member" pleaded with that official to "Treat us like men, respected governor, and not like children. We can muster a hardy lot of young fellows to wear our uniforms." The Guards felt a compelling desire to demonstrate that they, too, had the martial--and masculine--qualities necessary to serve with the troops.  

The same connection with adult masculinity attracted many boys to the militia. Militia musters were fun in their own right, with plenty of food and amusement; in the words of one former participant, "great attractions for all the boys in town," but for some the desire resulted in an attempt to imitate the militia. "Boys'" companies frequently appeared in antebellum towns and cities, usually with the aid and approbation of members of the militia or leading citizens. A military parade "by a company of children in uniform" in East Salem in 1807 attracted a great deal of attention, while in Boston around the same time John Howard Payne, future author of "Home Sweet Home," while still a youth organized a similar company called the Federal Band. Loaned arms by
"[Abraham Moses] Wallach, the Essex Street Jew" and provided with uniforms similar to those worn by the Boston Light Infantry, this boys' company was accepted with enthusiasm by adult militiamen, who allowed them into their lines on reviews.²⁶

Such acceptance was crucial to the boys' company, for being drawn into the ranks of the volunteer militia confirmed both their adulthood and masculinity. Moreover, it gave these youths attention and respect that was otherwise quite impossible for them to attain. As individuals, they were merely boys; as a group, they could claim admiration and respect from adult militiamen, as well as favorable notices in newspapers. Such was the experience of the "Young Volunteers," a boys' company raised in Boston in 1833. Armed with pikes, this group of sixty juveniles marched and paraded to public applause. The company emulated the volunteer militia as much as possible, even to the extent of going on militia excursions, a practice whereby a militia company would visit a nearby (or sometimes distant) city to parade and mingle with other volunteer companies. In July 1834, the "Young Volunteers" traveled by steamboat to Salem,
Massachusetts, "with marked attention," where they marched to Washington Square. A Salem volunteer company, the Mechanic Light Infantry, set up tents for the use of the boys and fired a round of artillery in their honor. The boys were then treated to dinner and taken to see the East Indian Museum, after which they paraded through the town, accompanied by musicians. In the evening, they returned to Boston, but not before leaving, in the words of one newspaper, "most favorable impressions in regard to their correct and orderly deportment, their discipline, and manly spirit." 

What some boys found in juvenile militia companies, others found in the military schools that dotted the landscape in antebellum America. The prospect of a military-style education, perhaps patterned after West Point, which graduated so many fine engineers, attracted many parents to send their children to military schools, the most famous of which were the state military schools—the Military College of South Carolina (the Citadel), and the Virginia Military Institute—and those schools started by Captain Alden Partridge, one-time superintendent of West Point, who began a string of
military schools around the country, the most famous of which was at Norwich, Vermont (the current Norwich University). These schools did indeed educate youths, but they also allowed the students to engage in many of the same activities that the boys' companies did, and gain the same community approval. They took part in reviews and parades, and even occasionally went on excursions. Alden Partridge took some of his students to Boston on one such trip in 1827, "for exercise and improvement." The two dozen students, many from the South and "unacquainted with the Eastern Section of our Country" would tour the "Metropolis of New England."28

Not surprisingly, members of military schools and boys' companies carried the memory of the attention, camaraderie, and brotherhood that came with membership into adulthood. Partridge's schools graduated a number of Partridge disciples, while members of boys' companies often became members of volunteer militia companies. In 1839, Albert J. Wright, the former captain of the Young Volunteers, as well as other Young Volunteers, formed a new military company that actively solicited former members of the juvenile company into its ranks, "together
with such other young men as would like to become members."
And indeed, the confirmation of adulthood and masculinity, together with the favorable attention so often received by volunteer companies, proved a powerful magnet for young men. Studies of the volunteer militia have tended to concentrate heavily on the social aspects of the companies, in particular the "elite" companies formed by upper-class men. Others have focused on the fact that volunteer militia companies tended to be composed of men of similar backgrounds, socioeconomic levels, politics, or ethnicity. One student of the militia has gone so far as to label the volunteer militia "a synthetic re-creation of community," where "men satisfied their longing for community" in a society that had fragmented traditional communities. While it is doubtful that many members of the volunteer militia were aware that they longed for a missing sense of community, the advantages of praise and acknowledgement of masculine virtues were benefits that could be recognized by both members of upper-class, "elite" volunteer companies and those from working-class neighborhoods.29

Emblematic of the role of the volunteer militia in
the construction of adult masculinity were the militia excursions that such companies frequently made. Militia excursions dated from the earliest years of the nineteenth century, if not sooner, but became increasingly popular in subsequent decades, particular during the period 1830-60. The advent of steam and rail travel often made trips of longer duration both feasible and desirable. Militia excursions in all areas of the country generally proceeded in the same way. A militia company would travel to another city or town, where it would be greeted by one or more local militia companies. The visiting company would provide one or more exhibitions of military skill or marksmanship, interspersed with bouts of sight-seeing. Meals would be provided by the host militia company, or perhaps by prominent local citizens. After a day or two of such activities, the militia company would return home.30

Such excursions were near-constant affirmations of martial spirit and masculinity for those involved. Both host cities and home cities watched such trips carefully and lavished praise upon participants, usually in terms of manly virtues. A city like Boston, which was both
departure and destination sites for many such excursions, provides a useful collection of the nature of such activities. The 1830s, in particular, represented a boom time for militia excursions in Massachusetts. In August 1831, the Salem Light Infantry arrived in the vicinity of Boston, to be greeted by the "young men" of Charlestown who hosted them. The next morning, the Boston Light Infantry escorted their Salem counterparts into the city, where they received a salute from the Columbian Artillery and found a marquee set up by other Boston volunteer companies. This visit by the Salem volunteers was the first of many such trips. The Independent Corps of Cadets immediately afterwards decided to visit Worcester, while the Portland Rifle Corps decided to visit Boston that month. The Rifle Corps stopped at Salem and Lynn, Massachusetts, on its journey, feted by militia companies at each stop. They arrived in Boston on August 18, with a "most military" appearance. Indeed, according to one newspaper, "They came in not as young men on a frolick, disguised as citizen soldiers, but as 'old campaigners' ready for action at the first beat of the drum." When the Rifle Corps departed Boston, the newspaper noted that
"It was a general remark, that it was of little consequence, what became of the present Militia System, so long as we had volunteer corps, so well disciplined, and composed of young and athletic men of such resolute appearance."31

The following spring, militia excursions included a visit from the State Fencibles of Philadelphia, which was received with a 21-gun salute by the Washington Artillery and visited the Navy Yard, the New England Museum, and other noteworthy sites. Other excursions to and from Boston were generally less elaborate, but continued throughout the decade, usually in the summer when travel was more pleasant. The reaction of a New York newspaper to the visit of one Boston company in 1834, complaining of visiting militia companies "quartering themselves upon such residents of the cities they visit as are unlucky enough to hold a commission," was very unusual indeed; far more common were paeans to visiting companies, praising the young men for their discipline, their manly appearance and their clever evolutions, such as the reaction to a visit from the Providence Light Infantry, whose exercises "surpassed all praise." Just as was the
case with the boys' companies, young men who could never attract the attention of the city as individuals could draw praise and approbation as a member of a military organization. In this way, members of the volunteer companies confirmed both their worth and their manhood.32

The militia constructed definitions of manliness not only by virtue of symbolizing manly or martial prowess, but also by achieving a sharp separation between the masculine and the feminine. This is not to say that women were excluded from the world of the militia entirely, but rather they were accorded extremely distinct and limited roles to play, which were in fact designed to enhance the masculinity of members of the militia. When women stepped beyond their prescribed roles, reaction was swift and often sharp.

Members of the militia desired the presence of women on most occasions, for the admiration and recognition of women was a confirmation of the manly role in which militiamen were engaged. The common militia, engaged in sham fights in the annual musters, played to an audience that consisted substantially of women. Volunteer militia organizations made special efforts to enlist the
participation of women. The volunteer militia of Northampton, Massachusetts, expecting a visit from Boston's New England Guards in the summer of 1840, published a notice in the local newspaper inviting the ladies of Northampton to a "Pic Nic" in honor of the visiting Guards. In Raleigh, North Carolina, students in the local female academy embroidered banners for the town's volunteer militia, while older women sometimes awarded a gold medal for marksmanship. When the Pennsylvania State Fencibles of Philadelphia encamped at Easton, the ladies of that town presented militia colonel James Page with "a tremendous pound-cake as a token of their regard for him and his company." Such ritualistic displays of banners, medals and even pound-cakes by women to the militia confirmed the manly aspect that militiamen hoped to display.33

Even the mere presence of women could satisfy the claims to manliness of the militia. The State Fencibles held an annual ball which attracted "the best families and the most beautiful girls in the city." Boston's Berry Street Rangers, an enrolled militia company with aspersions to something greater, also put on a ball, in
which they paid homage to the women of Boston by
decorating the city's Concert Hall with portraits of the
best ladies of Boston, while the women returned the favor
by showing up in droves, considerably outnumbering the
men. In Woodstock, Vermont, many women showed up for the
annual review. "The ladies, dear soul, were in extacies
[sic]," reported a local newspaper, "and smiled most
bewitching in their laced coats and flowing plumes.
Zounds! how bright eyes and dimpled cheeks, 'will nerve
the soldier's arm.'" Indeed, the women of Woodstock, and
of communities across the nation, were expected to nerve
arms and reinforce notions of masculinity whenever
required. 34

In such a role, the participation of women was not
only accepted but desired. But woe betide the women who
dared to cross the boundaries into the masculine sphere
of the militia; they were more than likely to have their
sex thrown back at them. Few more striking examples of
such a backlash can be found than the 36 women of Mount
Pleasant, Ohio, who (along with 33 men), petitioned the
Ohio legislature in late 1842 to repeal a law that
imposed a fine on militiamen who failed to show up at
musters. The standing committee on the militia, to which the petition was referred, reported back to the legislature in terms that not only patronized the women, but made clear in no uncertain terms the sphere in which women were welcome. "Your committee feel bound, at all times, to regard the prayers of any portion of their fellow citizens, and none more so than those coming from the ladies," the committee chairman informed his colleagues. However, "notwithstanding it comes from the ladies," the committee could not grant the petitioners' request. In fact, the committee could not understand why "any portion of the ladies" should have turned their backs upon the militia. "Therefore," reported the legislators, "the committee would sooner believe that the ladies signed the petition more as a matter of courtesy, than by a thorough conviction of its justice or good effect; or, can it be, that any portion of the fair daughters of Columbia can be so ungrateful as to forget the hand that paid the price of freedom...?" If so, they continued, how many "sparkling eyes" were made to weep and how many "blooming cheeks" made to wither "by listening too much to the soothing voice of flattery"?
Abruptly, the committee dismissed the women: "We hope, then, that a few minutes of calm reflection will bring these ladies to the just conclusion, that they had much better be employed in knitting children's stockings, than petitioning the Legislature for the repeal of a law calculated for their protection."\(^35\)

Having finished with the women, the committee turned to the men, chastising them for wanting to enjoy the fruits of freedom without helping to perpetuate them. Instead, the men should pursue a different course, "and win far brighter laurels for yourselves." The men of Mount Pleasant should turn their attention "to the raising of volunteers." Moreover, the men should "take to your assistance these ladies who have joined you in this petition. Give them more wholesome advice. And, instead of petitioning the Legislature, learn them the occupation of our good old mothers--that is, to rock the cradle with one foot, and spin their pound of tow, and be careful, too, that they are not caught rocking an empty cradle." It would be hard to imagine how the legislators could have described the expected roles of men and women more bluntly: men were to belong to the volunteer
militia and women were to remain at home, pregnant, doing household chores.36

Perhaps the only more egregious transgression of gender roles would be for women to belong to or to form military companies. Instances of such behavior appear to have been extremely rare, but when they occurred, could produce an outraged reaction by men concerned with the militia. When in 1853 a group of young women paraded in New York as a military company, the reaction of the New York Mirror was one of shock and outrage. "What new and disgraceful act of indiscipline subverting morality, decency and common sense, will have to be chronicled next?" asked the newspaper. Negro military companies "have shocked the sense of the community," but now "must men unsex themselves to minister to the vitiated tastes of a gradually deteriorating populace." The presence of even a fanciful women's military company was enough to threaten the masculine nature of the entire militia system. The women, marching two abreast down Broadway, preceded by a male drummer, mocked all the military and manly virtues that the military was supposed to represent. Had such spectacles been more frequent, it is
possible that they might have done more damage to the self-image of the militia than all the burlesques or other forms of ridiculing the institution. As it was, the militia was able to maintain its masculine, military air.\textsuperscript{37}

The Militia and Ethnicity

The militia not only offered young men a chance to enhance or even to redefine their self-image, but gave groups the same opportunity. Volunteer companies offered men the chance to associate voluntarily with others; quite naturally, many chose to join groups that had members of similar backgrounds. Thus some militia companies formed consisting of members of the same political party or the same occupation or the same ethnicity, while many companies formed that consisted of men of a similar socioeconomic level, usually high. While some scholars of the militia have argued that such developments resulted from the replacement of communities "as the basis of social organization and social thought" with "functional groups" such as volunteer fire companies, militia companies or fraternal lodges, such
claims must be treated with skepticism. The notion that volunteer companies fragmented community life by "the withdrawing of wealthier and more enthusiastic militiamen," while true in some cases, nevertheless does not take into account the inclusive nature of the volunteer militia system or the ease with which the wealthy avoided compulsory militia service. Many volunteer militia companies formed precisely in order to maintain community cohesion: the formation of a volunteer company in a particular area often allowed militiamen to escape mustering in a distant and inconvenient locale. In other words, the volunteer company of these relatively remote areas included the whole or near-whole of the military population. Other volunteer companies began not because of a search for societal cohesion, but rather in response to a particular event, such as a slave conspiracy or insurrection scare. And in many cases, volunteer companies consisted not solely of the wealthy, or members of one particular societal group, but rather simply people who wanted to perform military duty. This was especially true in those small towns or rural areas where the population supported only one volunteer company, and
these areas were far more representative than the situation in large cities. The presence of volunteer companies was due to many reasons, few of which necessarily represented a reordering of the relationship between the individual and his community.\textsuperscript{38}

Of the various types of militia companies, however, the ethnic militia company is the one which suggests most strongly the presence of a desire to recreate or to maintain a sense of community. Both social and military organizations, these volunteer military companies gave individuals the chance to associate with others of similar social and geographical backgrounds. Such units were common in American cities and dotted the landscape as well. Connecticut had German and Irish units in various towns, while major coastal cities possessed many. Philadelphia's "Second Regiment of Philadelphia Volunteers" appears to have consisted entirely of Irish companies, with the exception of one German unit, while New York City abounded in ethnicity-specific units. Individuals from Ireland, Germany, France, Scotland, Italy, and Portugal, as well as those of Jewish extraction, formed militia units in this metropolis. In
1853 New York possessed 6,000 volunteer militia, more than 4,000 of which were of foreign birth (primarily German and Irish). Such units were hardly limited to the Northeast. St. Louis, Missouri, had numerous Irish and German companies, while in Mobile, Alabama, the Irish Independent Greens formed. Chicago, Cleveland, Cincinnati and other cities also had such units.39

It is tempting to think of these volunteer companies primarily in terms of immigrants recreating a sense of community. Undeniably, some measure of this feeling permeated such units. Some were little more than social clubs or fraternal organizations, while all to some degree shared such features. Irish or German workingmen, for instance, could find company and entertainment among those with similar backgrounds or languages. A few companies, including some Irish units in New York, viewed their units as training units for potential liberation of their homeland. However, to focus too closely on their potential social or foreign military functions risks neglecting an even more important component of the ethnic militia units, the extent to which these units represented not a symbol of the "old country," but rather
a willingness to integrate into American society.

The importance of the volunteer militia in such a role cannot be overestimated. Serving in the militia, whether one regarded it as a privilege, a right or a burden, was regardless a symbol of American citizenship. Immigrants, or second-generation Americans with ethnic backgrounds, could use the militia as an important tool to confirm their status as Americans. Ethnic militia units paraded with other militia units, stood ready to serve their adopted country, participated in American ceremonies and holidays such as the Fourth of July or the anniversary of Jackson's victory at New Orleans. In this capacity, those of other than "native American" extraction could demonstrate their dedication to and willingness to become a part of their country. For every Bavarian Military Club or Kilkenny Volunteers, there stood a Columbiana Artillery or Washington Guards or Washington Blues, also of ethnic extraction. Just as boys or young men could hope to win the praise of the community by appearing in military uniform and volunteering their services, so too could Irish, German, or other ethnic groups hope to win recognition and
acceptance. "The German City Guards...paraded today," noted the Cleveland Daily Herald in 1845, providing the desired recognition, "and made a fine martial appearance, with their neat, showy uniforms, nodding plumes, and glittering arms. --The corps, recently organized, is composed of our spirited young German citizens, who exhibit a laudable pride in adding their strength to the right arm of the nation's defense." It was exactly such acknowledgement as citizens that the German volunteers hoped for.

The efforts by free blacks to create their own volunteer militia companies offer a good illustration of the desire for official recognition and acceptance of their status. In the South, the need for white control precluded even a debate over the formation of any free black militia unit, although African-Americans could be used as laborers or as musicians for the militia, and in any case thronged militia musters, even when prohibited from attending. Even a rumor of the possession of some "black blood" might prevent a white militia officer from being obeyed by subordinates. In the North, however, the status of the free black was considerably more ambiguous.
Although the 1792 Uniform Militia Act declared that only white males would belong in the militia, nothing in the act, or in state acts, seemed to prohibit the formation of black units. Although denied official status, because of both the law and popular prejudice, extralegal black military units were often allowed to exist in the Northeast. In Providence, Rhode Island, the African Greys appeared in 1821, led by a self-styled colonel, George Barrett (a veteran of the War of 1812), and participated in some of the military parades conducted in the city. New York City sported the Hannibal Guards, the Velvet Blues (also called the Tinker Guard), the Colored American Guards and the Attic Guards, probably the same as the Attucks Guards, named after Crispus Attucks, of Boston Massacre fame. The similarly named Attucks Blues paraded in Cincinnati. The Hannibal Guards, at least, evidently had a long life for a volunteer company; in 1855 it celebrated its eighth Annual Ball and Prize Drill. Even rural areas such as Hampden County, Massachusetts, might possess a private Negro militia company.41

Blacks were relieved when permitted to maintain
these companies, and pleased when their appearance or parade elicited praise, but what they sought most of all was official recognition from the states to which they belonged, an acknowledgement that would provide status and imply citizenship. It became all the more frustrating when such status was denied, for the refusal meant more than an unwillingness to accept a unit into the state militia system; it was also a statement in no uncertain terms of the relegation of the free African-American to the perimeters of American society and culture. The attempts by Boston blacks in the 1850s to achieve recognition and acceptance illustrate the importance of the role of the militia in symbolizing citizenship. A group of black Bostonians led by Charles Lenox Remond and Robert Morris petitioned the state legislature in 1852 to establish a black military company. This effort failed, as did a similar effort the next year, which included an address to the legislature titled "Our Rights as Men" written by William J. Watkins, who noted that "Our fathers were not able-bodied white male citizens but they were able enough to face British cannon, in 1776 and 1812."
Undaunted, the African-Americans formed a private military company, unsanctioned and unrecognized by the legislature, purchasing their own arms (the state would not supply any) and accoutrements. Its founders named it the Massasoit Guards, after a seventeenth-century Indian chief. However, they did not give up their attempts to obtain official sanction. Robert Morris and others petitioned the state legislature in 1856 and again in 1859. By the end of the decade, the state legislature was more willing to consider recognizing them; twice it passed legislation to amend the militia laws to allow Negroes to perform military duty, but Governor Nathanael P. Banks vetoed the measures, using the 1792 Uniform Militia Act as a rationale, arguing that the state had no constitutional power to include groups excluded by federal law from the militia. The 1850s closed with the Massasoits still without the recognition they sought.43

Frequently the attempts by ethnic minorities to form military companies of their own created a backlash from other ethnic groups or the white majority. Ethnic tensions were sometimes reflected in the militia, as in Philadelphia in the summer of 1808 when Irish and German
militia units almost clashed. More often, ethnic minorities were the victims of whites, such as New Year's Day of 1840 in New York City, where members of a volunteer fire company attacked taverns and houses owned by German immigrants, leading to an armed response from the armory of the German Rifle Corps, presumably by members, killing and wounding several of the rioters."

The largest threat to the ethnic militia companies was the growing nativism movement in the 1850s, particularly in New England. To white nativists, the ethnic militia companies were both a threat to American security and an insult to native-born Americans who had to serve alongside them. When Martin's Musketeers, an Irish militia company formed in Springfield, Massachusetts, in the mid-1850s, it provoked a hostile reaction by the public; the same town several decades earlier had witnessed the formation of a black militia company with no protest. By early 1855, nativists had begun to put severe pressure on the state government to disband those military companies composed primarily of foreigners. Petitions flooded the legislature, asking for "the organization and equipment of volunteer
companies (composed exclusively of native born Americans) independent of and in addition to the present active volunteer militia," while others simply opposed the admission of foreigners. Over 1,400 petitioners from all over Massachusetts voiced such opinions. The state government, led by nativist governor Henry Joseph Gardner, was receptive to these complaints; in 1855, Gardner disbanded three companies of artillery and two companies of light infantry that consisted primarily of men of foreign birth or descent. Only one of the disbanded companies complied with the accompanying order to return state property, which prompted a legislative committee to argue that this refusal "shows the fearful and dangerous tendency of such organizations and affords an unanswerable argument in justification of their disbandment and against organizations of like character."

Ironically, many of these same disbanded militiamen soon enlisted to fight for the Union in the American Civil War.45

The relationship between ethnicity, the militia and public opinion was far more complex than simple action and reaction. A variety of forces, including prejudice,
love of order and discipline, assimilation, class and honor all interacted with each other whenever conflict came out of ethnic groups and the militia, with no one concept necessarily dominant. An in-depth look at an ethnic conflict involving the militia can illustrate the intricacies of these various factors; a perfect example can be found in the militia riot of September 1837 in Boston involving the Montgomery Guards.

The Montgomery Guards were a volunteer militia company of light infantry formed by William Baxter. Baxter had been in the militia for some time and had even been invited to become a member of the prestigious Ancient and Honorable Artillery Company of Massachusetts, a "militia within the militia," whose officers came from other militia units, and in which he served as armorer during the years 1834-37. Baxter and the other founders of the Montgomery Guards (named after Richard Montgomery, the Irish-born Revolutionary War general, as were several other Irish companies across the country) recruited the members of the militia company from among Boston's Irish population. A list of members of the Montgomery Guards from February 1838 shows 13 native born citizens, 46
naturalized citizens, and 18 immigrants who had made their "primary declaration" to become American citizens. The Montgomery Guards were assigned to the Second Regiment of the Third Brigade of the First Division of Massachusetts Militia. The Third Brigade, known popularly as the "Boston Brigade," was commanded by Josiah L. C. Amee, a sailmaker, 37 years old in 1837, who had been in the militia since 1820, gradually rising to the rank of brigadier general, while already having served in 1834 his first of several terms on the Boston Common Council. Amee's command consisted of the newly-formed National Lancers, a cavalry company; a battalion of artillery consisting of three companies of artillery (one of which was composed principally of people of Irish background); the Pulaski Guards; and the Regiment of Light Infantry. This regiment contained ten volunteer companies, including some of the leading militia units in Boston: the Boston Light Infantry, the Boston Independent Fusiliers, the Winslow Blues, the Washington Light Infantry, the New England Guards, the Rifle Rangers, the City Guards, the Mechanic Riflemen, the Lafayette Guards, and the Montgomery Guards. The Light
Infantry Regiment was under the command of Colonel Amasa G. Smith, a 36-year old building contractor with a long history in the militia. In fact, he had been elected "captain" of the Ancient and Honorable Artillery Company in 1837."

The Montgomery Guards had never paraded before with any other units of the Light Infantry Regiment; the September 12, 1837 parade was to be its first such appearance in concert with the other companies. This was an exciting and momentous occasion; every year the reviews of the Boston Brigade attracted huge crowds in Boston Commons, who crowded the militia companies, gawking, drinking and making merry. This year the militia companies were to be fenced off from the public, each setting up its own marquee, and no tickets distributed among the crowds for admission behind the lines, to give the militia room to exercise and review. But while plans for the review were still ongoing, members of a number of the light infantry companies in the regiment met to plan a disruption of the muster in protest of the decision to allow the Montgomery Guards to participate in the review.47
Very early on the morning of September 12, beginning around 6:00 AM, the militia companies began to assemble on Boston Commons. Colonel Amasa Smith gave the order to the companies to form a regimental line at 8:30 AM. Each of the ten companies began to march into line, according to their seniority, taking the stance of "parade rest" as they arrived in position. Eight paces or so in front of their companies stood the officers: the captain on the right, the lieutenant in the center, the ensign on the left. The Montgomery Guards, being the most junior of the companies, were the last to come into line. When finally they arrived in position and Captain Baxter gave the order for parade rest, the planned demonstration in protest of the Montgomery Guards began. The orderly sergeant of the City Guards shouted a series of orders to his company, which apparently were countermanded by the commander of the City Guards, Charles A. Macomber, to no effect. The men of the City Guards marched off the field, their drummer and fifer playing "Yankee Doodle" as they marched. As soon as the City Guards began to exit the field, the members of the Mechanic Riflemen, the Independent Fusiliers, the Washington Light Infantry, and
the Lafayette Guards, as well as about sixteen men of the Rifle Rangers followed suit. One soldier of the Fusiliers, Lucius B. March, remained, as well as two others who returned from guard duty and joined the line, one of them March's brother. Colonel Smith apparently reviewed the remaining companies of the regiment, then at 1:00 PM dismissed the companies "to the command of their respective captains," with orders to return to the field at 3:00 PM. One company, the Winslow Blues, did not return to the field, but the other (remaining) companies did. The afternoon evolutions, in the words of one newspaper, "evinced a discipline and a knowledge of military tactics highly creditable to the officers and men," but other events transpiring that afternoon conspired to overshadow the quality of the marching. 48

The abrupt departure of half of the light infantry regiment early in the morning stirred the crowds that had come to watch. Many Bostonians, mostly young men, verbally assaulted members of the Montgomery Guards engaged in putting up their tent in the late morning; some threw stones at the Guards. By the early afternoon, while the Guards were assembled at their tent before
reforming their lines at 3:00 PM, the crowd had become more unruly. One individual, later identified as Joseph Pierce, tried to kick down boards put up as a fence around the marquee and made a haphazard attempt to seize one of the muskets. Pierce, according to the later testimony of Captain Baxter, referred to the officer as "MacBaxter" and shouted at him to go back to Ireland. The Guards stayed on Boston Commons until six in the evening, all the while enduring taunts, shouts, and thrown objects. Militiamen found it difficult to conduct the afternoon exercises, because so many members were needed to act as guards against the crowd. Finally dismissed, they made their way back to their armory at Fanueil Hall. A mob followed them, throwing stones, brickbats, bottles, coal, and other objects at them. The Guards did not retaliate but maintained their discipline during the long, humiliating march. Several of the members of the company were wounded, some seriously, by thrown objects.49

Immediate reaction to the actions of the six light infantry companies and the riot was overwhelmingly negative. The Boston Evening Transcript asserted that
Boston had been dishonored by the conduct of the militia companies. The Montgomery Guards, it pointed out, had been regularly chartered by the governor and well organized. There had been no complaints against them for neglect of duty, "individually or collectively, that was not the fiction of prejudice or the creation of falsehood loving mirth." The companies that had left the field did so for no other reason than "a prejudice against the Montgomery Guards, and a pre-determination on the part of certain citizen soldiers, every obedient to the laws, not to remain on the field, if [the Guards] appeared for inspection...They did as the promised to do—but if they imagine public sentiment sustains them, they will be woefully disappointed in finding themselves in a sorrowful minority." The Boston Morning Post wrote that "the prejudice against the Guards is founded on erroneous impressions, and is one which should not be allowed to exist among intelligent freemen." The Post stated (incorrectly) that 32 of 40 members were native born citizens, while only eight were naturalized Irishmen. "But even if they were all naturalized citizens," continued the newspaper, "we cannot perceive why they
should be treated with scorn, while their organization is in strict conformance with our laws, and their deportment unexceptionable." George Washington did not object to fighting alongside foreigners, nor did native-born signers of the Declaration of Independence refuse to sign because there were signers of foreign birth alongside them. The *Norfolk Argus*, a Roxbury newspaper, described in indignant tones the wounds suffered by John Lyon, a member of the Montgomery Guards and citizen of Roxbury, noting the blows to the head Lyon suffered, which fell upon his military cap. "The two severest blows fell upon the motto," claimed the *Argus*, "which is: 'FOSTERED UNDER THEY WING, WE WILL DIE IN THY DEFENCE.'" A number of lawyers volunteered their services to the Montgomery Guards to aid in prosecuting the rioters; indeed, at least at first, public opinion was strongly in favor of the Guards. Their sufferings, and the fact that they steadfastly refused to retaliate in kind, garnered them a great deal of sympathy. Then, too, Boston had already suffered several serious riots in the 1830s; yet another such incident was not welcome at all.\(^50\)

The events of September 12 demanded investigation
and punishment; very soon authorities began to pursue two different lines of justice, one civil and the other military. Governor Edward Everett and Adjutant General Henry A. S. Dearborn launched an effort to punish the officers of the six companies who apparently connived to let their militia companies march off the field, while Boston's civil authorities brought to court those individuals thought to have instigated the riotous behavior. The civil proceedings were quick and to the point, punishing powerless individuals who had incited violence. The military proceedings were longer, more drawn out, and complicated by obstruction and public opinion. Here violence was not the issue. What was at issue was the "honor" of the volunteer companies who felt polluted by the Montgomery Guards. As a result, the military authorities were decidedly less willing to punish than were the civil authorities.

The criminal proceedings began almost at once. As early as September 13, police authorities had begun to arrest individuals charged with inciting the riot against the Montgomery Guards. Very quickly four individuals were arrested: Thomas Tucker, a 20-year old teamster,
Thomas J. Young, a 20-year old cook; Benjamin Brown, a 28-year old rigger; and Joseph Pierce, a carpenter 21 years of age. Constables, members of the Montgomery Guards, and other witnesses provided enough testimony against these four to suggest that they had been prominent in actions against the Guards. Bond was set rather high, ranging from $250 to $300 per individual. Of the four individuals, only Brown, the oldest, appeared out of place; one newspaper identified him as "apparently a very respectable man." The other prisoners were poor, young, Anglo-Saxon workers, who won little sympathy from the press or the municipal authorities. Shortly after the riot, the Boston Common Council unanimously passed a resolution viewing "with mingled feelings of regret and indignation" the "outrage" committed on the Montgomery Guards, which was both "a gross violation of the rights of citizens, and a most disgraceful and dangerous disturbance of the public peace." The Council praised the Guards for their forbearance and urged Bostonians to provide authorities with information to aid in the conviction of the "offending parties."51

The trial of the four accused began in mid-October.
The counsel for the government, Samuel D. Parker, began with an opening address that clearly identified the issues surrounding the whole incident. Parker began by stressing the enormity of their crime: causing a riot.

"Riots are the evil of the age," he told the court,

"There is a frequent disposition manifested to set up private inclination and prejudice, personal, individual, self-will, above public law. This is very anti-republican....[Mobs] are the greatest enemies of republics." The origin of mobs was prejudice, and their actions were inevitably to "violate all the principles and forms of law and to prostrate all the rights of the persons attacked, in order to gratify the vindictive feelings arising from that prejudice." Prejudice was also the cause of this particular riot, the same prejudice which had caused earlier anti-Irish commotions this decade. Parker stressed that the Montgomery Guards had given no provocation, were lawfully organized, were "good citizens and good soldiers."52

If this were the case, why then, continued Parker, "should they be attacked, insulted, abused, and wounded?"

Was it, he asked rhetorically, "because they were
descendants of Irishmen, and had in their veins some drops of the spicy and sparkling blood, which in the Emerald Isle of their forefathers had elevated many of their countrymen to the highest pinnacles of human glory?" Parker took pains to make the Montgomery Guards seem unobjectionable: they had Protestants among them; they took their name from an American patriot; they had acted with extreme forbearance upon the provocations of the crowd; they were duly authorized and organized. In short, there was no reason why they deserved insult.  

Parker was eloquent; the twenty witnesses called were convincing. By noon defense attorney John C. Park had abandoned the case of Thomas Young as hopeless. The jury quickly found Tucker, Young, and Pierce guilty; the more well-off Brown was lucky to get a hung jury. On the day of the sentencing, defense attorney William Brigham asked for leniency, arguing that the origin of the excitement was the actions of the light infantry companies. Judge Thacher was not impressed, calling the actions of the rioters "a direct insult to every officer and soldier who was on the field." The judge sentenced Young to two years in prison; the other two prisoners
three years each. The citizens of Boston were determined to punish those who started riots. 54

Activities in the military sphere proceeded at a more leisurely pace. Although newspapers quickly carried descriptions of the events of September 12 to those few who had not already witnessed it or heard about it, the news took several days to travel up the "official" military chain of command. On September 16, Adjutant General Henry A. S. Dearborn issued a general order, with the apparent approbation of the governor, condemning the actions of the militiamen, "expressing the deep and painful feelings produced in his mind," and praising the conduct of the militia who did not walk off the field, especially the Montgomery Guards. The militia mutiny was especially troubling for Dearborn, who was adjutant general of the Massachusetts militia during a time of transition from a compulsory militia to a volunteer militia. It was important that the volunteer militia be seen in a positive light, so that some part of the militia system might be salvaged, yet incidents such as these brought a great deal of adverse publicity to the militia. 55
What soon became apparent to Dearborn and other high-ranking militia officers was that the militia mutiny was not spontaneous, but rather arranged in advance. Furthermore, it seemed unlikely that the officers of the volunteer companies were uninvolved. It was probable that they remained at their posts largely in order to save themselves from court-martial. Accordingly, Dearborn decided that the officers were probably responsible for the actions of their men and in late September ordered them arrested—nineteen officers in all. This was not a step easily taken. While some of the volunteer companies' leaders were not very prominent, especially in the less-fancy companies such as the Winslow Blues and the Independent Fusileers, others were rising Bostonians, especially in the City Guards, which in the opinion of one militia general was the only company that could have led the others off the field. The captain of the City Guards was Charles A. Macomber, a merchant and storekeeper, while Lieutenant John C. Park, a lawyer, had already been a member of Boston's Common Council and was currently a member of the Massachusetts House of Representatives. Ensign Newell A. Thompson,
also a rising lawyer, was soon to begin a career in politics. Other officers included the architect William Washburn, Thomas Moulton, a member of the Common Council from 1836-39, and several middle-class tradesmen and artisans. In their late 20s and early 30s, the officers were well-connected, not only in the militia, but in commercial and political circles. Several were Masons. Unlike the young and powerless instigators of the riot, they could not be dealt with summarily.  

Indeed, members of the mutinous companies soon brought their case to the court of public opinion. While rumors circulated about their activities, the Montgomery Guards kept a low profile after the riot, not wishing to arouse unwelcome attention. The mutinous companies were considerably less circumspect. On October 2, the Boston City Guards paraded in their uniforms, apparently with Macomber and Park in their ranks, "at which parade a very disrespectful course was pursued by certain of their members towards their superior officers!" On October 5, a circular appeared in the Boston *Centinel & Gazette*, supposedly signed by four members of the Guards and approved of by the officers of that company.
Along with such open acts of insubordination came division within the ranks of the militia, most notably from Amasa Smith, the colonel of the light infantry regiment. When it became likely that the mutinous officers would be court-martialed, Smith protested to his superior, Ebenezer Bradley, that he had not preferred any charges against any of the officers, but had only wanted an inquiry into the causes of the "occurrences." Smith arrested the officers as he was ordered to, but believing that the orders to press official charges against the officers were beyond the bounds of his superior's authority, declined to do so "until the usual and proper inquiry is made to make any specific charges." Smith's unexpected siding with the arrested officers left his superiors non-plussed. Unable to bring the officers to justice because of Smith's uncooperative attitude, Bradley had to release the officers from arrest.  

With their release from arrest, the militia officers felt they had won a signal victory. The six companies and their officers decided to stage a public parade to celebrate the government's humiliating retreat. The volunteer companies appeared on Boston Commons to the
delight of onlookers, then paraded up and down the main streets of the city, accompanied by two military bands. After this exhibition, the companies marched to south Boston, to the home of Thomas Davis, a former militia general who was the founder and captain of the illustrious National Lancers company of volunteer cavalry, where Davis threw them a party. Present at the party was Colonel Amasa Smith, who celebrated along with the rest of the militia.59

The celebrations came too early, however, for the government had more than one method of punishing the recalcitrant militiamen. On December 13, a committee of the state legislature appointed to examine the mutiny reported that Governor Everett should disband the six volunteer companies and form a battalion out of the remaining four. This was a decision in which Everett apparently concurred. To the militia companies in question, however, the rug was being pulled out from beneath them. Now not merely the status of their officers, but the existence of all the companies was in question.60

Immediately, the officers and men of the various
companies launched loud protests, most of which involved attacking the legitimacy of the Montgomery Guards. A petition of "the various volunteer corps of the Light Infantry Regiment," while admitting that the Guards had been formed according to the usual procedures, nevertheless stated that the right to "arm, organize, discipline and defend themselves" was a privilege the Constitution gave to *American Citizens* only. "We have been ever jealous of any attempt to suffer Foreigners to infringe upon it," stated the petitioners, pointing out that the Montgomery Guards contained 18 "not naturalized foreigners," while 46 more were naturalized foreigners, eleven more were descendants of Irishmen or "of Catholic connexions," while of the remaining two, one was the captain and the other "a man not liable to do military duty." If the Montgomery Guards were admitted, the militiamen asked, "what is to prevent this company or one similarly chartered from enrolling in its ranks and marching through our streets thousands of foreigners who have never yet become citizens and who perhaps never will?"61

Many of the individual companies also made petitions
to the legislature. A committee of the City Guards admitted that its conduct on September 13 had been a direct violation of the militia laws and that they had willingly submitted to the fines such violations incurred. But the Guards stressed that their motives "did not spring from prejudice, momentary passion, the impulses of youthful indiscretion, or any desire to gratuitously insult the majesty of the law." Rather, they acted to preserve the "well-being and future efficiency" of the militia. The formation of "distinct foreign corps" such as the Montgomery Guards were not consistent "with the purity of our institutions." The existence of the Guards was dangerous to both the community and the permanency of the national government. Since the community seemed to have "totally disregarded" the readily apparent evils, the City Guards felt it necessary to stage some public protest to attract public attention to the issue. They noted that even though their violation of the law had subjected them to much criticism, "a solicitude has been excited among our citizens that must eventually result in causing the total dissolution of all distinct foreign associations." Last,
the City Guards disassociated themselves from the rioters who attacked the Montgomery Guards. 62

The Mechanic Riflemen claimed to have "no prejudice against naturalized citizens," but were "deeply impressed" with the importance of preventing any association of foreigners "calculated to excite unpleasant feelings among the native citizens." The Fusiliers called the granting of a charter to the Montgomery Guards a "gross and aggravated outrage" upon the Fusiliers' rights as citizens and soldiers. "They never would consent," the militiamen informed the legislature," to be placed...on a level with a class of foreigners the most ignorant and degraded among us."

Both the Fusileers and the Riflemen denied any responsibility for the riots. The Lafayette Guards explained that they couldn't "consent to associate" with the Montgomery Guards, when the fact was taken into consideration that such groups would multiply with the increase of immigrants. The Winslow Blues, not as militant, protested that not all of their members left the field. 63

In contrast to the public and vocal actions of the
six mutinous companies throughout the fall and winter of 1837-38, the Montgomery Guards seemed as passive and defensive as they had on September 12, 1837. In late October, a meeting of the Montgomery Guards resulted in a decision to expel all members who had not made their final declaration to become American citizens. Reporting this meeting, Patrick Riley explained that when the company was formed, its founders had not understood what "constituted a man a citizen of the United States," and had improperly admitted several people. The company did not admit to breaking any laws, but was "willing to indulge the prejudices of some, rather than ought should be raised against it." But throughout the winter, public opinion seemed to turn. The Boston Light Infantry, not one of the six mutinous companies, protested the decision to disband the regiment and form a battalion of the remaining four companies. "There can never be that unanimity and harmony...which will be necessary to insure [the battalion's] perpetuity and usefulness so long as the Montgomery Guards are a component thereof," the Light Infantry argued. "It may be generally said...that in this country the citizens view with a jealous eye, the
interference of foreigners, in the government of our institutions...whether just or not, there is a peculiar and deep-rooted dislike to the Natives of Ireland." The Montgomery Guards, they felt, should be disbanded. While condemning the riot, many Bostonians seemed to think that the formation of the Montgomery Guards was improper and its continued existence distasteful. William Baxter, captain of the Guards, felt severe pressure placed on him by public opinion; by the end of March he had resigned his commission, citing "my duty as a friend to the public peace, and my feelings of Honour as an officer and soldier." The company's second senior officer, William McKay, also resigned, stating that he could not be an accessory in "sustaining a corps, the existence of which is deemed by members of our state government, some of my superior officers, and a large portion of that class of my fellow-citizens, in whose integrity and good judgement I have every reliance, adverse to the peace, happiness, and general interests of our community at large.""

By the time of the resignation of the Montgomery Guards' officers, it was clear that the Guards had won no victory at all, despite the disbandment of the six
mutinous companies. Public opinion had completely turned against them, and the Guards limped along for only another year before disbanding. Moreover, at least some and perhaps all of the militia companies that had walked off the field on September 12, 1837 soon came back to life under different guises. Charles A. Macomber, captain of the City Guards, soon became captain of "the same corps again, under the name of 'City Greys.'" Noah Lincoln, captain of the Fusiliers, became captain of an identical corps under the name of the Hancock Light Infantry. The Washington Light Infantry became the Washington Light Guard. These corps existed long after the Montgomery Guards had been forgotten.65

The history of the Montgomery Guards and the dramatic reaction against the company illustrates both the promises that the volunteer militia seemed to offer members of ethnic minorities--its members hoped to be accepted as patriotic Americans--and the reality of prejudice and intolerance that such minorities faced in antebellum America. Not until the pressures of Civil War made the states anxious for manpower of all sorts, including foreign-born and eventually black soldiers,
would the willingness of ethnic minorities to serve in uniform as part and parcel of citizenship and acceptance be acknowledged and accommodated.

Conscientious Objectors and the Militia

While Irishmen, Germans, and African-Americans strove to be accepted in the militia, other groups labored just as industriously to be left out. To the organized religious groups with pacifistic principles—namely the Quakers, Shakers, Moravians, and German Baptists (or Dunkers)—militia service went against heartfelt religious principles. These groups, especially the Quakers, had waged a longstanding battle with colonial authorities over the issue of military service, which by and large had been won by 1789, but religious exemptions were generally considered a privilege rather than a right. In the states where such privileges were granted, their maintenance was often precarious, while the religiously scrupulous in frontier states generally had to fight their ancestors' battles all over again. The phenomenon of individuals with conscientious objections against service in the militia will be dealt
with in Chapter Seven; here the spotlight is on groups or even communities scrupulous of bearing arms. Their desire and ability to avoid military service was the product of controversy and division, because such requests brought with them the question of privileging one group of people over another. If those religiously opposed to military service successfully avoided such service, the burden on the remaining segments of society would be correspondingly more heavy.

The question of exempting people from militia duty because of conscientious objects was one that had existed from the early days of the republic. Congress had debated providing such exemptions in its militia law, but decided against it. In the words of one Congressman, exempting Quakers would "make the whole community turn Quakers." Since the states had the power to specify additional exemptions, those states wishing to exempt Quakers, Shakers, and those with similar convictions could do so on their own. A number of states promptly chose to do so; Massachusetts, for instance, in 1796 made permanent a 1763 act exempting Quakers from fines for non-attendance at musters. Such states, however,
concerned about the communities "turning Quaker" in order to avoid military service, generally attached specific requirements to the exemption, such as having to procure a certificate from a recognized church. Authorities could be quite strict in maintaining these requirements. In 1798, Augustus Sherman and other citizens of Massachusetts claimed that they had been imprisoned for over a year for not attending militia musters or paying fines. They were Quakers, they noted, but not members of a particular church. Such professions of faith were not enough for local authorities."

In general, most Americans were willing to acknowledge rights of conscience, but were opposed to the notion that any group should receive special privileges over other groups. If Shakers, Quakers, and those of similar bent were morally opposed to militia service, then they should be required to pay an equivalent in money, so that they would still be bearing part of the public burden. Much of the conflict between scrupulous citizens and others came when members of religious sects refused to pay the fines that substituted for military duty. To Quakers and Shakers, paying such fines were in
moral terms just as bad as performing the service itself. This angered many citizens who had no exemptions at all and contributed to widespread resentment. Typical of protests was one from Chatham County, North Carolina, which informed the state legislature that the militia laws of the state were "incompatible with a Republican form of Government and the Bill of Rights of the State," because "a portion of our fellow citizens called Quakers have exclusive privilege granted them in not being called on to muster which we think inconsistent with a free government." The North Carolinians wanted the Quakers to muster or for them to "touch the strings of their purses lightly," to help compensate the poor man who "had done his duty willingly for years past, who has been compelled to muster while his wife and children were at home probably suffering for bread, whilst the wealthy Quaker and his sons remain at home." If the Quakers enjoyed the privilege of citizens, the petitioners argued, they should perform the duties of the same.

Needless to say, such protests did not sit well with Quakers, Shakers, or members of other groups, who felt that their exemptions were none too secure. Whenever
measures were passed threatening exemptions or laying fines or taxes, members of the religious sects launched protests themselves, and were frequently able to convince lawmakers to continue their privileges. Sect members pointed out that although they refused to bear any portion of the military burden, they helped the community in other ways; for instance, by supporting their own paupers. Moreover, forcing the members to pay fines often caused them considerable financial distress, because if members refused to pay, state laws usually allowed sheriffs or other officials to confiscate property belonging to the objectors and to sell it off. But members of the sects were forbidden to receive any of the excess money obtained from the sale of such items. So when Benjamin Hallowell, a Virginian Quaker, refused in 1825 to pay a fifteen dollar militia fine, authorities confiscated his writing desk, a large mirror and his hearth fixtures—perhaps fifty dollars' worth of goods. In some areas, overconfiscating became a serious problem. In 1837, the Philadelphia Herald reported that it was a "general practice" in Philadelphia to seize assets worth "four, five, or ten times" the amount of the fine, with
collectors keeping for their own the excess revenue generated from the sale of such items, because the Quakers would accept none of the money."

In states where the principle of exemptions for conscientious objectors was not of long standing, sect members found it a difficult, sometimes impossible, struggle to establish the principle. The emigration of Quakers and Shakers to Indiana in its formative years renewed, in the words of one early historian of the militia, "the old warrior zeal of Puritan and non-conscientious Southron alike, resulting in a determination to make the Quakers train for war or pay the cost of a like number of militia men." The original laws of the Northwest Territory did not allow for religious exemptions, but after its separation from Ohio, Indiana provided for the exemption of Quakers, because of "the universal benevolence which governs Said Society, established by their ample contributions to all charitable and useful institutions and particularly their exertions to civilize the Indians...also from the...Society being always in the habit of supporting its own poor, although they cheerfully pay their poor tax for
the support of those of other denominations." However, the War of 1812 caused the repeal of this act almost immediately. An 1814 law substituted a commutation fee of five dollars, which pleased no Quakers. Lawmakers later tried to entice conscientious objectors to pay the fines, by specifying that the money raised would be applied to support county seminaries or high schools and academies, but Treasurers' reports indicated that the state could collect hardly any fines. Still, only the end of the compulsory system ended the conflict.69

In Ohio, religious sect members faced a similar uphill battle. Although some early governors and politicians, including Edward Tiffin and Thomas Worthington among them, were sympathetic to the notion of exemptions or allowing members to perform labor on public roads instead, most others were not, ignoring petitions from Quakers and Shakers requesting exemption from military duty. Once the War of 1812 was over, Quakers and Shakers renewed their attempts to gain exemptions, but with little success. When James Johnson wrote Thomas Worthington in the summer of 1815 asking for exemptions, Worthington was pessimistic about the chances for success
such a measure would have. Admitting that some states did exempt Quakers from muster fines, Worthington noted that "this had been the causes of "much dissension" whenever "exempting a particular portion of the great family from duties enforced on all the rest" took place."

The legislature of Ohio eventually proved willing to compromise, but Quakers did not. When the state passed a law in 1821 allowing individuals to perform three days of labor on the roads of the state in return for exemption in times of peace, Quakers complained that the measure was insufficient. Lawmakers, however, were unwilling to give up the notion that Quakers should bear some form of burden in return for exemptions, and in fact grew somewhat recalcitrant, denying a petition by German Baptists the privilege of paying militia fines by working on the public roads. Repeated attempts by sympathetic lawmakers to aid Quakers and others met with rebuffs; as one committee reported in 1834, exempting the scrupulous "would be inconsistent with the constitution and partial in its operation," and although some citizens were conscientiously scrupulous of performing military duty, "yet they are equally interested in the welfare and
safety of the community." Indeed, the 1821 law did not last long, and subsequent efforts to reestablish the principle of roadwork in exchange for religious exemptions failed."

Although religious societies often waged long battles against state governments to win the privilege of exemption from military duty, sometimes they gave up the struggle, whether individually, as a relaxation of religious principles, or as a group. In this latter case, it was usually a sign that the sect was assimilating into the broader society around it, adopting the customs and mores of non-members in the surrounding community. Such was the case for the North Carolinian Moravians, who settled in the back-country of that state in the eighteenth century, establishing their own communities which were highly regulated according to Moravian principles. For a long time, the Moravians resisted accommodation or assimilation, except in certain practical matters such as agriculture, but by the nineteenth century, their separate society was no longer as distinct as it once had been. With increasing population in their section of the state, mostly by non-
Moravians, the opposition to military service that earlier characterized the group gave way to opinions more in concert with their fellow citizens.  

By the late eighteenth century, the Moravians had arrived at a system of cooperation with the authorities whenever possible, as long as religious scruples were not violated. Moravian leaders visited newly-commissioned militia officers to insure that they would not give the Brethren any trouble and wrote to others informing them of particulars in the militia laws. When the Whiskey Rebellion caused a stir in the back-country in 1794, Moravians were glad to be exempted from militia service, but unlike Quakers and Shakers, were willing "to pay a proportionate part of the financial burden." In Salem, community leaders made plans for the whole community to provide such funds, so that poorer Moravians would not be unduly burdened. Though Moravians did not want to serve, they acknowledged their willingness "to pay our just part of the financial burden of the country." Indeed, Moravians were careful to accommodate the state whenever possible. When a former Moravian decided to return to the fold, Salem leaders accepted him but told him he
would have to free himself from militia duty, as "we have no reason to bring trouble on our heads on his account."

Such caution was warranted, because though they tried to remain inconspicuous, the Moravians, as well as North Carolina's Quakers and Shakers, were obvious targets to those who resented religious exemptions. When Moravian Gottlieb Schober was elected a state senator in 1805, one member noted that "this will be very useful for us just now, for petitions are being circulated in various neighborhoods asking...the assembly to take away the freedom from drill...from us." That same year, Moravian fathers were asked to warn their sons to stay away from muster grounds, because their appearance "brings scorn and hatred upon the Unity and may endanger our precious freedom from militia service." The War of 1812 added additional dangers to the Moravians' security. Unity leaders decided to provide all soldiers passing through the community with food and drink, "partly out of human kindness, and partly to show our appreciation of our personal freedom from militia duty." They also drew up plans for raising money to purchase substitutes, in case Moravians were called up for duty. By 1814, the
legislature, as Moravians, Quakers and others previously exempted had feared would happen, removed religious exemptions from the militia laws, but the end of the war ended the need to put plans for dealing with militia drafts into effect, and exemptions were temporarily reestablished.  

Although the war had ended, public resentment of the exemption privilege of the Moravians had not. By the beginning of the 1830s, the legislature permanently removed their exemption, leaving the Moravians in something of a quandary as to what to do. Eventually, the Brethren decided to form a volunteer militia company, so that the Moravians—as in many other cases where volunteer companies were formed—could maintain their sense of community when required to perform military service. All Moravians required to do duty would perform it in this company, which would consist only of Moravians, to "remain intact, not mingled with others, except at the annual muster." Community leaders watched the young men acquire uniforms, equipment, and march around, and hoped that this compromise was not too much a surrender. "We wish only that this change will not have
any detrimental effect on the congregation," wrote one Moravian, but almost immediately some changes were detected. One observer noted that the citizens of Salem were "going to extremes...some for Temperance Society or Sunday Schools, others have become quite military." It was not long at all before the Moravian militia company was unexpectedly called into action, as part of the general panic that swept North Carolina in the wake of the Nat Turner rebellion in 1831. By 1832, Emanuel Schober, captain of the militia company, had become so enamored of the military life that he left North Carolina for West Point, New York, to take the entrance examinations for the United States Military Academy.\textsuperscript{75}

By surrendering their opposition to military service and accepting a volunteer company, the Moravians made a giant assimilative leap. By 1835, instead of chronicling discussions as to how to avoid militia service, town diaries excitedly noted, "The Volunteer Company mustered!!" In the 1840s, Moravians frequently chose to attend militia musters over religious services and were as excited as all other North Carolinians at the prospect for service in the war against Mexico. The religious
pacifism had entirely disappeared.\textsuperscript{76}

The acceptance by the Moravians of militia duty provides a clear illustration of the close relationship between the institution of the militia and the communities that formed it. Just as the Moravians became more like other North Carolinians, so too did they adopt similar attitudes about volunteer companies. The militia ended up reflecting Moravian attitudes, just as it reflected opinions on politics, gender and ethnicity. Although formally the militia remained a military institution, informally it served as platform, battleground, and symbol. Most importantly, this permeability to outside factors would be of critical importance to the militia as a rising tide of egalitarianism (for white males, at least) swept antebellum American society.
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AN EQUITABLE BURDEN: THE DECLINE OF
THE STATE MILITIAS, 1783-1858,
VOLUME TWO

DISSERTATION

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the Degree Doctor of Philosophy in the Graduate
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By

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CHAPTER VI

PECULIAR INSTITUTIONS: THE MILITIA AND SLAVERY

The Quest for Southern Security

In the turbulent spring of 1850, when tempers were high and pessimists spoke of civil war, a petition to Congress from Ontario County, New York, stirred up a brief ruckus in the Senate. "In view of the provisions...of the Constitution enjoining upon the people of the several States of this Union an equality of burdens necessary to the maintenance of a central government," the petitioners began, "[they] would call the attention of Congress to the present inequality in the military system of the Union." A distinction was being made in the enrollment of the militia, whereby "a large class, numbering more than three millions of people, are entirely exempted from enrollment and military duty." This class, "residing chiefly in the southern States," meant that the burdens of the militia
system were thrown disproportionately upon the northern ones. "We respectfully insist," requested the New Yorkers, "that all the burdens and obligations of the people of the several States ought to be, in all respects, equal and mutual." They called for a law enrolling "all classes of persons, without any distinction of color or condition," into the militia.¹

Once the petition became known, a Southern response was not long in coming. Senator Thomas Jefferson Rusk, a moderate Democrat from Texas, rose to condemn the petition with righteous indignation. "What would follow after the enrollment," he asked, "what would be the consequences of placing arms in their hands? To what would it lead? Does not everybody know that incendiary publications and incendiary speeches are circulated all over this broad land with the intention of exciting that class of population to insurrection?" After considerable controversy, New York Senator William Seward "admitted" to presenting the petition, among 60 or 70 others, and defended the right of petition, still under attack. The Senate put the petition to a vote, with a motion to reject it, which passed by a vote of 48-0, allowing the
Senate to proceed to still other sectional controversies. ²

The questions raised by Thomas Rusk's attack on the New York petition, however, did not die. The larger question of Southern security, raised in the minds of Southerners by the petition, continues in the form of historiographical debate to this day. In this debate, the Southern militias cannot be ignored. To what extent did Southerners depend on their state militias for protection against the people they held in bondage? Were Southern militias different from Northern ones, and if so, to what extent and in what ways? How did slavery affect the militia? These problems are a really a subset of a larger historiographical question, that of Southern distinctiveness, of the extent to which Southern culture-or institutions--distinguished Southern society from that of the North. Much of the discussion of this issue has focused on issues of chivalry, honor and manliness; all military qualities in which the militia would play a prominent role. William R. Taylor in the early 1960s wrote of the Cavalier and the Yankee, the expression of the "basic cultural conflict...between a decorous,
agrarian South and the rootless, shifting, money-minded North." This is not far from the "discrepancy between one section devoted to conscience and to secular economic concerns and the other to honor and to persistent community sanctions that eventually compelled the slaveholding states to withdraw" described by Bertram Wyatt-Brown a generation later.¹

One of the first historians specifically to attach Southern distinctiveness to a military or militaristic tradition was John Hope Franklin, who in The Militant South argued that in the South "the martial spirit had reached beyond the formal military groups, extending itself into every phase of life, transforming most institutions into semi-military agencies, and establishing forms of control which flourished in such an atmosphere." Slavery, duelling, expansionism, military education, the militia, and concepts of honor all combined to create in the South a militaristic society of distinct character. Such grandiose claims could not long stand unchallenged; the most thorough rebuttal came from Marcus Cunliffe, who pointed out the presence in the North of many of the supposedly distinctive military
elements in the South, including military schools and a fondness for volunteer military companies. Joining the rebuttal, Dickson D. Bruce, Jr., calling Southern militias "ludicrous" and "not popular," argued that the South had only the "trappings of a martial spirit...a stylized militarism." Nevertheless, the notion of a Southern military distinctiveness, either actual or perceived, has persisted among some historians.

The debate is not likely to end soon, because it parallels a debate held among the subjects of their studies, ante-bellum Americans themselves. It was plain to many Southerners that maintaining the institution of African slavery ultimately required military force. "There are circumstances peculiar in our situation, and those of the states around us," confessed Alabama governor John Murphy in 1826, "which may require more than ordinary caution. The approximation of danger, however, future, should inspire early and corresponding preparation." Many Northerners took it for granted that slavery imposed upon Southerners a need for the militia. Massachusetts Adjutant General William Sumner pointed out to his North Carolina counterpart not long after Nat
Turner's rebellion that "the state of the slaveholding States requires an organized and disciplined force more than us." Alden Partridge, the militia and military education advocate, was more explicit, noting that "It is...a fact well known, that the inhabitants of [Charleston, Savannah, New Orleans] are under no small apprehension of insurrection, etc., amongst the colored population." He argued that military academies could offer protection for Southern cities until their militia could muster."

Such opinions were by no means absent among Southerners, either, most of whom saw the reasons for their insecurity every day in the fields and in the streets. Archibald McLean, a North Carolina militia major, encapsulated the concerns of many when he described the town of Fayetteville: "In a community like ours, surrounded as it is, by a population so susceptible [sic] of being roused into disorder by the meddling and designing fanatics, it is of the very greatest importance that a continual exhibition of strength and skill in arms should be kept up." An Alabama militia general was no less explicit, arguing that it was "of vital importance
to us as citizens of a county possessing within its bosom 
[sic] a peculiar population, who can be kept in awe alone 
by a continual sense of superior physical power ready to 
act against them." 6

The extent to which the Southern militias actually 
possessed this physical power remained a matter of 
contention. A few, including Francis W. Pickens, a 
congressman from and later Confederate governor of South 
Carolina, felt that the institution of slavery actually 
strengthened the militia. In an 1849 speech before the 
state agricultural society, he defended slavery and 
suggested that it made planters form themselves into a 
"permanent 'national guard'...inured to exposure and to 
danger, their whole police regulations train them up to a 
military organization which is a school for manly and 
heroic virtues." Those who looked at the actual 
condition of the militia were less inclined to use such 
rhetoric. Indeed, despite the plainly apparent need to 
maintain a strong militia, the Southern militias seemed 
to many to be at best inadequate. A group of militia 
officers from Wilmington, North Carolina, complained of 
this inadequacy to their commander-in-chief in 1850,
noting that "owing to our peculiar institution and the existing state of our country growing out of this institution, the militia may be ordered to duty at a moment's notice. The experience of every one teaches that under the present state of discipline, a perfect reliance cannot be placed on the efficiency of the citizen soldiers." James Johnston Pettigrew, a South Carolina military aide, wrote his brother after John Brown's raid on Harper's Ferry, Virginia, that "unfortunately the Militia and Patrol system are dying out everywhere. The want of the commonest military knowledge, on the part of the militia of Virginia was truly lamentable, even farcical, and it looks as if a thousand organized men led with skill, could have marched from one end of the state to the other. I doubt whether things in the Old North State [North Carolina] are much better. There is rather more of...that sort of thing here, yet there is a continual disposition to break it down." Though Southern states rarely disbanded the compulsory militia--in this respect remaining superior to most Northern states, which largely abandoned all but volunteer militia during the 1840s and 1850s--they had
from a very early date allowed their militias to lapse into a state of lassitude far greater than that in most Northeastern states. The lack of arms, the sparse and scattered populations, and the extent of territory all combined to make it particularly difficult to administer the militia in most Southern states. No state south of the Mason-Dixon line could equal Connecticut's ability to compel attendance and arming. South Carolina represented a single partial exception, with its fitful responses to sectional controversy in the 1830s and the early 1850s.7

Despite such apathy, Southerners were quick to identify threats to their security arising from their peculiar institution. Even the attendance of blacks at militia musters could generate concern. Though because of the social nature of most militia musters blacks--both slave and free--were naturally present at most such gatherings in numbers, usually with no apparent ill effect, Southerners not infrequently became alarmed. A number of Iredell County, North Carolina, residents complained that their presence at regimental and battalion musters was "productive of much vice and immorality," and wanted a law passed prohibiting their
presence. The state legislature initially refused to take action, but sporadic attempts continued in North Carolina to prohibit slaves from attending musters unless in attendance of their masters, until at last in 1830 the state legislature enacted such a prohibition for fifteen North Carolina counties.

North Carolina also had the distinction of being one of the only Southern states to allow free blacks into the militia (the precarious existence of the Free Battalion of Color in New Orleans is another example), despite the 1792 federal law specifying militia service for white men only. There is no evidence that suggests how many free blacks actually served in the state militia, but clearly enough did to worry some Carolinians. John Washington complained to the adjutant general in 1811 about North Carolina's "soldier of colour." "Is it not very inconsistent," he asked, "that while one law seems evidently to distinguish between the white and Black, even disfranchising slaves as respects arms, and materially affecting free persons of colour, that, some law should recognize them (the latter) as a fit militia...?" Washington was concerned that militia
service would make free blacks a "step-stone" between whites and slaves, which Washington felt should be avoided. While he proclaimed himself desirous of securing free blacks "all the rights and privileges of free men, as respects interest," their close connection with slaves rendered them too suspect to be counted upon. The arguments of Washington and other proved effective; beginning in 1812, free blacks could hold no other position in the militia than musician, a service that fit racial stereotypes. Even when not in the militia, free blacks sometimes caused concern; this was especially true for the frontier, where their presence in formerly French and Spanish territories in some numbers fueled alarm. This solicitude was not limited to William C. C. Claiborne and New Orleans. Cowles Mead of Mississippi reported to Henry Dearborn in 1806 about his fear of mulattoes, "numerous and decisively opposed to our Government; under the Spaniards they enjoyed certain privileges [sic] which satisfied their pride and gave them a decent station in society. They are now fallen; they have sunk to that grade between the poorest white and the slave--a state which they abhor and will change
as soon as an opportunity offers."

All persons with black skin could be potential sources of alarm for whites, but this was true especially when those blacks were beyond the control of whites or when they allied themselves with Native Americans. While some Native Americans themselves owned slaves and tended to be accommodationist, many others viewed blacks with some degree of friendship or sympathy. The notion of black-Indian alliances was a disturbing one, because it combined internal and external threats. "I cannot withhold from your Excellency my fears on account of the negroes," one militia general told Alabama governor Clement C. Clay in 1836, "there are large bodies of them in this place and neighborhood who have had uninterrupted intercourse with the Indians for a great length of time and may have nurtured some plan of cooperation." It was for similar reasons that many Southerners enthusiastically supported the war against the Seminoles, for as U.S. Army General Thomas Jesup explained to Clay, "It is of the utmost importance to the slaveholding states that this war be promptly closed. I have ascertained beyond a doubt, not only that a connection
exists between a portion of the slave population and the Seminoles, but that there was, before the war commenced, an understanding that a considerable force should join on the first blow being struck." The Seminoles harbored escaped slaves more than they harbored any such grandiose plans, but the extent to which Jesup's suspicions were true is not as important as was the readiness on the part of Southerners to accept such statements. Southerners could be easily alarmed by any blacks beyond the control of white society, as was manifested by occasional outbreaks of concern about maroons, those groups of escaped slaves who congregated together in remote swamps or other areas beyond the easy reach of whites. Although maroon communities were far less common in the United States than in other slaveholding societies, they did exist, and occasionally hunger or other circumstances brought them into conflict with whites, as it did in Onslow County, North Carolina in 1821, where a "number of runaway and outlaying negroes" committed "many felonious acts for some weeks past...breaking open stores and other houses, having burn some houses and shot at and attacked several houses and shot one man." Whites feared such
acts less for any direct threats upon them than for the
effect it might have upon their slaves, but it was easier
to voice concern than to act upon it. " Permit me to
state that from the situation of the lower counties it is
a very difficult thing to take them," explained one
Onslow County official, "the rivers and creeks, have
great bodies of swamps and dismals adjoining them, that
when pursued they may very readily remove to an adjoining
county." However, maroon communities rarely existed in
such numbers or in such size large enough to cause a
major panic.\textsuperscript{10}

Southerners also feared other combinations of
internal and external enemies, at different times
suffering apprehensions about the Spanish, French, and
especially the black inhabitants of Saint Domingue, who
had emerged victorious in a war of black liberation.
Even indirect external threats could prove troublesome.
During the War of 1812, Southerners living along the
southwestern frontier were loath to send very many troops
with which to fight the British or hostile Indians,
because of the presence of slaves at home. Mississippi
Territorial Governor David Holmes tried to explain these
feelings to U.S. Army General James Wilkinson during the summer of 1812: "From the accurate knowledge you possess of this Country you must be well convinced that to draw from this Territory any considerable force might hazard our domestic safety." Holmes continued to press his case with Wilkinson throughout the year, noting that the militia called out composed fully one-fourth of the territory's physical force and calling for Wilkinson to relinquish the services of all cavalry and to furnish him with arms.  

What Holmes and his fellow Mississippians feared, of course, was the possibility of a slave insurrection, the ultimate threat posed by their slave society, but usually this was a subject either denied or alluded to carefully. British journalist William H. Russell thought there was "something suspicious in the constant never ending statement that 'we are not afraid of our slaves.'" To him, the South protested too much. Historian Clement Eaton has suggested that there was no consistent opinion in the South on the dangers of servile insurrection; after the Nat Turner revolt one Virginia legislator claimed that Virginia might not have another such for the
next fifty years, while another thought such revolts could occur at any time and any place. Another historian has portrayed it as "a nagging apprehension which had the potential for blossoming into genuine alarm in response to objective evidence, however slight." However, it is Bertram Wyatt-Brown who has provided the best characterization of antebellum Southern attitudes towards slave revolt, arguing that there existed "two alternating states of mind--apathy and horror--each [providing] the context for the other." Periodic, "almost cyclical" phases of white solidarity rose to assert superiority, then lapsed as fears faded. Though this characterization was meant for the white society in general, it applies with particular force towards the militia. At best apathetic towards the militia in normal times, Southerners suddenly "rediscovered" the institution--and its weaknesses--with each episodic crisis. It is in this context that we can best understand the impact that slavery had upon the militia as an institution in its various forms: the patrol system, arsenals, the distribution of arms, and reactions to panics and actual insurrections.
Slave Patrols

The most common way for many white Southerners to deal with slaves—in their militia capacity—was through serving on slave patrols. The slave patrol was a quasi-military duty in which white men travelled through designated areas—usually their district or "beat"—while on the lookout for slaves travelling without passes from their masters, unauthorized slave gatherings or other suspicious activities. While for some time slave patrols were conducted informally, colonies began to codify and formalize patrol activities in the eighteenth century. By the time of American independence patrols were an accepted means of keeping blacks in subjugation, and it was usually the state militia which furnished both the manpower and the organization for them. As new slaveholding territories were created, they brought the tradition with them. Territorial slave patrols, because of the sparse population, were of necessity more haphazard and less organized than those in more settled states. The Mississippi Territory's 1807 Military Statutes provided for militia captains to regulate patrols in their district by rotating a list of
detachments at every company muster; patrollers had to perform their duty at least twice a month, for which they would be paid $1 per night. But as territories became states, their patrol laws became more like those of older slaveholding states.\textsuperscript{13}

In most states, much of the time patrol duty was simply an extension of militia service, but not infrequently civil authorities ran the slave patrols, or states switched back and forth between civil and military administration, uncertain as to which actually offered communities the most protection from the often-ramshackle patrols. Mississippi began, as we have seen, with patrols appointed by militia captains, but in 1824 partially switched to a civil system, though like all such systems, it was still connected to the militia. In the 1824 system, the commissioners of roads in each captain's district within the counties of Adams, Wilkinson, Jefferson and Franklin, would meet once every three months and appoint "a discreet, prudent man," as "captain or leader" of a patrol, along with two other men subject to militia duty, for a term of two months. The leader of each patrol was required to be a slaveholder;
presumably he would then have an actual interest in patrolling, as opposed to drinking or carousing. In 1830, however, another act repealed the 1824 provision, and mandated that militia officers would appoint patrol detachments once every three months. An 1831 revision allowed town and city authorities to appoint patrols within the bounds of their municipalities. In 1833 the legislature reversed itself once again, removing from company commanders the power to appoint patrols, and conferring it upon members of the Board of County Police, who could appoint one or more leaders of a patrol in each police district, who would have power to summon patrol detachments of five or more people, "if occasion require." In 1850, Mississippi transferred the power of appointing "a suitable number of patrols" to Justices of the Peace, with the requirement that a majority of patrol companies appointed should be, "when practicable," slaveowners.¹⁴

Mississippi's gradual conversion from a patrol system run by militia officers to one run by civil authorities was mirrored by that of Alabama. Alabama, which inherited the Mississippi Territory's slave code
when it became a state, followed a more or less similar pattern. Alabama's first patrol law declared that all male slaveowners, "and all other persons below the rank of ensign," who were liable for militia service were also liable for patrol duty, although they could send substitutes in their place. Every militia captain had to keep a list of patrol eligibles and at each company muster rotate patrol duty among them (3-5 men, plus a leader). Patrollers would perform their duty at least once a week for two months. Their duty involved visiting all slaves' quarters and all "places suspected of entertaining unlawful assemblies of slaves." Patrol leaders were required to be appointed from "the most discreet persons" within the bounds of the company. The system began to change in 1835, when Alabama authorized justices of the peace to appoint patrols when there was no captain in a district; the following year, after Governor Clement Clay declared the patrol law "almost entirely ineffectual," this power was extended over all patrols, withdrawing the power from the hands of militia officers. This law became the basic patrol system, and withstood at least one attempt to return to the old
militia-based system. However, in 1837 an unusual relaxation of patrols began, as the legislature allowed justices of the peace of twenty counties the power to appoint patrols "only when in their opinion, the same may be necessary." These counties were those in northern Alabama and far southern Alabama: those zones of relatively low slave density. An act in the next section extended this patrol exclusion to three more counties, while an 1839 act exempted slaveowners over 45 from patrol duty. An 1841 act allowed Baldwin County to have an elaborate patrol system, but a law passed in 1844 extended the patrol restrictions, with the caveat that citizens could request slave patrols, to an additional three counties; an 1852 law added two more. In 1859, Alabama created a new volunteer militia system, as a response to the sectional controversy; volunteer company members were required to perform patrol duty as their officers demanded, though it is not clear if this was intended to replace or merely to supplement the older patrol system.¹⁵

The transition from military to civil patrols occurred in many slave states. South Carolina switched
from a militia-based system to one where municipal police determined patrols in 1839; Virginia switched to a system controlled by county courts, justices or towns in 1853, when the state abolished compulsory militia musters. One scholar of patrol laws, Sally Hadden, attributes such switches to urbanization and a declining efficiency in the militia. To some degree this is no doubt true. The state of Florida, never able to establish a true militia system, turned slave patrol power over to local magistrates in 1849. Texas, with similar problems, never used military patrols, relying on county courts to administer the patrols from its first patrol law in 1846. The increasing inability of Southern militias to enforce attendance at musters--and thus have accurate rolls from which to draw patrollers--would make military-based patrols ever more difficult to maintain, and would throw greater burdens on those citizens who did perform military duty. However, the growing confidence of white Southerners that their slaves were under firm control, as evidenced by the Alabama legislature's willingness to allow counties with relatively low slave populations to do away with mandatory patrol laws, no doubt also played
a role in their allowing the distancing of slave patrols from the militia. If, due to Northern "interference," Southerners were less secure in their human property in the 1850s than they had been a half century earlier, they were nevertheless certainly more secure from it."

Still, even when civil authorities controlled slave patrols, connections between the militia and patrolling remained. North Carolina's patrol laws from their very beginning were not administered by the militia, but rather by county courts. After 1830, county courts appointed patrol committees, which would determine patrols in their area. Significantly, the manpower pool from which patrols came remained the militia, and patrol committees were appointed for each captain's district. Patrollers might or might not receive compensation, but were exempted from public road work and from ordinary militia service. Many North Carolinians were dissatisfied with the state's civil patrol system and wanted a change to a militia-based patrol. State legislators introduced bills designed to achieve this goal in 1815 and again in 1819, but their efforts were unsuccessful. However, in keeping with North Carolina's
philosophy of local control, the state government proved willing to let counties that so desired to switch to militia-based patrol systems. Columbus County in 1817 adopted a system whereby company commanders appointed the patrols, while Davidson County in 1822 and Richmond County in 1824 made similar changes. However, Columbus switched back two years later.¹⁷

The militia systems of the Southern states acted as manpower pools for the patrol systems, but the connection between the militia and patrolling certainly did not end there. Slave patrols were the formal and codified method of controlling enslaved African-Americans in most states, but were not the only method. The Southern states evolved the practice of instituting what were often called "military patrols" during times of crisis or mild alarm. Military patrols were generally short term solutions to problems that the ordinary, relatively tiny, patrol system could not adequately deal with. The advantage of military patrols was that they used an already-existing system, the militia system, and so were readily available. In frontier areas, they were often used extensively; as one Mississippi militia officer
complained, "My little Regiment has much to do, particularly Patrol duty, owing in a great measure to the number of those disaffected wretch's [sic] among us [Spanish and French]." They were also useful in that they could summon a relatively large body of men to scour an extensive area, but such patrols were often expensive to maintain. In 1802, when a slave insurrection scare in Halifax and Northampton Counties in North Carolina alarmed residents, local leaders instituted military patrols and asked Governor Benjamin Williams for his approval, claiming that "the safety of this part of the county depends upon a regular and vigilant military patrol." This patrol consisted of ten men in each captain's district who would patrol each night in two separate groups. Williams was at first irritated because of the presumed expense, but offered no objections upon being informed that the patrols were voluntary. In 1813, a resident of Plymouth County, North Carolina informed politician John Gray Blount that in response to rumors of a slave uprising, he planned to solicit the colonel of the local regiment to send out military patrols to search throughout the county for hidden arms and ammunition. In
this, he was merely following established practice.  

Though it was their primary function, military patrols were not used only during insurrection threats. In 1821, reports of armed blacks in several North Carolina counties caused militia officers in Craven County to order out military patrols to "arrest all negroes armed or suspicious." One such patrol ended with the militia exchanging gunfire in the night with what turned out to be a voluntary civil patrol. In 1824, leaders in Gates County, North Carolina, called on Governor Gabriel Holmes to authorize a detachment of 30 militia for up to six months to help catch three escaped slaves who had committed numerous robberies. In each of these cases, the regular patrol system was inadequate to maintain white security; the militia offered a reserve force of much greater size.  

In whatever form they took, patrols added to the public burdens of white male citizens, involving the expenditure of time and money. Some states or localities allowed compensation for patrol duty, while others did not. Sometimes, patrol duty even involved a certain risk, because blacks were occasionally able to bring some
sort of retribution on the heads of patrollers. One of
the more extreme such examples occurred in southeastern
North Carolina, when slaves burned the houses of two
patrollers, and the fodder supplies of a third. The
irritations of patrol duty caused considerable
resentment, particularly among nonslaveholders, who found
themselves protecting the property of the rich in a most
direct way. The patrol system could seem very unfair
when laws exempted slaveowners over 45 years of age from
patrol duty, since slaveowning tended to increase with
age, with the result that many of the largest
slaveholders had to perform no patrol duties at all.
Many nonslaveholding whites called for patrol duty to be
limited to slaveowners; some slaveowners, wanting better
to protect their human property than unwilling patrollers
would, agreed. Edgecombe County, North Carolina, at
first tried to make patrol duty less onerous by exempting
patrollers from serving on juries, working on roads and
paying up to 40 shillings of parish and county taxes, but
this system must have proved unsatisfactory, for in 1819
it successfully petitioned the legislature to do away
with those exemptions and to limit patrol duty only to
slaveowners and overseers.\textsuperscript{20}

Resentment against patrolling led to attempts to avoid patrol duty, which sometimes involved the militia. Sally Hadden has suggested that some men left the compulsory militia and joined volunteer militia companies to avoid patrol duties, because many volunteer companies only loosely honored requirements to patrol. It is not improbable that this was a motivation for a number of men. Indeed, some volunteer militia companies, such as the Wilcox Guards of Wilcox County and the Marion Guards of Perry County, Alabama, sought (successfully in the case of the latter) explicit exemption from patrol duties. However, not all volunteer companies had the same attitudes towards patrols. The Dallas Mounted Guards, of Dallas County, Alabama, included in the charter they asked the legislature to pass a provision for the captain of the company to order out at least two patrols, each of five men and a leader, at every muster. As will be seen, many volunteer militia companies in the South formed explicitly because of concerns about keeping the slave population in check; it is unlikely that their members sought too strenuously to avoid the patrol
system. Indeed, sometimes it is difficult to understand who really was avoiding what; in 1846, the field officers of North Carolina's Twenty-fifth Regiment, in Jones County, called for the legislature to repeal its law exempting patrollers from militia duty. The officers felt that too many militiamen sought patrol appointments in order to avoid paying militia fines.  

The patrol system was actually a system of rural police, designed to keep black slaves--and sometimes free blacks--in check. Estimating the extent to which it was actually effective in so doing becomes problematical, but it was nonetheless one of the most visible ways in which Southerners used the militia system to deal with their "peculiar domestic circumstances."

The Public Arms Redux

At the heart of the ability of Southern whites to keep so many blacks in bondage was their monopoly on firearms, particularly military weapons. Though slaves could still resist their masters, or run away, no uprising had even a remote chance of success unless its participants could establish control over a source of
firearms. Because of their obvious importance, guns assumed an even greater symbolic importance in the minds of both blacks and whites. The presence of firearms indicated strength and security to whites, while their absence suggested weakness and susceptibility, even when the chances of slave revolt seemed remote. When the Mexican War broke out in 1846, one Alabaman wrote to his governor asking for weapons for his volunteer company for "home defense." "Some little anxiety is manifested by some of our Citizens in regard to a certain class of our population," he informed the chief executive. "The class about whom the Anxiety is felt, are numerous...but I believe wholly [sic] harmless, nevertheless a few well organized and well armed companies would tend to quiet the public mind." Well-armed and well-trained militia companies could demonstrate to blacks the utter futility of revolt. As a group of North Carolinians forming the Washington Guards in Beaufort County suggested, "nothing can be better calculated to keep ill disposed slaves quiet than to have constantly among them a well-disciplined force--composed of men deeply interested and highly respectable--a force ready and willing, if
necessary, to strike....The bare existence of such a
force in a community by its display and consequent
regulation will strike negroes with awe, and probably
prevent insurrectionary movements."^{22}

Despite the acknowledged importance of firearms in
maintaining white rule, their acquisition and maintenance
often left much to be desired. Arms of military quality
were not that numerous to begin with in the South, while
the federal government was not initially willing to
subsidize the purchase of arms for southern militias.
This absence of arms caused considerable frustration for
many Southerners. "You know I suppose that the Militia
in all the states as far to the southward as Maryland
exclusive are completely armed," complained one such
person to John Blount. "I mean the whole Militia and yet
Maryland is the first state that abounds in Slaves. Is
there any fatality in this Business? Foreign Enemies out
of the Question, it seems strange that the only People
are without Arms to whose Safety they may at any Hour
become essential. It must be Blindness not design that
is preparing the State for the Tragedy of an
Insurrection." Even once the federal government began
purchasing and supplying arms there existed considerable problems in maintaining a supply, due to difficulties with keeping arsenals fit and particularly in distributing weapons to the volunteer companies. In Southern states, these problems were magnified immensely by the existence of slavery, which imposed considerable limitations on the freedom of action of the governor and other state leaders.23

One of the troublesome aspects of maintaining firearms was that, whether merely as waypoints before subsequent reshipment or as long-term repositories, weapons storage mandated fixed arsenals. These arsenals, the existence and location of which were known to all, including slaves, were weak points in the defense against slave uprisings. While the existence of an arsenal indicated the presence of a significant number of weapons with which whites might put down an uprising, it was also a danger in that it was vulnerable to seizure. The concentration of weapons in one place could mean a valuable coup to daring slaves who seized control of it. As a result, Southerners frequently had to take into consideration the location and nature of arms
repositories. When fears of revolt caused the Alabama Senate in late 1831 to refer to the House a resolution requiring the quartermaster-general to move all the weapons in his possession to the state capitol building in Tuscaloosa, House members objected. During much of the year only a few persons occupied the capitol building, certainly not enough to repel a violent attack, while the building itself was deemed too far away from the population center of Tuscaloosa, and therefore vulnerable to seizure. A decade later, the problem had not been resolved. Governor Arthur P. Bagby ordered the public arms not in possession of volunteer companies removed to a capitol building office, because of their present "exposed and unsafe situation." This was not, he told the legislature, a permanent solution; what he wanted was a secure arsenal. Five years later, a committee of the legislature called for moving the arms from Tuscaloosa to the United States Army arsenal at Mount Vernon, where the expense of keeping them would be less, and where they would be more easily transported to danger points. Of course, Alabamans had also subjected Mount Vernon to scrutiny; in 1838 the governor warned the
Secretary of War that the arsenal there was exposed and "surrounded by an immense black population."\textsuperscript{24}

In North Carolina, the fear of slave insurrection led to the dispersement of the public arms in various depositories across the state. By the 1820s North Carolina had two principle places of deposit, at Fayetteville and Raleigh. By the end of the decade, authorities had grown nervous that the arsenal at Raleigh, as yet unfinished, was not secure, since its windows did not even have grates over them and there was no keeper of arms at the arsenal. Nevertheless, there was no panic. As a legislative committee member noted, the white population exceeded the slave population considerably around Raleigh, and the local situation "would be very favourable in case of an insurrection of slaves." Similarly, runaway slaves would not be inclined to take arms from the arsenal, since they were aware that slaves discovered with firearms "excites considerable interest amongst the inhabitants and...they are diligently sought after until the fugitive is taken."\textsuperscript{25}

But if the situation at Raleigh was favorable, it was not so in the eastern portions of the state, where
the slave population was more dense. Consequently, the "police authorities" of six North Carolina towns were provided with public arms by the legislature. Rumors of conspiracies and plots also alarmed the magistrate of police at Fayetteville, where the state's other principal arsenal was situated, a building that according to the magistrate, "an axe or other small implement could open, and thus in a moment the Blacks could arm themselves."

These rumors also alarmed the legislature which, even though it had distributed between 1,200 and 1,300 arms to various county authorities, declared that "owing to the present excitement, upon the seashore, that it is absolutely necessary, that more of the public arms, should be deposited" at various sites. Nat Turner's revolt in 1831 permanently turned the legislature in favor of arms distribution, "with reference to a particular class of our population;" by 1840, the public arms had been scattered throughout many counties in North Carolina. In addition to the loss of arms caused by the lower level of care inherent in such distribution, the dispersal also caused some headaches in that it created that many more potentially vulnerable arms repositories
for local whites to worry about. However, it is clear that the distribution of public arms also calmed fears of insurrection and reassured whites that they were in control of their slaves.  

More disruptive than concern over arsenals to the Southern militias was the call for distribution of weapons to volunteer militia companies. The presence of slavery added a significant force to the pleas of such companies. A number of volunteer companies in the South formed in anticipation of, during, or shortly after slave conspiracies, uprisings, or alarms. These companies were not at all averse to using their situation as a lever with which to pry arms from the governor or quartermaster general. Some were circumspect. B. M. Lowe of the Alabama Fencibles merely stated that "the defenceless condition of the country in the event of an occurrence, which may happen, renders it imperative that the 'Fencibles' should be equipped for effective service with the least possible delay." More often, however, volunteer companies stated openly their reasons for forming companies and demanding arms. When the Marengo Blues formed in Marengo County, Alabama, they asked the
governor for commissions and arms, noting that "our principle object in raising the company was to enable us to get arms to guard against the extensive slave population in this vicinity." Several years later, another group of Marengo County citizens asked for arms for a troop of cavalry, informing the chief magistrate that "it would be more than useless to represent our condition further than to say our slave population is immense and vastly outnumbers the whites capable of bearing arms and that our civil patrol is too inefficient for the safety of this county." Captain C. Jones of Greensboro, commander of the Greensboro Light Artillery Guards, asked Alabama governor Joshua L. Martin for a brass artillery piece. "In no section of our state is their [sic] so great a demand for a well organized and an efficiently armed volunteer corp [sic] as in this immediate vicinity," he told his commander-in-chief. "With a sparse and decreasing white population we are in the midst of a large number of slaves—even the apprehension of revolt from this class greatly disturbs the quiet and repose of many of our citizens."27

Such pleas were hard for governors to resist, unless
state laws somehow restrained them. Refusing to provide arms for the militia of a county that afterward suffered a slave uprising would be devastating both personally and politically to the magistrates. When scared inhabitants of Camden County, North Carolina, bought arms for themselves, then asked Governor Benjamin Williams for reimbursement, Williams replied that at each session of the legislature he had impressed upon the legislature the necessity of procuring firearms, but since he had repeatedly been ignored, he had no power to reimburse Camden County. A generation later, a successor proved more willing to provide arms to the militia in Hillsboro. Although the legislature had the issue of public arms in discussion, the governor informed the citizens of Hillsboro, "inasmuch as I should be inconsolable for the balance of my life, if any serious mischief should be done by an insurrection of the slaves," he would comply with their request for 60 muskets. Of course, like most weapons given to volunteer companies, the muskets provided to militia units to help them guard against slave uprisings soon disappeared due to neglect, a few of them every now and then ending up even in the hands of
slaves, to the dismay of white citizens.²⁸

Conspiracies and Alarms

Few events were so unwished-for in Southern states as the frequent scares and rumors of impending or occurring slave insurrection. Though actual insurrections were very rare, in terms of panic and misfortune an insurrection scare could be as damaging as the real thing. Truman B. Ransom, a Fayetteville, North Carolina, protege of military educator Alden Partridge, described in 1831 the uprising scare that resulted in his military academy securing arms from the state: "It may not be amiss to observe that 'wonderful trouble' has prevailed here, among some weak headed men and old women, for fear of an insurrection of the blacks." Insurrection scares certainly provided trouble, but rarely of the "wonderful" sort. As an 1805 plot "discovered" in several North Carolina counties—which resulted in the burning at the stake of a black woman suspected of poisoning her owners—reveals, the trouble was more often than not visited upon the black population, and usually innocent members thereof.²⁹
Insurrection scares were panics in more than one sense. While on the personal level individual whites were concerned for their safety and that of their loved ones, as well as their property, on a higher plane insurrection scares represented a loss of faith in the established order. When such scares occurred, people took what actions they deemed necessary at the moment, and only later looked for authorization or acknowledgement from official channels. To Southern governors, the loss of control was an especially irritating phenomenon. Usually aware that most uprising scares were no more than scares, and generally far from the scene of the panic, governors nevertheless had to deal with people who were genuinely alarmed for their safety. Moreover, the threat of insurrection usually resulted in a direct diminution of the governors' authority, as most Southern states had mechanisms for allowing local authorities to call out the militia or to take other measures deemed necessary in the event of a suspected insurrection. The commander-in-chief was often informed of events only after actions had been taken, or even when the event was over. Local authorities, both
civil and military, were quick to take action, which often involved "interrogations" and summary justice for suspected blacks, while the governor was left to counsel from his office that "in the execution of military duty, humanity, as far as practicable, will form a leading feature in your conduct, and when any offenders shall fall into your hands, they will be delivered over to the civil authority for trial according to law."³⁰

When informed through civil or military channels that there were rumors of an impending uprising, governors could use the militia to make adequate preparations. Rarely, a governor might refuse to take action, as North Carolina governor Benjamin Williams did in 1802 when local authorities in Camden County informed him of a suspected uprising plot. "It is far better that the respective counties should rest their safety on their own exertions," Williams wrote, "Rather than by calling up the militia of the country subject the citizens at large to the great increase of taxation which must necessarily follow to defray the expense." More often, however, governors would use such information to take discreet, preventative action. When rumors of a revolt
reached North Carolina governor Montford Stokes in the Christmas season of 1830-31, he forwarded arms to several towns, and gave instructions to a militia officer to "take such steps for the safety of your neighborhoods and county, as you may deem advisable, without creating unnecessary expense or alarm." Information relating planned insurrections in Sumpter, Marengo, and Pickens Counties in Alabama around Christmastime, 1840, caused Governor Arthur P. Bagby to order militia generals to take "such steps consistent with your proper authority, as you may deem most efficient to increase the number and vigilance of the patrols within your Brigade, and where authority fails you are requested to exert your official influence to the like end." Bagby directed that steps taken be conducted in such a way as to avoid creating any alarm, or providing any slaves with information as to suspicions. Militia officers accordingly directed subordinates into "a state of preparation," with orders to assemble in case of alarm, fully equipped. A similar, top-down anti-uprising mobilization was the David Walker scare in North Carolina. Walker was a Southern free black, then living in Boston, who published in 1828 a
pamphlet that essentially argued for violent uprisings by slaves. A clever distribution system using northern seamen sent his pamphlet to ports across the South in 1829-30, including Wilmington, North Carolina, in the late summer of 1830. Police authorities in Wilmington discovered the pamphlet, arrested a slave who was to distribute it, and informed the governor, John Owen, asking him to inform authorities across the state. This Owen did, communicating information about Walker and his pamphlet to police officials and senators of thirty-two counties, and suggesting that police officers along the seaboard should seek information and try to prevent dissemination of the pamphlet. Local authorities, once informed, took what they considered to be appropriate action. Typical measures from one county included dispatching circulars to all militia captains in the county ordering special musters to determine the number and condition of arms, and to prepare them for being ordered into service at a moment's notice. A volunteer militia company in the county mustered and presented "a display of strength and discipline as must put a damper on the hopes of all seditious persons present."
Elsewhere actions were more precipitate and less considered; as one person confessed, "Strong measures are now progressing here, and I know not where we shall stop." 31

As often as not, governors found themselves having to accede to or limit such strong measures already taken by local authorities. A good example of such a situation can be found in North Carolina in August 1821, when a group of runaway slaves caused a panic along the seaboard counties. Civil authorities in Jones County ordered out the local militia, while Samuel B. Andrew, the commander of the Bladen County militia, ordered out 100 militiamen for a period of a month. When informed of these activities, Governor Jesse Franklin could only ask them to forward information and urge them to dismiss the militia as soon as possible. Franklin was particularly concerned at the large number of militiamen mobilized by Andrew on the officer's own initiative, but Andrew justified his actions by stating that many citizens had thought 100 men insufficient. Andrew divided the men into four groups with orders to search along the Cape Fear River, but their efforts were largely unproductive. By
September, Andrew felt confident that he only needed 50 men to protect the county, but Franklin had lost patience with the perhaps too excitable militia officer and ordered all remaining militiamen discharged. In October the commander of the Jones County militia reported on his efforts, which also largely involved dividing his militia force into smaller detachments, then sending them to scour the land near the river searching for runaways and other suspicious blacks. Franklin could only wait for reports from such subordinates while in Raleigh, and dismiss the militia when it was obvious that the crisis was over.32

Fear of possible insurrection created some impetus for changing the nature or structure of the militia. While some argued for increased numbers of musters or other ways to make the militia generally a more formidable force, such attempts made little headway against public opinion that wanted less, rather than more, onerous militia service. More attractive were the arguments for changing the force structure of the militia to more easily suppress a slave revolt. Almost invariably, such arguments argued for the importance of
cavalry. Mounted troops seemed the ideal force to use against unruly or rebellious slaves, for a number of reasons. North Carolinian John Washington encapsulated most of them in a plea to the adjutant general of his state, Calvin Jones, in 1811 for more attention to the cavalry. "In a country like this, and the other Southern states," he explained, "extensive and thinly inhabited, I think a cavalry force all-important, and highly worthy of public attention, particularly when we take into consideration the proportion of population which it would be next to madness to rate as friendly to the common interest." Infantry was too "tardy and heavy of movement." In addition to slowness, "a considerable proportion [of the infantry are] too little interested to secure a timely and willing suppression of commission of this kind." Besides, "a mounted force, would certainly be more dreaded than a foot." Each county, Washington believed, should have one or more companies of cavalry."

Cavalry, as Washington stated, was the perfect force for a dispersed, rural population. It could quickly reached troubled areas. Moreover, mounted units were particularly effective against ill-disciplined forces,
particularly when not well-armed, which would certainly characterize any slave rebellion. More interesting still is Washington's connection of cavalry with slave-owning. People who had the money to buy a suitable cavalry horse were also likely to own slaves; cavalry companies of necessity were composed of the wealthier residents of any region.

Although many recognized the importance of mounted troops, Southerners offered different plans for getting them. Calvin Jones, who in 1811 read John Washington's call for cavalry, offered his own plan two decades later to Governor Montford Stokes. Jones called for what might be labeled a "citizen's cavalry" to replace the militia system: "If the whole body of our citizens were required to assemble in certain defined sections at stated periods, mounted, but not required to uniform or arm other than with such side and fire arms as they possess, and were instructed in a few of the simplest manoeuvres [sic] of cavalry to enable them to act with concert and effect they would be valuable as patrols, prevent insurrections and put down promptly a servile war in its forming state." Such a transformation of the entire
militia system was too radical for most people. Far more common was a call for Southern states to have at least one company of cavalry in every county. "Considering the peculiar character of a portion of our population," Governor Arthur P. Bagby informed the Alabama legislature in 1839, "and looking to emergencies, that might arise, I consider the organization of an efficient troop of cavalry in every county in the State, as a matter of vast importance to our quiet and safety." The legislature agreed, amending the militia laws so as to permit one troop of cavalry in every county in the state. The following December, Bagby requested that Alabama's entire quota of arms from the federal government be taken in cavalry arms (except for one brass field piece), because of "the character of a portion of our population," which demanded a company of cavalry in every county in the state. Even when states did not take explicit action to encourage or require a company in every county, they still often--especially after insurrection scares--took their quota of arms in cavalry weapons, in reaction to or in anticipation of the cavalry companies which generally formed after such events.
The Militia in Action: Nat Turner and North Carolina

Actual slave uprisings were so rare compared to those merely suspected that most white citizens seldom ever confronted blacks in their capacity as militiamen other than through the patrol system. However, looking at the response to a slave insurrection allows us the chance to see how, as well as how well or poorly, the militia functioned in its role as guardian of white security. Here we will look at North Carolina's response to the insurrection began by Nat Turner in Southampton County, Virginia, in 1831. Directly adjacent to Southampton County, Virginia, is Northampton County, North Carolina, and North Carolina was thrown into just as much a panic as was its neighbor to the north.

The story of Turner's insurrection is well-known. Nat Turner was a slave preacher, born in 1800, who became convinced he had been appointed by God to lead a rebellion. He convinced a few other blacks--apparently five--to join with him in a revolt that began on August 21, 1831. Seizing arms and horses, and gathering supporters, the slaves numbered perhaps seventy by the next day. The rebellion was bloody; as the slaves
travelled through Southampton County they killed most of the whites they came across. By August 23, the death toll was at least 57. That same day the rebels headed for Jerusalem, the county seat, to seize the arms there. Along the way some of them were attacked by a group of whites at the farm of James Parker; when reinforced by a company of militia, Turner's men retreated in disorder. This ended organized resistance by the slave rebels; what followed was a bloody "mopping up" campaign in which white militia and citizens murdered several hundred blacks in response. Turner himself eluded capture until October 30; he was hanged on November 11, 1831.\textsuperscript{35}

Events were so chaotic in Southampton County at the beginning of Turner's insurrection that authorities outside Southampton took some time to receive news of the revolt. By August 23, however, word was out, having reached the governors of both Virginia and North Carolina, as well as numerous other authorities. In Virginia, this began a massive military mobilization of militia, citizens, and even federal troops. North Carolina's response was somewhat more cautious. In Halifax County, two counties away from the rebellion, the
Justices of the Peace ordered out the militia on August 23, but in order "to secure the public peace and quiet." At Raleigh, on the same day, Governor Montford Stokes received several panicked reports and decided he needed clear information to allow him to act. He sent a commission of three people—-one a militia major general, one a major, and the third apparently holding no office in the militia—to visit Halifax and Northampton Counties "to ascertain [sic] the truth of the rumour which is in circulation here relative to the insurrection of the negroes in Virginia." In the meantime, local militia officers and men all over southeastern Virginia and northeastern North Carolina were receiving messages like the following message from a militia colonel to one Nathaniel Mason: "I have just issued orders [for a regiment to assemble], armed and equipped as well as can be upon this sudden notice to perform military duty. The nature of the service admits not of delay or excuse. Do not wait for a more formal warning from your captain. You and your neighbors repair to the place of rendezvous with what arms and ammunition you may have on hand. Intelligence not to be doubted has been received during
the night [of an insurrection]." In Murfreesboro, North Carolina, just across the state border, the arrival of a Southampton County schoolteacher whose family had been killed by the insurgents sparked the militia into action. That afternoon, the local volunteer company, the Governor's Guards, set out for Southampton County itself.36

The trio that Stokes sent out soon reported back with information for the governor. They had not stayed together but had split up, with the militia general separating from the other two. The latter pair, John Laughter and E. W. Bert, travelled to Northampton Court House, where they found 200 refugees, women and children, from Southampton County and northern Northampton County. There they discovered that the insurrection had broken out in Southampton and was confined to that county, that the blacks were mounted and armed with muskets, that they were "going about in squads of different sizes," and that their actions had been brutal, with some 50-70 whites killed. The observers informed Stokes that by now the insurgents had been entirely dispersed or taken, by the considerable forces that local whites had raised. The
militia general, M. T. Hawkins, reported to Stokes on August 25 from Warrenton, North Carolina. He, too, had accurate information: about 60 armed and mounted men had killed between 50 and 75 whites. He had received an express from Northampton County requesting aid from the other counties to speed to the frontier, but felt it unnecessary to send any men to Northampton. Instead, he drafted 100 militia to be held in readiness. He also reported that a volunteer company of more than 100 men had "been acting vigilantly as a Patrol," something probably duplicated in most counties in the area. With these precautions, he felt the situation under control. Other militia officers were not so certain. Colonel Carter Jones, commander of the Northampton County militia, ordered out the entire militia of the county--some 500 to 600 men--until August 25, when he released all but about 360, whom he stationed in the different districts and sent patrolling. Civil authorities in Hertford County, to the east of Northampton, similarly ordered out the entire militia.37

News of the sudden insurrection caused North Carolinians all over the state, but particularly in those
areas with high slave populations or near Southampton, to take stock of their security. The magistrate of police of Fayetteville asked for permission to withdraw arms from the state arsenal there for the security of that area, while a militia colonel asked for arms to be sent to Halifax County. Authorities in Gates County also wanted weapons for their militia. Citizens of Bertie County adopted the traditional response to an insurrection scare of forming a volunteer cavalry company; they also wanted weapons for it.36

Some areas of the state were panicked, while others were merely concerned. Along the border of Virginia the worst overreactions occurred, especially in Northampton County, where the presence of eventually over a thousand white refugees both alarmed and inflamed North Carolinians. The cavalry company from Murfreesboro, the Governor's Guards, committed some of the most notorious atrocities in Southampton County, killing at least 40 blacks in two days. Some members of the company beheaded 15 slaves, sticking their heads on poles as warnings. In North Carolina itself, residents of Murfreesboro shot and decapitated a slave. Other blacks were tortured, shot
and even burned alive. Most of these murders were committed by individuals rather than militia units, but it is clear that the militia was not particularly interested in calming white reaction.\textsuperscript{39}

White reaction, moreover, was not limited to the brief span of the insurrection itself. North Carolina suffered from additional waves of panic and reaction throughout the remainder of 1831. Nat Turner himself was not caught until the end of October, while every white viewed slaves with extreme suspicion. The largest such panics occurred in mid-September. On September 12, Nathan B. Whitfield, major general commanding the Sixth Division of North Carolina Militia, sent Stokes an express informing the governor that seventeen white families "were horribly massacred" by blacks in Duplin and Sampson Counties (in the southeast region of the state). Local authorities, having heard rumors of an insurrection planned for October 1, seized 35 blacks and forced them to confess that they had agreed to join a slave named Dan in rising up on that day, travelling to Wilmington, to seize the arsenal there. White families gathered together for mutual protection, while Whitfield
ordered out the militia—which he discharged only two
days later, upon finding out that there had been no white
deaths. Before the rumor was squashed, however, it had
set off a panic throughout North Carolina. The militia
was called out in all adjoining counties, while in
Raleigh citizens held a meeting to determine defensive
measures for saving the city. An ad hoc military company
formed, consisting of persons normally exempted from
military duty, while local authorities interrogated
blacks. Rumors came into the city that Wilmington was in
the hands of slaves and burnt, and the blacks were
advancing on Raleigh itself. In Wilmington itself—which
was free of flames—panic reigned. City authorities
declared martial law, then set about interrogating
blacks, while citizens formed a troop of cavalry and
asked the governor for arms. Eleven blacks were hanged
by authorities in Wilmington; several more were lynched.
The total number of blacks murdered during the September
scares is impossible to determine, but it was undoubtedly
quite high.40

Perhaps more than the Southampton insurrection
itself, the mid-September panics caused North Carolinians
to become alarmed for their security. Communities all
over the middle and eastern portions of the state
demanded arms from the state government. Even the
students at Chapel Hill sent a memorial to Stokes on
September 17, informing him that they had organized a
volunteer company because of the "truly alarming attitude
of a portion of our black population," and asking for
arms. A citizen of Hartford County, commenting on all
the alarms that had so scared the white population,
informed Stokes that it was imperative that the militia
be armed. "In this I see," he wrote, "the only perfect
means to look down, and clear off, this spirit of
insubordination, and probably in a way most to be
desired, without bloodshed in any quarter."41

Throughout the remainder of 1831, North Carolinians
formed volunteer militia companies, both cavalry and
infantry, and demanded arms. Existing units, realizing
the poor condition of the arms they possessed, also
wanted weapons. North Carolinians also demanded more
stringent laws controlling blacks. Governor Montford
Stokes was himself more deliberate. He told South
Carolina governor James Hamilton that although he would
approve of concerted efforts by Southern states to prevent insurrections, he was too busy right now to suggest any. Moreover, he was disturbed at the deaths of innocent blacks, noting that in areas where panic had died down, all prisoners tried were acquitted. As a result, Stokes was not inclined to urge the legislature to adopt radical measures. "Instead of multiplying severe and sanguinary laws to operate upon those, who know little, and care less about them," he asked the General Assembly, "would it not be advisable to establish a more efficient and accountable police, and to arm and equip one or more companies of volunteers, or detached militia, in each county...?" The public arms, Stokes thought--erroneously--could not be placed in safer hands. The legislature itself simply wanted more arms, and directed Stokes to make a special application to the federal government for cavalry arms (Stokes requested 1000 pairs of pistols and 500 swords), even though the state had already received its yearly allotment of arms. Secretary of War Lewis Cass sent the requested pistols and swords, deducting them from the next year's quota. No substantial reform of the militia took place, nor of
the patrol laws, although the gradual distribution of North Carolina's stocks of arms throughout the 1830s was no doubt substantially influenced by Nat Turner's insurrection and the subsequent scares.42

Reaction to the Southampton insurrection was not limited to North Carolina and Virginia; other states across the South experienced panics or concern in the wake of the rebellion. In Alabama, a state exhibiting the typical range of reaction, whites took stock of their security with varying degrees of excitement. In Tuscaloosa, city authorities on October 1, 1831, asked that the quartermaster-general remove his arms to a more populous part of town; a month later, the authorities wanted arms themselves. In Huntsville, there was more panic. There, a militia colonel informed Governor Samuel B. Moore, "much alarm" prevailed in the county ever since hearing of Southampton. "We are, Sir, in a defenceless and dangerous situation in this county," the colonel explained, "in the event of a sudden irruption [sic] of the Negroes. There is no doubt, sir, that a force of from 1,500 to 2,000...might be collected in Huntsville by 12 o'clock at night, at any time fixed on by the blacks,
in which event in our unarmed situation, the town might be destroyed, and many of our population slain or ruined." The legislature debated the patrol laws, as well as establishing an arsenal and increasing the number of militia musters per year, though little came of these measures. As in other states, Nat Turner's rebellion caused a desire for firearms for protection more than it provided the impetus for any substantial military reform. Southerners were more willing to place more restrictive measures on blacks than they were to increase the burdens of whites. They also became even more hostile to those with abolitionist sentiments. 43

The presence of slavery in the Southern states affected their militias, but did not transform them. The South was not a nineteenth-century Sparta, keeping helots in line with a white army. The threat of overwhelming force and the all-encompassing system of paternalism tended to channel the efforts of whites to maintain--and of blacks to subvert or lessen--the system of African slavery away from group actions and into individual actions. Confrontations tended to be between master and slave rather than between white society and slave
society. Thus the militia did not become an institution whose sole purpose was to maintain slavery; it maintained considerable continuity with the militia of other, nonslaveholding states.

Slavery incontrovertibly affected Southern militias, but subtly rather than grossly. In general, slavery operated as a limiting factor upon the militia and its leaders, narrowing the range of choices and decision-making abilities of Southern leaders. Because of fear of insurrection, Southern governors had to relinquish much of their control over the militia to local authorities. Similarly, there was considerably more pressure in the South to distribute arms to volunteer companies than there was in, for instance, New England. Governors could not afford to ignore the concerns or fears of panicked whites, even when they thought them completely unfounded. And even though many Southerners called for an end to compulsory militia service, pointing to the low state to which the institution had sunk, Southern leaders were reluctant to do away with even a moribund compulsory system. If slavery did not require that a constant guard be kept up, it nevertheless did require that authorities
always be willing to respond to any perceived threats, realistic or otherwise.

It is this limitation which helped to produce the military version of the "almost cyclical" variance between apathy and horror described by Wyatt-Brown. While the unpopularity of the militia system required that its burdens be not too heavy if the institution were to be maintained, the dangers of the system of African slavery demanded that few obstacles be thrown in the way of white response to perceived threats of rebellion. Any roadblocks could--in the eyes of whites--endanger the entire white community, especially since the apathy surrounding the militia system generally meant that white communities were not prepared to begin with to protect themselves, increasing the consequent sense of alarm. But once the period of alarm was over, there seemed no need for costly and unpopular measures. Thus the relationship between the militia and slavery was necessarily one of alternating inaction and action, with innocent blacks usually the victim of the latter.
NOTES


2. Ibid, 685-86.


5. Alabama House Journal, Eight Session, 6-13; Sumner to Beverly Daniels, February 28, 1832, Letterbook H, Letterbooks of the Adjutant General, MMRO; Sumner to John C. Calhoun, February 29, 1832, Ibid; Baker, "The Partridge Connection," 310-311. In the letters to Daniels and Calhoun, Sumner includes copies of an address on the militia, in which he uses the insurrection at Southampton, along with disturbances in Providence, Rhode Island, as justifications for maintaining the militia system; see Sketch of Adjutant General Sumner's Address to the

6. Archibald McLean to Charles Manly, August 18, 1849, Governors' Letterbooks, Volume 39, NCDAH; George W. Crabb to John Thompson, November 8, 1838, Benson Family Papers, Special Collections Library, Duke University.


8. Petition of Sundry Inhabitants of Iredell County, November 3, 1818, General Assembly Session Records, Box 3, NCDAH—the significance of this petition is also discussed in Bill Cecil-Fronsman, Common Whites: Class and Culture in Antebellum North Carolina, (Lexington: University Press of Kentucky, 1992), 73; A bill to prevent slaves from attending General Reviews and Regimental, Battalion, and Company musters, camp meetings and election grounds, General Assembly Session Records, Senate Bills, Box 3, NCDAH; Session Laws of North Carolina, 1830, Chapter 156.

9. John Washington to Calvin Jones, July 29, 1811, Letters, Orders, and Returns, 1807-12, Adjutant General's Department, NCDAH; Cowles Mead to Henry Dearborn, October 7, 1806, Mississippi Territory Executive Journal, 1805-1810, Typed Transcripts, Container 3113, Folder 3, ADAH.

10. William Irwin to Clement Clay, May 20, 1836, Alabama Governors' Administrative Files, Container SG 6239, Folder 1, ADAH; Thomas Jesup to Clay, September 6, 1837, Ibid, Container SG 6448, Folder 1; W. L. Hill to Jesse Franklin, August 8, 1821 (two letters), Governors' Letterbooks, Volume 24, NCDAH. For another example of suspected links between Native Americans and slaves, see P. Martiniere et al to Arthur P. Bagby, December 9, 1840, Alabama Governors' Militia Files, Container SG 11960, Folder 10,
ADAH.


14. Laws of Mississippi, 1825, Chapter 16; 1830, Chapter 39; 1831, Chapter 91; 1833, Chapter 13; 1850, Chapter 24.

15. Laws of Alabama, "An act to regulate Patrols, and for other purposes," December 17, 1819; "An act to authorize a Justice of the Peace to appoint Patrols," January 2, 1835; "An act to regulate Patrol Detachments, and to enforce the performance of Patrol duty in this State," January 1, 1836; "An act to alter and amend the patrol laws now in force in the counties therein named," June 29, 1837; "An act to alter and amend the Patrol law now in force in the Counties of Franklin, Dale and Shelby," December 2, 1837; "An act to amend the patrol law," February 2, 1839; "An act to organize and establish Patrol Laws for the County of Baldwin," January 1, 1841; "An act to alter and amend the Patrol Law now in force in certain Counties therein named," January 15, 1844; "An act to alter and amend the
patrol laws now in force in the counties of Choctaw and Chambers," February 9, 1852; "An act to provide for an efficient Military organization of the State of Alabama," February 24, 1860; Alabama House Journal, Seventeenth Session, 52; Nineteenth Session, 55.


17. North Carolina Revised Statutes, 1821, Chapter 406, 616; Laws of North Carolina, 1830, Chapter 16; "A Bill to amend the militia laws and also the several acts now in force within the state relative to patrols," General Assembly Session Records, November-December 1815, Box 1, NCDAH; "A Bill to regulate and change the mode of appointing patrols in the several counties of this state," Ibid, November-December 1819, Box 1; Laws of North Carolina, 1817, Chapter 61; 1819, 106; 1822, Chapter 108; 1824, Chapter 81, 86.


20. Petitions of Inhabitants of Counties of Sampson, Bladen, New Hanover, and Duplin, General Assembly Session Records, November 1830-January 1831, Box 6, NCDAH; Petition of John McCullough and others, September 25, 1825; Ibid, November 1825-January 1826, Box 4; Hadden, "Law Enforcement," 116-121, 197.


22. Seldon A. McMeans to Joshua L. Martin, June 6, 1846, Alabama Governors' Militia Files, Container SG 12065, Folder 1, ADAH; William A. Blount and others to the Representatives of the County of Beaufort, n.d., enclosed with "A Bill for the better regulation of a light infantry company in the county of Beaufort called the 'Washington Guards," General Assembly Session Records, November 1831-January 1832, House Bills, Box 1, NCDAH.


25. Report of the Committee on Militia and Public Arms, enclosed with "A Bill concerning the distribution of the public arms to certain police authorities herein specified and in case of invasion or insurrection and for other purposes," General Assembly Session Records, November 1829-January 1830, Senate Bills, Box 3; Adjutant General's Report, December 3, 1828, General Assembly Session
Records, November 1828-January 1829, Box 5; Report of the Committee for the Militia Laws and Public Arms, December 30, 1828, enclosed with "A Bill to provide for the protection of the arsenal and safe-keeping of the publick arms and for other purposes," Ibid, Box 3.

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CHAPTER VII

'A ROBER WHICH ROBS': OPPOSITION TO MILITIA SERVICE IN ANTEBELLUM AMERICA

Resentment Expressed

Jason Morse, a young Massachusetts laborer, was angry at the militia and all who helped to maintain the system. He had performed militia duty for several years, his place of muster alternating between his town and a nearby town, the two of which together composed a company of militia. In 1829, it was the turn to go to the other town, where he had "a good day and a good muster if thair ever was a good one but I don't think that thair ever was a good one." However, the next year, though the muster should have been held in his town, it was not. Perhaps, the cynical Morse later suggested, it was to accommodate the tavern keepers, for the other town had "nothing their verrey accomodating excepting that thair was a sufficient quantity of...rum and other kinds of ardent spirits to
embalm the whole ridgement." Regardless of the reason, Morse found himself obliged to travel once more, but on the way back he had to ride through "a hard south east rainstorm," which made Morse sick. The doctor charged him twenty-five dollars for treatment, but would not give him a certificate allowing him to avoid the next muster.¹

After the illness, Morse never seemed to get his health back. He blamed the militia and in 1834 petitioned the state legislature to abolish the institution. His semi-literate scrawl concealed a great deal of emotion. "I done believe that the gentelman who compose the legislative body of this state air not a wair of the oppressive burden that comes upon poor labouring young men by the present exhisting militishia laws," he began. "I am for one now suffering for what that oppressive law has brought upon me. It has ben the means of robbing me of my all in this world as it regards tempral things. It has robbed me of my bodily health and that it all a poor man has to depend on in this world for to help him get a living."²

After explaining his experiences with the militia, Morse reiterated his sense of having been victimized. "I
think the militia law a rober which robes and their is no law to stop him or to thrust him in prision," he wrote. He hoped that since Governor Levi Lincoln, considered a militia supporter, was now out of office, it would be possible to eliminate or change the militia. Especially important to Morse was the notion that the laborer was worthy of his hire: "Every man that dos military duty ought to be paid for it by the state as much as that representatives ought to have their pay." But this was not all; there were "many things concerning the milishia law that had ought to be amended if the present cistem is continued." Morse was particularly resentful of the fact that only people of his social station seemed to be doing militia duty. He felt if he had been wealthy, he could easily have gotten a doctor's certificate excusing him from duty. Furthermore, he related, "I have none a young man to get clair of training becos he said he had got what he called a liberal education. So he would get a certificate and go clear. Now he had ought to train as much as I had ought to and I had alwas to work hard and never had a chance to get much learning or even go in site of a colledg." Morse wanted these inequities
addressed by the legislature. If they were not willing to do so, he requested that they send his letter to the "editor of the working men's paper and request him to publish it."

Jason Morse was not alone. By the 1830s a broad-based movement opposed to the militia system had arisen, based primarily on socioeconomic grounds, with a strong moral component as well. The militia system enjoyed support by many lawmakers at the federal and state level alike because it was an inexpensive alternative to a potentially dangerous standing army, but it was only inexpensive to the government. The system had expenses; it was just that individuals carried them, rather than governments. Such a transference of burdens posed certain risks, chief among them the fact that distributing the burden equitably was nearly impossible. Historians have recognized that early labor organizations and working-men's parties opposed militia service, while some have even acknowledged that militia service was "vexatious to the poor man." But the extent to which socioeconomic opposition existed and the forms that it took have remained largely unexplored, as have their effects. This
chapter examines the burdens on men and officers alike, as well as opposition to the militia on moral grounds, and examines the consequences of opposition: the avoidance of military duty and campaigns to eliminate the militia.4

Socioeconomic opposition to the militia rested primarily on two grounds. The first was that the nature of the militia system, which distributed the burdens of militia service equally among all the people, was unjust because some of the people were less able to bear the burdens than others. A typical expression of this sort of discontent can be found in Vermont in 1807, when a flurry of opposition to the militia system caused nearly 600 Vermonters to sign their names to petitions complaining about the system. The militia laws, felt the New Englanders, were "UNEQUAL, OPPRESSIVE, and intolerably grievous to the poorer class of citizens...We consider it unjust, that the citizen should be obliged to do military duty, and at the same time to provide and furnish themselves with arms and other necessary equipments...A great proportion of the citizens who are called on to do military duty, are poor, and are totally
unable to furnish themselves with arms, etc." The second was that the militia system did not in practice distribute the burdens of militia service equally: the higher ranks of society could easily get out of military duty. Another Vermont petition, signed by various citizens of Waitsfield, Vermont, in 1836 illustrates this concern. The Waitsfielders were well aware of who had to serve and did not: "The ranks of the militia are filled with the laborer and mechanick (to the almost utter exclusion of the wealthy)...as proof of this the grand list of this town is [$9,011.59] when as of that list only [$2,112.85] belongs to those who serve in the militia...while their wealthy and opulent employers contribute in no way either directly or indirectly one cent." Some citizens felt aggrieved by one or other of these circumstances, while others combined both into a general attack on the inequality of the militia system. 3

Underlying both sources of discontent was the conception of military service as a tax and the differing opinions of what that implied. To some who supported the concept of militia service, the tax was a necessary one borne by every free man as a manifestation of civic
virtue. As Massachusetts Adjutant General Henry A. S. Dearborn explained, "Military duty having been required of every freeman, by the laws of the United States, with a very few exceptions, it is to be considered as a general and unavoidable tax of personal service—a requisition demanding the peril of life, for the protection of the property and persons of the whole community, and to support the rights, dignity, honor and independence of the republic—a duty so sacred and imperative, that there should not, and cannot be, an equivalent tendered, or a substitute received." Governor Levi Lincoln—the object of Jason Morse's scorn—would have agreed. "Military duty is an exaction of personal service from the citizen," he explained, "for the common safety, which he is no more at liberty to refuse than any other tax legitimately imposed." A territorial governor explained that "by the Social Compact, every able bodied Man, is bound to perform personally, his proportion of Military duty for the defence of the State."\(^6\)

However, gradually the conception of the militia as an individual tax born by all people equally began to be replaced with the sentiment that such a tax was not
enough. As the Adjutant General of New York expressed it in late 1852, "Citizens are required to perform military service in return for the protection extended by government to life and liberty...it is a personal service which all, rich and poor, are equally bound to perform. But the protection of property is an additional result of good government. The property-holder ought, therefore, to pay additionally, for such protection in proportion to the value of his property." A writer for the Cleveland Daily Herald had much the same conception. In proposing a plan for militia reform, "Sword & Bayonet" considered "that all [persons] had life and liberty at stake, equally as dear to the poor as rich; each therefore should be willing to sustain the expense. Property likewise needs protection, and certainly the holders should be willing to pay for its defense." The wealthy had more at stake than did the poor and so should contribute a greater share of the burden than they were required to. Some distinguished between protecting liberty and protecting property, while others distinguished between types of service. The New York state legislature in 1833 declared that "the personal
service, which every citizen renders, is of necessity equal as it is not capable of apportionment between individuals; and it may be considered just, because the personal rights of all are equal. But in providing arms and equipments, every citizen renders a pecuniary service, and to make the contribution just, it should be apportioned upon the basis of property." As another Daily Herald article explained, "It occurs to us, that one of the radical defects of the present system is the unequal and in many instances oppressive distribution of military burdens. Under our present laws, the day laborer...has to arm and equip himself at his own expense and do military duty two days each year without any remuneration, or pay the fines assessed for delinquencies. The man of wealth and leisure is required to do no more, and such are the provisions [for exemptions] that a very large portion of this class are entirely free from military duty or taxation for support of the system. This should not be so. The blessings of government should be distributed and the burdens borne as equally as possible." What the newspaper proposed was to raise a tax on real estate and personal property to pay
for the expenses of a militia system. "The tax necessary to accomplish and sustain this organization, would be much less than the tax of time and money now annually wasted under the present militia system. The burden would be borne equally. The rich would contribute their due share for the defence, and the poor man would not be taxed unreasonably."

Increased awareness of the nature of the burdens of militia service and their inequity was not accompanied by efforts by leaders to redistribute those burdens, though there were attempts to lessen them. It was primarily the lack of willingness or ability to redress the situation that changed discontent on socioeconomic grounds into outright opposition.

The Unequal Burden

In 1839 a Boston newspaper presented a list of circumstances sarcastically deemed "Pleasant, Very."

Among the items on the list was "to be notified to do militia duty in a Ward at the West End when you live in a southern section of the city. Summoned to Court at the suit of the Militia Captain to be kept dancing attendance
several weeks, and upon returning from a five minutes' lunch find yourself now suited for non-appearance at Court, and confronted by a Constable with a writ for nearly twenty dollars, fine and costs." To place the unpleasantness of this situation in perspective, another item on the list is useful: "to have a bungling dentist pull two of your sound teeth by mistake instead of the decayed one, and then to be charged for all three."

The economic unpleasanties of the militia were nothing to scoff at, even without the bad luck inherent in the scenario above. Added to the obvious costs of arms and equipment were the sometimes less accountable expenses caused by time lost at work from drilling and travel, as well as the costs of the latter. In terms of sheer expense, the burden was probably greatest for those living in rural areas. Countless thousands were in the same position as North Carolinian Abraham Tyler of Cherokee County. Tyler and his fellow citizens lived 30-60 miles from the county seat, where the musters were held, with "a very large mountain to cross to get there and the people are generally in indigent circumstances and they cannot make the trip under three or four days
and it will not cost less than two or three dollars to the man or we must pack our provisions or depend on the charities of a cold hearted world for support."

Rutherford County residents in the same state faced similar circumstances, situated as they were "in the west end of the state where our counties are very large [making it] very fatiguing and expensive to a great number of our fellow citizens who are in moderate circumstances and barely able by their honest industry to support themselves and numerous families. Many of them scarce a horse to ride, and often not fifty cents in their purse... notwithstanding ...are so frequently dragged of a distance of, from 15 to 30 miles to the Court House which...will take them nearly or quite three days." In Alabama it was no better. Residents of the village of Woodville, faced with orders to attend muster at Marion, 22 miles away, generally chose to pay their fines rather than face the even greater expenses of travel.⁹

At different times, various individuals tried to quantify the extent of the militia burden, often as a way to illustrate its great cost. Governor John C. Edwards
of Missouri estimated the value of day's labor for an average citizen at fifty cents and concluded that the four musters required in Missouri cost every person at least two dollars per year, aside from other expenses. The officers of one Massachusetts militia brigade in 1813 complained that "the loss of time, the cost of arms and equipments and incidental charges...will be considered as a tax on this class of our fellow citizens, distressing in its consequences and more unequal in its operation than any other tax paid by different members of the community." They estimated that each militiaman of their brigade had to expend twelve dollars annually, aside from the initial cost of arms and equipments. One estimate of the cost of the militia came from an unusual source: an 1833 debate in Washington, D.C., between various American and French officials, over whether American citizens paid more taxes than French citizens, or more abstractly, whether a republic or a monarchy was more expensive. Secretary of State Edward Livingston wrote to the various governors asking them a variety of questions about taxation at state, town, and county levels, including the costs of militia service. Apparently many states
declined to provide information, but Governor David Lowry Swain of North Carolina referred the militia-related questions to his adjutant general, Beverly Daniel. Daniel, like Edwards in Missouri, decided that fifty cents per day was a good figure for the cost of labor. Mustered three days a year, the 65,579 militia of North Carolina therefore lost $98,398.50 a year, aside from arms and equipments which averaged about $16 each. This figure obviously could not take into account time lost in travel or miscellaneous expenses. The most expansive estimates of the burden of militia service came not from those who administered the militia but from those who opposed it. Niles' Weekly Register suggested that Pennsylvania's militia cost "upwards of three millions of dollars annually" to sustain, while the minister John Pierpont of Massachusetts, speaking to members of the militia themselves, suggested that the 50,000 Massachusetts militiamen--taking into account drilling days, time needed for preparation and recuperation, and the loss of time of spectators--cost Massachusetts half a million dollars annually, aside from expenditures on arms and equipment. William Jay, son of John Jay and a member
of the peace movement, suggested that the entire annual expense for all the state militias together was around fifty million dollars.¹⁰

The significance of such estimates is not their accuracy, which at best is probably questionable, but rather the way they illustrate the extent to which Americans believed militia service was a tax borne by themselves. However, there were many such taxes in antebellum American life. Work on the public roads, jury duty, slave patrols and other duties also compelled the citizen to contribute to the common good. But more than these other taxes on time, militia duty was widely perceived as being both a greater burden and one unequally distributed; this led directly to calls for drastic change or even abolition. As William W. Partridge and other Massachusetts militia officers explained in 1829, the militia system was "inefficient and burdensome. Its benefits are no way in proportion to the sacrifice it demands; the burdens are unequally borne; they are oppressive." The officers wanted no less than the end to compulsory militia service.¹¹

Opposition on socioeconomic grounds was widespread
in antebellum America, but nowhere was it as fierce as it was in New England and the Middle Atlantic states. While Southern and Western communities to varying degrees depended on the militia for protection against actual or perceived threats, states in the Northeast had considerably less of a rationale for maintaining the militia. The threat of foreign invasion seemed remote indeed. Jason Morse, the laborer whose statements opened this chapter, captured the apparent uselessness of the militia when he sarcastically suggested that his colonel's object in mustering his men was to "learn us to fight well so that if South Carolina or any other powerful nation should come to give us battle we will fight well and stand our ground good." The lack of a clear rationale for militia service rendered the burdens imposed by it all the more unpalatable to the people.\(^{12}\)

While opposition to militia service existed in the Northeast from the eighteenth century, it was not until after the War of 1812 that it became truly widespread. The quickly receding foreign threat caused citizens to question the nature of militia service. Mass opposition to the militia arose in the 1820s and continued in the
following two decades. The concentration of opposition on socioeconomic grounds is testament to the powerful forces of Jacksonian-era egalitarianism. The desire to eliminate perceived class boundaries found no more fertile ground than in opposition to militia service. The conceptions of class that this opposition raised were crude, but they illuminate the way in which Americans perceived their social systems. Overwhelmingly, the rhetoric of opposition described two social classes, one wealthy and one either poor or working-class. This division of society into two classes was seen as antithetical to notions of republican egalitarianism. An 1825 Massachusetts petition by William Williams and 58 other Massachusetts citizens illustrates such conceptions perfectly. "The existing [militia] laws are useless and worse than useless to the Commonwealth," they complained to the legislature, "unequal in their operation on its citizens, unjust and oppressive." They were worse than useless "because they require an annual expenditure of large sums of money without attaining any beneficial object." They were unjust and oppressive "because they are unequal in their operations in imposing unequal
burthens on the citizens. The law which exempts a number of citizens from duty is a great hardship upon the rest, and the main-spring of all the evils and imperfections of the militia system. "It was dangerous because it destroyed "that equality, which is the basis of all good government. It is in direct violation of the maxim of free government, that all have equal political rights. It makes an arbitrary, unnatural and insidious division of society into two classes, the privileged and the oppressed." Another petition from the first great wave of opposition in Massachusetts in the 1820s also opposed exemption. "The law is most profuse in its exemptions," the petitioners noted, "and it would seem that those, who are most favored with honors and emoluments from government, are the surest to be exonerated from military cares and expense. And a little observation may convince us, that these exemptions almost exclusively apply to the more affluent and elevated portion of the community; while the poor, the labouring classes endure the hardships of militia duty." The militia system had never been intended to be this way; rather, "it was intended to combine a grand and moral force, the best security of any
state. It was never thought...that it would be dishonourable for any citizen...to stand in the ranks of such a militia." The militia system was now simply a tax that fell upon the labouring classes, "whose time is their wealth," while all the wealthy avoided service.\textsuperscript{13}

Possibly a majority of those who opposed the militia service on socioeconomic grounds, especially in earlier years, were not necessarily opposed to the concept of militia service itself, but rather were angry at the unequal distribution of its burdens. While some demanded abolition of the militia, considerably more simply wanted the problems addressed in some way. In Massachusetts in the 1820s, frustrated citizens numbering in the thousands sent in dozens of petitions from all over the state to the state legislature complaining of the "very unequal" militia laws. These petitions did not, however, demand an end to militia service, but rather a more egalitarian distribution of its burdens. Petitioners asked the legislature for exemption from the poll tax for serving in the militia, for "greatly reducing" the number of people exempt from militia service, and for an increase in the sum paid by those citizens who could purchase
conditional exemption.  

The desire for some sort of compensation as a way to negate some of the costs of militia service was very high among those who had to serve. By demanding compensation, citizens could express a basic support for the institution at the same time that they complained about its wrongs. Nathan Mitchell led several hundred fellow Massachusetts citizens in 1827 in declaring that they felt "a deep interest in the welfare and prosperity of the militia," and regretted the "gradual decline of patriotic ardor" that formerly animated it. This allowed the petitioners to argue that the expenses required of the people "for the support of government" ought to be apportioned upon the whole community "with as much equality as the nature of the case will admit." As it was, the burden fell heaviest upon the poor, which simply led them to try to avoid militia service. Mitchell and his neighbors felt that the state legislature should allow compensation for militia service as a remedy. Samuel Pickett, a militia colonel, spoke for most of the officers of his regiment, when he expressed alarm at the "spirit of insubordination" that seemed to be gaining
ground "from the general belief that the public burthens are unequally borne, that the present system is unnecessarily unjust and unequal in its operation, inasmuch as it compels the poor man to pay as much as the rich one, that it is at war with the genius of our government, violating the principles of equality which have been proclaimed as fundamental." Pickett felt that the complaints had merit and asked that those who performed militia service "be amply paid for their service." Some years later, Gardiner Dickinson, suggesting changes to the militia law for the benefit of the legislature, told the lawmakers that he considered it "as established, that militia can never be forced to serve without receiving some equivalent." The range of equivalents offered by different groups of people were extensive, from exemptions from poll taxes or jury duty to free dinners provided by towns to actual sums of money paid to militiamen, but they shared in common the notion that militia duty without some attempt at compensating for its expenses was unfair and undemocratic. Militia service because of exemptions and the ability of the rich to pay fines had always been borne disproportionately by
laborers and wage-earners; the growth of such classes in
the nineteenth century increased the number and strength
of their protests.\textsuperscript{15}

Though opposition on socioeconomic grounds generally
remained located in those young men who had to serve in
the militia, and others who sympathized with them, there
were occasions when other groups or classes of citizens
also criticized the militia. The most important of such
groups were parents or masters (of apprentices) and
factory owners or managers, who depended on the labor of
the young men in their care or employ. As New York
Congressman Ransom Hooker Gillet noted, the 1792 law
required "services of minors who are eighteen or upwards,
while their time and services belong to the parent,
and...the parent is compelled to equip his sons." It was
unfair, Gillet represented, that parents or masters who
served or had served in the militia should have to give
up the labor of their minors for that purpose. Factory
owners had the problem multiplied, depending on the size
of their establishment. A militia muster could shut down
an entire operation for several days. This was the
situation faced by Jonathan Barrett of Darby, Vermont, in
1822. Barrett owned a wool-making factory that employed between 24 and 36 men and boys, most of them "foreigners and generally poor." Every muster day his workforce was called out for militia duty, forcing him to shut down his factory entirely. State governments were often responsive to these sorts of complaints. Some states exempted men aged 18-21 from militia duty. Vermont went so far as to pass laws in 1809 and 1825 exempting employees of certain types of factories from militia duty.16

State governments proved far less willing to accommodate those militiamen who called for compensation than they were ready to listen to the complaints of businessmen. The response of the Massachusetts legislature to the call for compensation in the 1820s was to admit the need for making some changes in the militia law, but to deny granting militiamen exemption from the poll tax on the grounds that the sum would be nominal and "a large share of it would fall on the petitioners in some other shape." Six years later, a legislative committee was willing to entertain refunding the poll tax to militiamen, but not actually paying them for serving.
Their reasoning was that everybody enjoyed the benefits of the militia: "Your committee do not believe that any considerable portion of the Militia desire full 'pecuniary remuneration for Military services'...They hope rather, that in the enjoyment of rights and privileges above those of any other people, in the blessings of good government, the means of universal education, the freedom of suffrage, the security of property, the unobstructed path to wealth, office and honor, and in the equality of political condition, the militia...will find ample remuneration." However, the bill failed.17

The unwillingness on the part of state legislatures to provide any sort of "pecuniary remuneration" merely angered citizens still further and converted some from wanting to change the system to wanting to abolish it. The brief history of the post-colonial militia in Vermont provides a good example of this tendency. Vermont had, in the late eighteenth century, one of the most progressive of the state militias, in that state law allowed Vermonters in the militia an exemption from state taxes, and those who armed and equipped themselves an
exemption from town taxes up to twenty dollars. Those
who equipped minors received a similar exemption, and
those in the cavalry received an additional exemption of
thirteen dollars to cover the additional expense.
"During this period," explained one Vermonter, "there
were no difficulties in keeping up a well regulated and
disciplined Militia, and no complaints were made of the
Militia being a privileged order of citizens." However,
these exemptions were gradually eroded by the
legislature. An 1820 act reduced both taxes and
exemptions, while an 1831 law removed entirely all
exemptions for serving in the militia, partially because
it also did away with some musters. Such actions on the
part of the legislature, actually designed in part to
reduce the burdens of militia service, nevertheless
aroused considerable opposition on the part of those who
had hitherto supported the militia because it denied them
the principle of compensation. Even before the final
elimination of the exemptions, militia soldiers and
officers felt that the exemptions were too little. "That
portion of the community, who perform military duty in
all its various grades," complained the officers of one
militia unit, "are subject to a burthen which is almost wholly unfelt by the other and more wealthy part of Society." The removal of the last exemptions created even more anger. "Should the General Assembly pass an Act, requiring any portion of our citizens, whether designated by age or condition," a petition signed by several hundred Vermonters led by militia general Heman R. Smith read, "to discontinue their lawful businesses and pursuits, and to serve the state, even for one day in a year, under a penalty and without any compensation; think ye that they would peaceably submit to it?" The response of the state to this outcry was weak. Governor William A. Palmer admitted that it was not just to subject citizens to the expenses of equipment and training without an equivalent, especially because this was a burden not borne by other citizens of the state. However, he was unwilling to clean out the Augean stables himself; all he proposed was to prevail on Congress for a better militia system. As a result, the militia system in Vermont rapidly collapsed in the 1830s: the usual opposition because of the economic burdens of militia service was not at all held in check by supporters of the
institution, because the end to compensation had
alienated most such supporters. Before the decade was
over, militia service had been entirely abandoned and
even volunteer companies were scarce.¹⁸

The effects of the perceived burdens on those
serving in the militia cannot be overestimated. They
created a powerful tide of public opinion that as it rose
gulped officers, legislatures, governors and
congressmen. Something had to be done to reduce the
burdens, and if compensation were not to be the answer,
then other, more radical solutions would have to be
found. "Though...the importance of a well-regulated
militia would seem so undeniable," worried Supreme Court
Justice Joseph Story, "it cannot be disguised that, among
the American people, there is a growing indifference to
any system of militia discipline, and a strong
disposition, from a sense of its burdens, to be rid of
all regulations...There is certainly no small danger that
indifference may lead to disgust, and disgust to
contempt; and thus gradually undermine all the protection
intended by this clause of our national bill of rights."
Story's words proved prophetic.¹⁹
The Burden on Officers

The burdens placed on enlisted men forced to serve in the militia were bothersome and led to opposition to militia service on those grounds. However, enlisted men were not the only people with grounds for complaint. The economic burden of militia officers was considerably higher than that of enlisted men. Just as their soldiers did, officers complained of this burden. Since many officers held their commissions only reluctantly, or accepted them in a short-lived burst of enthusiasm, the troubles that accompanied militia office seemed far greater than the meager non-monetary compensation provided by a militia title. The opposition to the expenses of militia office that this disparity raised was not as often class-based, except sometimes in the lower ranks, nor did it often lead to outspoken opposition to the militia system itself, as did discontent in the ranks. Its effects were more subtle, manifesting themselves in increasing difficulty in finding people willing to hold militia office, as well as frequent resignations among those who did hold office. Especially in the South, where burdens were the greatest, this led
to a serious shortage of militia officers, with the result that courts-martial, reviews, and musters were not held, men were not punished for non-attendance, returns were not made, and the militia system allowed to decay.

The burdens of holding militia office were not at all inconsiderable. Rural areas, especially, created financial hardships on higher-ranking militia officers who were expected to review the various regiments and brigades under their command. This necessarily meant a great deal of travel and the expenses occurred therein. Similarly, courts-martial posed a significant expense for officers of lower ranks, who had to travel to their site and lodge and feed themselves while the officers decided on fines and other punishments. Expenses of two dollars a day or more were not at all uncommon. Some states mandated special musters for officer training, which involved additional expenses for those compelled to attend. Lastly and perhaps most importantly, the cost of uniforms for militia officers could reach extravagant proportions. Most states did not require militiamen to be uniformed, but did mandate such dress for the officer corps. Even in those states with none or few uniforming
requirements, peer pressure and social expectations seemed to demand uniforms. When General J. C. Pickens of Alabama created his divisional staff in 1827, he selected only officers who were willing to uniform themselves according to his standards. His standards would cost his staff members an estimated $45-80. These officers might have considered themselves lucky; when James Henry Hammond became governor of South Carolina and attended military reviews throughout the state, intending "to impress a dispersed rural population with the meaning and majesty of state power," he bought a uniform that cost $150, not counting $40 for gold epaulets.\(^\text{20}\)

The inevitable result of such expenses, or even considerably lesser ones, was that many officers tried to avoid them. Militia generals in particular neglected to review their men because of the expenses involved in travel. As early as 1799, Adjutant General Joseph Rhodes reported to North Carolina Governor Benjamin Williams that he had received no reports of any general officers making reviews. He suspected the expenses involved were much of the cause and suggested compensation of some sort. As Rhodes' successor, Calvin Jones, explained,
"Divisions and brigades are in general too extensive, and impose too great trouble and expense on the reviewing officers, who serve without compensation and at their own expense." Jones' own successor suggested that generals only review the units under their command once every four years, instead of once every two years. The legislature was more willing to impose fines upon generals for not reviewing, but as lawmakers discovered, this merely led to increased resignations among generals. The situation was little different for uniforms, a burden more widespread than reviewing, because officers of all ranks were expected to have uniforms, and those in the lower ranks tended to come from more moderate circumstances. A North Carolina militia officer confessed in 1842 that "the present uniform is very expensive and so much so that many officers use every means to evade uniforming themselves according to the requisitions of the law; at our regimental reviews all kinds of dresses are to be seen, rendering it a real burlesque." 21

Such circumstances naturally led to protests from officers, particularly low-ranking ones. Such protests tended to stress the ill effects of such burdens upon
officers in particular and the militia in general, usually by emphasizing the fact that many officers would rather resign (or not accept a commission in the first place) because of the expense, thus damaging the militia considerably. An anonymous militiaman, apparently a low-ranking officer, explained the burdens of militia officers at length to Ohio Governor Ethan Allen Brown. The officer was particularly distressed at the expenses imposed by the officer muster he was required to attend. "I am not pleading for myself," he assured the governor, "but for my brother officers who have families and are beginning to clear their farms in this heavy timbered country. It is considered that for officers in distant parts of the Brigade the expense of the officer muster is more than all the rest put together. Now, Sir, if the Legislature does not interfere and lessen the burden of officers, this year must witness the death of many respectable officers by that very law that protects them and I fear their places will generally be filled by men whose merit lies in Dollars and Cents." The officer himself did not have a family and so could support a commission, but this was unusual. The expense of officer
musters could run from $6 to $18, a hard burden to bear after the crash of 1819. "It is impossible for the generality of the public to know the affects [sic] of the burden on one half of the officers in this section of the state," he assured Brown. "Many a one is now wronging his family, rather than acknowledge the fact by resigning." The militiaman felt that officer musters made the burden felt by officers unfairly greater than that felt by private soldiers. Other officers compared their lot to those who held civil office. "The expense of sustaining a Military office in this State," complained a group of Vermont officers in 1829, "it will not be denied is wholly disproportionate to that of any Civil Officer, and is greater than most of those who hold offices in the Militia of this States are able or willing to Sustain."^22

Like their enlisted charges, militia officers called for some sort of compensation or remuneration for their services. "You are aware," North Carolinian Casper Miller and other militia officers informed their legislature, "that officers are made up of men from various parts of the counties and a number of them men of
indigent circumstances and yet a great portion of their time in the course of the year are consumed in attending to the duties required by the Militia Laws. Hence it is when an office is vacated...we can scarcely solicit a man with proper qualifications to [accept] in consequence of having too much of their services devoted gratuitously to the publick." Miller called for all commissioned officers to be exempt from road duty. North Carolina, in fact, provides an excellent example of the range of attempts to lessen the burdens of officership that those who held commissions made. By 1830, the problems were widely acknowledged. In his report for 1830, Adjutant General Beverly Daniel admitted that there was a serious problem of vacancies in company commands because of the expense of uniforms and suggested repealing the penalties for not appearing in uniform, to no effect. In 1846 a bill to compensate field officers for the time they spent in reviewing failed in the state legislature. So, too, did a bill resulting from requests in numerous petitions that proposed exempting commissioned officers from jury duty, the poll tax, and working on the public roads while in office. In 1848 officers of the Richmond County
militia regiment complained of the expensive uniforms and asked that company officers be excused from uniform requirements; this was also the request of militia officers from Statesville in 1852, who also wanted the various exemptions from roadwork, patrol duty and poll taxes that many militia officers felt they deserved. However, almost all such requests received just as scant attention from the North Carolina legislature as did requests for compensation from enlisted men did in many states. The report of an 1824 House committee requested to consider removing the requirement that junior officers uniform and equip themselves is typical. The committee declared that they found it "inexpedient to pass any law [that would] diminish the beauty of a military corps, or to encourage persons to such an appointment, who are unable to bear the burdens of it."23

The inevitable result of such attitudes was that militia office became something to be avoided. As a group of Rutherford County, North Carolina, citizens noted, "Frequently from the fact of the expense of procuring uniforms men of responsibility will not accept of military office." One adjutant confessed that the
only way his regiment could find militia officers was for him to get a store of blank commissions in advance, attend local musters, and "while the men are in the humor," commission them, thus locking them into three years of service as an officer. In more places than not, men were rarely in the humor, and it was not infrequent occurrence that a regiment or even a brigade would have few serving officers. "I do not really believe," complained one Alabama militiaman, "there is one commissioned officer in the Regiment unless very recently--consequently, we have no superior to consult, or in any way direct us." Requests for batches of commissions from governors or adjutants general to fill up large numbers of vacancies in regiments were all too common, especially in Southern militias. In 1840, Samuel Simpson Biddle requested 25 blank commissions from North Carolina governor Edward B. Dudley. "There are several companies in this county now without commanding officers," he explained, "And no person seems willing to take an appointment because of the expense attending it." Another militia colonel requested 50 commissions, "owing to resignations." A general reviewing the Nineteenth
Brigade of North Carolina Militia found only two or three officers in the whole brigade, and consequently, "a very relaxed state of discipline." Resignations were in fact so common in North Carolina that many regiments and brigades constantly needed commissions and wanted to keep a ready supply on hand to deal with the high turnover. Colonel Michael Holt of Alamance County requested 20 blank commissions in October 1852, citing a constant need for commissions; only four months later he wrote asking for 24 more. Many Southern states, often ridiculed for having an abundance of military titles, suffered greatly from a serious shortage of actual serving officers. Men would accept commissions, but resign after serving only a short while. Many states prohibited early resignations, but enforcement was often difficult. There is no doubt that some men sought commissions for the title alone and never intended to serve their full term. Such individuals, however, were probably in the minority compared to those who either sought commissions then discovered to their dismay the expenses involved, or who were none too willing to serve in the first place.24

The question of how to deal with the officer
shortage was a serious one. Samuel Biddle understood the
dilemma clearly. This Newbern, North Carolina, militia
officer, already having asked for blank commissions in
1840, needed another twenty commissions the following
year. "Several officers have resigned rather than equip
themselves agreeably according to law, and many
companies, are therefore without officers," he explained.
"What shall we do, wink at the neglect, or enforce the
Law?" The question was a serious one. Enforcing the law
meant officer resignations. But without enough officers,
a militia unit could not hold a court-martial, the key to
assessing and collecting fines for non-attendance from
the men. Without the threat of fines, the enlisted men
would not attend musters. The alternative was little
better; to neglect to enforce militia laws that required
expenses of officers also threatened to throw the militia
into disarray, because of the resentment it would cause
among enlisted men. Because there was no easy solution
to the problem of sustaining the officer corps of state
militias, many states had huge holes in their militia
structure caused by officer shortage.25
The Moral Problem

Militia opponents during the course of the early nineteenth century added to their opposition to military service on socioeconomic grounds a powerful additional source of dislike for the institution, one that could attract people of all classes and ranks in society to its cause. This second source of opposition to the militia came on moral grounds, and was largely a byproduct of the reform movements that swept the United States—especially the northern states—during the second quarter of the century. The reform movements created an atmosphere conducive to pointing out perceived ills in American society. Personal behavior and public institutions alike were fair game for reform-minded individuals. The militia was hardly immune from such powerful social movements. For instance, the campaign to eliminate imprisonment for nonpayment of debt almost naturally expanded to include opposition to imprisonment for nonpayment of militia fines. Though not at the center of any of these movements, the militia was at least a secondary object of reform for a number of them, particularly the temperance and peace movements.
The moral argument against the militia was a particularly important part of the movement to abolish the militia because it suggested that the militia was actually harmful, not just inconvenient. Socioeconomic arguments might claim that it was unequal and unfair; utilitarian or practical arguments might argue that one or two militia trainings a year would not produce a good soldier; but the moral argument asserted that the militia was not merely not helpful or even neutral, but actually productive of harm or vice. This was a particularly valuable weapon for opponents of the militia to have; when wielded cleverly, it could cut through many rationalizations or justifications for the militia. Moreover, in a society possibly more receptive to calls to eliminate sin or vice than calls for economic equality, it could easily gather the force of public opinion. For instance, one argument against the militia on moral grounds was that militia musters resulted in too many serious accidents or even deaths. The sham-fights that often occurred, the firing of cannon, and even reviews or marches, were all potential scenes for disaster. A few examples illustrate the dangers clearly.
When President Andrew Jackson visited Lowell, Massachusetts, as part of his trip through New England, a premature explosion of an artillery piece blew off a hand each from two members of a volunteer company, damaging the eyesight of one of the victims as well. At a Whig convention in 1838, an artillery salute resulted in disaster when one gun misfired, mangling two people "in an awful manner," one fatally. Such incidents could have a powerful effect upon the community that witnessed them or even distant places hearing of the dreadful events. A muster accident in Greenfield, Massachusetts, in 1831 resulted in a ramrod being shot through the side of a horse's head, while at a muster in Belchertown, a militiaman had the side of his face "literally blown off" by a musket discharge. Reporting on these incidents, a Boston newspaper stated plainly, "Whether the evil resulting from musters is counterbalanced by the good, seems to us to require no mathematical demonstration to decide it." Two years later, the Boston muster itself was the scene for tragedy, when a member of the Winslow Blues struck his knee with his half-cocked gun while running, causing it to discharge and blow off one side of
his face. This incident caused another angry editorial. Indeed, muster accidents were often accompanied by angry diatribes against the militia system, a not unexpected reaction to an apparently senseless tragedy. The town of Woodstock, Vermont, provides a vivid example. Woodstock sported a short-lived Workingmen's newspaper, the Working-Man's Gazette, edited by Nahum Haskell, of moderate temperament. Though occasionally reprinting articles or manifestoes from other workingmen's parties or papers that condemned or criticized the militia system, the Gazette itself was mostly mum on the subject. Indeed, after the annual muster in June 1831, Haskell's description of the event was light and generally uncritical in tone. "The companies in this village turned out with their usual alacrity," the Gazette reported, "and we must give them the credit of appearing equal, if not better, than on any former occasion." One sentence at the end of the description, suggesting that militiamen receive a dollar per day compensation for their troubles, was the only hint of dislike. But just a couple of weeks later, on the Fourth of July, an artillery piece accidentally discharged while two
militiamen, William Cone and Isaac Raymond, were loading it. The blast blew Cone thirteen feet away, tearing his clothes off, as well as the fingers of his right hand. Cone's right arm and Raymond's left hand both had to be amputated. The tragedy shocked Woodstock and prompted an anonymous editorial (by "A") which tore into the militia system. "The unfortunate occurrence which took place yesterday in this village..." wrote "A", "ought to bring home to the breast of every man, the question so often asked, and never answered--of what use is the Militia System? Can any man point to the benefit it has rendered the country for fifteen years past, to compensate in any degree for the distress it caused here in one day, saying nothing about the numberless accidents of the kind which have previously happened in every part of the country?"

Such arguments pointed out obvious evils in the system to anybody who cared to look for them."

Perhaps even more dangerous than misfiring muskets were the nature of the musters themselves, which to virtuous nineteenth century Americans represented nothing so much as invitation to misdeed. The musters were large gatherings of young men, ill-supervised, surrounded by
laughing crowds, copious drink, gambling dens, and other inducements to immorality. Thomas Boykin stated for a North Carolina state legislative committee on the militia in 1827 that reducing the number of musters annually would produce "the most beneficial results...it must be a fact known to every member of the house as well as the committee that the frequency of musters exercises a most deteriorating influence on the morals and the industry of the community to the young. They produce enticement and examples of the most prostituting debauchery. To the old they afford opportunities of indulging pre-acquired habits from which they might have been restrained." His successors seven years later agreed, doubting whether "the evils growing out of these periodical assemblages of the whole body of the community which are too apparent to require illustration do not more than counterbalance all the improvements which are made in the military art." A Massachusetts legislator who opposed the entire militia system on account of its "demoralizing consequences" was even more outspoken. He argued that musters "naturally brought together large collections of people, who conducted in a most disorderly manner, and set a
dangerous example to the rising generation; and all this evil was created without any even partially compensating good." Some people combined the moral and socioeconomic arguments together to describe the woes caused by the militia. A Lowell, Massachusetts, newspaper noted that "regimental and brigade musters are productive of numerous and alarming evils, without any positive good. In a moral point of view, the evils are *incalculable*; but of the time and expense...lost...all will be equally astonished. After calculating the expenses of a single regimental muster $3,014 and the total of all fall musters in the state in a single year at $217,008, the paper asked, "TWO HUNDRED AND SEVENTEEN THOUSAND DOLLARS of our substance expended! and our moral force weakened!! and this !!! for what?--to wear an epaulette and burn some powder!" Militia musters, it seemed, would by their very nature be productive of immorality; young men could not be trusted in such circumstances, despite the fact that not infrequently militiamen took pains to rid their muster grounds of gamblers and other people of ill-repute.28

Those reform movements which looked askance at the
militia--primarily the temperance and peace movements--offered organization and numbers to those who would attack the militia on moral grounds. They served to focus public opinion on perceived social ills; the militia was one of many institutions to fall into their spotlight. Of the two, the most important of the reform movements as far as the militia was concerned was the temperance movement. The temperance movement was perhaps the natural backlash against early American drinking patterns, which led to an average yearly consumption, for adults, of up to and over seven gallons of alcohol during much of the period 1810-1830. Ironically, some of the same changing social conditions that were operating on the militia so significantly in other ways were also encouraging Americans to drink. W. J. Rorabaugh has pointed out that economic adversity--in particular, the increasing numbers of landless laborers, as well as those of factory workers, along with the shift to a market economy--provided incentives for younger men to turn to alcohol. Alarmed at the perceived dissipating influences of drink, temperance advocates tried in various ways to stamp it out.39
The militia was an obvious source for complaint. Not only were the musters that it held often sources of drunkenness and insobriety, but it seemed that somehow drinking had almost become institutionalized as part of the militia itself, in the form of "treating," and other practices. Drinking was such an accepted part of militia musters in some areas that their temperance societies excluded muster days from abstinence pledges. There can be no denying the close relationship between the militia and alcohol, a relationship that manifested itself in various ways. An 1813 Duplin County, North Carolina regimental court martial went so far as to establish two rules: 1) That no man speak without rising and addressing the President [of the court-martial], under the fine of a pint of spirits, and 2) that no man should speak out of turn, under the fine of a half-pint of the same. Across the state around the same time in Guilford County, North Carolina, the regimental court-martial of the county militia ordered that any member failing to show up within five minutes after court was declared open would be fined one quart of spirits. In Bladford, Massachusetts, matters went even further, as the commissioned officers
of the town procured (at the town's expense) money to purchase alcohol "for the use of the Militia in this Town, under the Direc'n of the officers." Drunkenness on muster days not only on the part of men but also officers was common in some areas. Colonel Duncan MacCormick of the Thirty-third Regiment, North Carolina Militia, was rare in that he was one such officer whose conduct actually received official notice and disciplinary action. MacCormick, under the influence of alcohol at an 1844 muster, actually conducted the troops under his command to a public tavern in Fayetteville for more drinks. However, the court-martial board that heard his case acquitted him of charges, because although he had been drinking, it was not clear that he was actually drunk while performing his duties.30

The most prevalent way in which the militia abused alcohol, however, was through the practice of "treating," a custom by which prospective candidates for elected militia office would purchase votes with liquor. Treating occurred generally with the election of company officers; in most states, higher ranks were elected only by officers or were even appointed by the legislature or
by seniority. Sometimes candidates for civil office also spread spirits at militia musters. Usually prohibited by law, it nevertheless was widespread and sometimes the practice lasted for weeks before an election. While those who were treated seemed to enjoy the practice well enough, others professed considerable outrage. The Flat River Baptist Association of Orange County, North Carolina complained that it encouraged vice and corrupted the morals of North Carolinians. They claimed that militia officers even arranged the musters of their districts so that candidates for the state assembly could visit them all in turn and "treat & harangue the people." But senior militia officials deplored the practice as well. When residents of Tyringham, Massachusetts, complained to Adjutant General William H. Sumner in 1818 that militia officers in that town won their positions by treating, Sumner railed against the practice, calling it reprehensible and labelling it bribery. "Whether the votes are bought by spiritous liquors, or money, it matters not," he said, "the act will be considered corrupt." 

Rooting out the practice was nevertheless more
difficult than condemning it. Ten years later, the practice was still widespread in Massachusetts. The militia system, claimed a petition to the Massachusetts state legislature in 1829, "injures the 'morals' of the community by causing a large portion of the population of the state to be drawn off from their farms, workshops, and other vocations to spend their time at taverns and public places of idleness and temptation, and by having a large number of highminded generous and honourable officers in a situation where they must distribute large quantities of ardent spirits or be stigmatized by some as penurious and bigoted and risque the favour of those to whom they are indebted for their resent standing and future promotion." Still, because the association of alcohol with the militia not only helped to turn public opinion against the system but also damaged the efficacy of the institution itself, officers, governors and legislators in most states made strenuous efforts to rid the militia of the vice of drinking. As early as 1808, legislators in Ohio proposed prohibiting the sale of liquor within two miles of any militia musters, though this provision did not apply to tavern-keepers or
distillers selling at their permanent places of business. Similar measures were called for or passed in other states. In Vermont, the state house of representatives passed a resolution in 1821 condemning treating and its consequences on the militia. "The practice becomes burthensome to officers, corrupts the morals of soldiers, tends to introduce disorder, confusion and disobedience, and ought to be discountenanced by all classes of community," the resolution argued. However, the resolution had no bill attached to it; it only requested militia generals and colonels to aid in carrying it out. The success of any such endeavors can be seen in a message eight years later from the governor of the state to the assembly, condemning the practice of "treating Militia companies with spiritous liquors."\textsuperscript{32}

Nevertheless, the growth of the temperance movement did have an effect inside the militia itself. Alcohol use as associated with the militia appears to have been more egregious early in the century than during its second quarter. Temperance societies sometimes had success in persuading local militia companies to abstain from drinking on muster days, or even in holding entirely
"dry" musters. Some volunteer companies as well became partially or completely dry. The Cleveland Greys, formed in January 1839, voted unanimously in 1841 to exclude ardent spirits from their July 3-4 encampment. Such actions usually garnered accolades from newspapers and members of the community at a time when many militia companies were looking for positive reinforcement."

But dry musters could not in and of themselves remove from the militia the stain of alcohol use. Treating, coupled with heavy drinking not only by militiamen but the jovial crowds that attended militia musters, created an association between the militia and alcohol that could not be broken, and aroused opposition not only to alcohol consumption in the militia but to the militia itself. The dangers of alcohol linked themselves readily to other sources of opposition to the militia, combining into a grand argument against its pernicious influences. Illustrative of the chains that bound the two is the fable of Ichabod Ictarus, a story written originally for the New England Galaxy and widely reprinted. This fable told the tale of young and significantly-named Ichabod Ictarus, a good boy who upon
reaching the age of twenty-one embarked upon a trade with great energy, allowing him to save hundreds of dollars. He married early, to a beautiful young woman, bought a small house and started a family. "Three years of industry, thrift, and happiness succeeded." Two children came along, while Mrs. Ictarus proved herself a prudent and industrious housekeeper. Ichabod passed his evenings at home, occasionally visiting friends or relatives, but usually keeping to himself and his family. "All was harmony and affection. The day was devoted to labor and to the shop;--and their unremitting industry, economy, and sobriety were followed, as Heaven has ordained they shall be, by increasing prosperity and increasing respect." 34

However, at this happy juncture, the militia intervened. An ensigncy in the local militia company became vacant, to which the Ichabod's popularity recommended him to the members of the company, "that is, to all except those whose wealth or pride induced them to pay the legal fines in preference to shouldering their muskets. These were, of course, minors, common laborers, and the poor class of mechanics. The web of the law is
too feeble to entangle the more powerful insects." The militiamen elected Ichabod ensign, effecting an immediate change. "The thriving but unpretending Ichabod, who, like most militia officers, was not remarkable for depth of intellect, was now suddenly transformed into the stiff and strutting Ensign Ictarus, confined in a laced uniform coat...and tied to a long and formidable sword. He adopted a false dignity that he assumed the office required, while the expense of his uniform and the alcohol he had to provide the men and officers took much of his savings. Militia office now changed Ichabod's lifestyle as well. Instead of spending his evenings at home, he now spent them with other militia officers, discussing troops and maneuvers, listening to tales of war, "marvellous narrations and disquisitions respecting sham-fights, encampments, musters, and reviews, which flowed from the eloquent lips of the veteran militia captains, who had seen service in the training field."^35

But an invitation to dine with the Governor on the Fourth of July, at which occasion there were all sorts of high-ranking and illustrious civil and military officers, swelled Ichabod's chest with ambition. When he was soon
elected captain of his militia company, he became
overwhelmed with military ambition, hoping some day to
become a militia general. Ichabod began practicing
militia politics, cultivating the good will of his
superiors, giving suppers and collations to officers and
men. Mrs. Ictarus held tea-parties for the wives of
officers and occasionally gave a ball. Ichabod's
everyday work seemed mundane and boring; he took to
showing up to work in his Sunday clothes, then soon
stopped working altogether, instead merely superintending
his apprentices. At the same time, the expenses of
uniforms, balls and suppers threatened to impoverish him.
However, the fact that he soon became a militia major
caused him to become blind to such trivial matters. He
spent all his time planning militia musters and sham-
fights, travelling around the countryside.36

However, his pride and his expenses finally did him
in. A lack of money caused him to resign; depressed by
disgrace he took to soothe his feelings with alcohol.
"He became, in a short time, a confirmed sot. Bloated
and feeble, he was daily seen tottering, perhaps reeling,
through the street, or standing at the door of a
grogshop, ragged and dirty." He died an intoxicated drunk, while his wife was left a destitute widow who had to get along by charity. "What was the original cause of the total desolation of this rising family?" asked the creator of the fable. "I answer, the destructive influence of a childish ambition; a propensity the most pitiful and contemptible that can be imagined; a pride, more empty, worthless, and unfounded, than ever was engendered in the brain of a lunatic; a pernicious vanity, warmed into life, fostered, and reared to fatal maturity by our ridiculous militia system,--one of the most useless, burthensome, ineffectual, injurious, unjust and unequal institutions, in its present form and operation, that ever was devised by folly for a populous state." The picture of Ichabod Ictarus, thrown from his modest heights into poverty and worse by folly, pride, and the ravages of alcohol, all caused by the inequitable militia system, is a vivid one indeed, despite the artificiality of its main character. Though the fable does emphasize the burdens on officers, its main lesson was a moral one--and the immoral institution against which it was targeted was clearly the militia."
The evils of military pride were also stressed by the other reform movement that took issue with the militia, the peace movement. This movement, far smaller and less important than the temperance movement, nevertheless had considerable consequences for the state militias, particularly in the Northeast. Born largely from opposition to the War of 1812 in the Northeast, the peace movement found its first kernel of organization in the formation of the New York Peace Society and the Massachusetts Peace Society in 1815. Other local organizations followed. Usually their size was quite small; the Massachusetts Peace Society, perhaps the largest, numbered only around 633 in 1820. The leadership of the peace societies tended to be religious, though its nature varied. In some areas, early peace societies tended to have large numbers of Quaker and Shaker officers, while in many New England regions Congregationalists provided the leadership of local chapters. Peace societies sprang up elsewhere across the country, including Ohio, Indiana and North Carolina. The first organization with national pretensions was the American Peace Society, formed in New York in 1828, in
which many local societies became chapters. Local organizations remained, however, including the Connecticut Peace Society, formed in 1831, which by 1833 was attracting over a thousand people to some of its meetings. Never large in formal members, the peace movement could nonetheless sometimes succeed in tapping into veins of public sentiment, as it did when it encouraged sentiment in New England against the Mexican War, thus making its real influence very difficult to gauge. One source of this unreliable ability was the large number of tracts and pamphlets which peace societies were able to distribute in the antebellum period, which kept many ideas of pacifism afloat even when pacifists themselves were not numerous.38

The peace movement's broadsides were only sometimes aimed at the militia; most of their ammunition was devoted to war between nations. In fact, the peace movement in America had strong overseas connections, particularly with similar societies in England. The movement in America was by no means unanimous in viewing all war as unacceptable; many Americans with pacifistic tendencies believed in the justness of defensive war.
When Alden Bradford spoke at a Boston peace meeting in 1839 and declared that members of the Massachusetts Peace Society were not "ultra" in their doctrine and that most of them believed defensive war justifiable, his words were received with applause. Many public officials, including militia officers, were members of various peace societies. In Raleigh, North Carolina, Calvin Jones, after disgustedly resigning his adjutant general's position, became president of the local peace organization. In the view of moderate peace advocates, the militia was not in and of itself an immoral institution, because it stood for defensive rather than offensive war. Such sentiments were held in scorn by ultras such as William Lloyd Garrison and Charles Sumner. As the former asked, "Who is a peace man? Surely, not he who will fight to redress injury, or avert calamity. Not he who holds a military station, or commands a naval ship. Not he who appears on muster day, 'armed and equipped as the law directs,' for the performance of military duty...What a farce it is to see a Peace Society enrolling upon its list of members, not converted, but belligerous commanders-in-chief, generals, colonels,
majors, corporals, and all!" 

Public sentiment on the peace movement always remained divided. While Americans could appreciate arguments on the terrible costs of war, in both money and lives, and could understand the religious arguments about the "Prince of Peace" that lay at the heart of most peace tracts, their inherent pragmatism and practicality prevented a wholehearted adoption of pacifist views. The world seemed too dangerous, and demonstrably so, for a people to lay down their arms entirely. Peace advocates appeared to be well-meaning but perhaps too idealistic and naive; as a result, they often came under ridicule. The *Boston Evening Transcript* spoke to Americans' mixed opinions about the peace movement when it noted in 1839 that "peace societies are multiplying nowadays, in these New England States especially, in a truly astonishing manner. In the ranks of those who have resolved to 'learn war no more,' are to be found men of the highest order of genius and of the greatest moral worth, marching steadily and resolutely in the great utopian cause, arm-in-arm with men whose utter stupidity, imbecility, and want of principle, have never been for a moment
questioned." The newspaper capped its characterization of the movement with a description of a society meeting as composed of "seven old women, three abolitionist negroes, one lame deacon, a superannuated clergyman, a one-eyed sexton, a militia officer, and a corporal of the Revolution, who had the honor of being cashiered for his cowardice at the Battle of Bunker Hill!"

Perhaps realizing that Americans would be best swayed by a variety of arguments, both religious and secular, peace advocates who argued against the militia often did so on grounds other than pacifism. When the Peace Society of Orange County, North Carolina, presented a petition to the legislature asking for a reduction in the number of militia musters, its justification for the measure was not the evils of war or military organizations, but rather the fact that militia meetings promoted intemperance and its associated evils. Similarly, the American Advocate of Peace, one of the primary organs of the peace movement, published articles criticizing the militia for encouraging drunkenness, profane language, smoking and vulgar dances. It criticized the great cost of the militia and emphasized
the unequal burden, just as many other militia critics did. Peace advocates simply appropriated much of the available criticism of the militia and added it to their arguments.  

Nevertheless, the religious arguments of the peace societies did have a palpable effect on the militia of the New England states. Starting in the 1820s but increasing thereafter, especially in the wake of the Mexican War, New Englanders began to put pressure on their state governments to allow exemptions from militia duty for all citizens conscientiously scrupulous of bearing arms, even those who were not Quakers, Shakers or members of any other explicitly pacifistic religion. Often including peace pamphlets with their petitions, memorials and protests, they argued on religious and moral grounds that military service of any type—or paying fines in lieu of not serving—was morally unjustified. The petition of several citizens of Hanover, Massachusetts, in 1838, was typical of many others, asking for "such alterations [to be made] in the Militia Laws as to exempt from military duty all persons who conscientiously believe that all wars, and warlike
preparations, are morally wrong." William Lloyd Garrison joined 53 other Bostonians in March 1836 to ask for the elimination of militia duty on the grounds that "all wars are repugnant to the spirits and precepts of [Jesus] and...that to do militia duty is countenancing war, and is therefore wrong." It is tempting to speculate that many individuals ostensibly opposed to militia duty on moral grounds were in fact merely appropriating the arguments of the peace movement in order to relieve themselves of the onerous burdens of militia duty, without actually subscribing to any pacifistic beliefs. Such, no doubt, was the motivation for many who signed petitions asking for such exemptions during the antebellum period. Nevertheless, there were those who were truly prepared to go to considerable extents to protect their scruples. Austin Johnson, a Vermont pacifist, saw his property forcibly taken from him and auctioned off to pay the militia fines that his refusal to duty incurred, while Bostonian David Cambell found himself incarcerated in jail for refusing to attend militia musters or to pay the fines involved. The extent of genuine feelings of pacifism is impossible to
determine, but both genuine and faux feelings were made possible by the peace movement.⁴²

Petitions and memorials from the conscientiously scrupulous poured into New England legislatures, especially in the 1830s and 1840s. Peace advocates printed petition forms and distributed them widely for people to sign and mail to the legislature. This was done in considerable numbers. In 1837 in Massachusetts, for instance, the legislature received petitions from Boston, Amebury, Newburyport, Rowley, Bradford and other towns numbering in the hundreds. In 1839, inhabitants of Essex, Lynn, Nantucket, Marshfield, Worcester, Amesbury, Newburyport, Gloucester, Hamilton, Hanover, Weymouth and other localities all sent in at least one petition from each town arguing for exemption from military duty on pacifistic grounds. Such petitions continued to come in even after compulsory militia service was abolished, arguing that even the voluntary militia should follow its predecessor into oblivion.⁴³

Such protests and petitions had a significant impact on the militia system. Added to those protests on socioeconomic and other moral grounds, they raised the
level of opposition to the militia in Massachusetts (and other Northeastern states) to a very high pitch, putting considerable pressure on legislators, governors, and militia supporters to counter or deal with the rising tide of public opinion. Since some legislators themselves were members of the peace movement and opposed militia service on those grounds, such protests could receive support from within the halls of government. The effect of the peace movement on the militia system proved to be out of proportion to its relatively small numbers.

Both the temperance and peace movements had an additional important effect upon the standing of the militia. Many (though not all) of the socioeconomic arguments against the militia died away in the 1840s as Northern states abolished compulsory militia service. Individuals who no longer had to perform military duty no longer had a personal cause for complaint against the system. But many of the moral arguments remained in full force well after compulsory systems had been replaced by volunteer systems. Volunteer militia encampments were seen to be as vice-ridden as were their compulsory militia muster precursors. To the extent that the
compulsory militia violated Christian tenets of peace, so too did the volunteer militia system. An opponent of the militia system in 1855 characterized militia encampments as dens of iniquity, where "all regard for law and decency seems to be thrown aside." Drinking, gambling and fighting were among the disgraceful scenes witnessed. "We have little space even for a passing allusion to other bad moral influences of our militia system," claimed the writer, "its desecration of the Sabbath; its blighting effect on the Christian character of its few professedly pious members; its insidious, often fatal allurements to various forms of vice; its manifold temptations of young men possessed of slender means, yet fond of society and display, to prodigality, dishonesty, and general dissipation." The writer included a handy petition form for sympathetic readers to send in to their state legislators. With such rhetoric, militia opponents managed to keep the system under attack almost to the Civil War.45

Opposing the Militia

The battle over the militia was fundamentally a
contest of public opinion. Since the militia was a statutory institution, it could only be modified or overturned by state legislatures (or Congress). Legislators would only do so if they were convinced of the propriety of such changes or if they felt pressure from public opinion on the issue. The petitions and memorials sent in to state houses from militia opponents across the country were attempts to do just that, to place pressure on lawmakers to effect changes. This pressure, though to some degree resisted, brought a good deal of success; some candidates for office even openly declared their position on the militia as a way to win votes. However, efforts to influence people were not directed solely at politicians, but also at the people at large, in order to increase the feeling against the institution. The individuals who instigated such efforts were many: newspaper editors, advocates of peace or temperance, workingmen's advocates, and both local leaders and citizens. By the 1820s, those who supported the militia considered themselves besieged. Governor Levi Lincoln of Massachusetts, the end of whose term was celebrated by laborer Jason Morse, confessed in 1829 that
the militia "may now justly be said to be struggling against popular reproach. The fashion of the day is gratified in aggravating its defects, rather than in desiring wholesome and satisfactory remedies." Nearly a decade later, Adjutant General Henry A. S. Dearborn could precisely pinpoint their arguments and effects: "From a combination of various causes, an opinion has been too generally induced hostile to the militia system. It has been decried and denounced in such a public and emphatic manner, as both despicable and useless...as oppressive and unequal in operation, immoral in its tendencies, adverse to the pacific disposition of the people, and dangerous from the belligerent disposition it may foster and perpetuate."46

The petitions, the protests, the evasion of duty (discussed below): these were all ways of eroding the militia. The method, however, most remarked upon and clearly most despised by militia supporters was ridicule. "Exaggeration is made use of," explained an Ohio adjutant general. "and the difficulties into which we have fallen, (great enough of themselves) are, in these disputes, continually magnified and misrepresented." A militia
general had a more emotional response to the campaign against the militia. "Altho' much has been done by legislation to discourage and injure the militia," Samuel Avery of Massachusetts claimed, "this is not the ostensible cause of its decline. No sir, this must be ascribed to public opinion, that all powerful and arbitrary governor and dictator of all our actions, and I might have said, almost our very thoughts. The enemies of the militia, sensible of this power, commenced their attack through its channel, from the desk, by the public prints, by caricatures, and by every other means which might tend to bring the militia into disrepute, contempt and ridicule; and I regret to say they have succeeded too well." Historians as well as contemporaries have acknowledged the role that ridicule played in the decline of the militia; Marcus Cunliffe has even gone so far as to suggest that the militia was laughed out of existence. Such a characterization of the decline of the militia by itself is incomplete, for probably more people were angry at the militia than amused by it. Ridicule became a means to an end, a way to get rid of a militia system perceived as burdensome and immoral. Appearing both from
within and without the ranks of the militia, it
capitalized on a third perceived flaw in the current
militia system. Not only did the militia impose an
unfair burden upon working citizens, not only did the
militia act as a haven for vice and immorality, but it
was also a useless system. Foreign invasion was unlikely
(and in any case, the militia did not seem qualified to
stop it), while Indian threats were remote from the great
majority of the population. Militia musters, at which
often there was no attempt at serious training
whatsoever, appeared to offer no practical benefits.
Some contemporaries believed that ridicule from within
the militia began merely as a way to ease the boredom of
these perceived useless trainings. It was a way for
young men to amuse themselves. However, more and more,
ridicule was used as a tool with which to directly attack
the militia. As such, it was particularly effective,
because not only could ridicule damage the militia in the
eyes of public opinion, but opponents of the institution
could then use the fact that the militia was being
ridiculed as further ammunition against it. Ridicule
also lessened the willingness of previously compliant
people to perform militia duty."

Ridicule took two forms: from within and without the militia. Outside the structure of the militia itself, newspaper editors and other opinion leaders launched biting attacks on the institution. They mocked militia musters, officers and supporters, taking no prisoners. "The advantages and imbecilities of the Militia Code, has been sufficiently long before the public for them to witness its good effects, or to believe in its futility," began a widely reprinted article from the Boston Courier. "We ask of every man of common sense, who has not a military commission, to judge for himself of the improved discipline of our Militia...Let him inspect the troops as they walk along before him to the music of the rub-a-dub, rub-de-row drummer, accompanied by a wheezing son of Orpheus on the fife, who caricatures yankee doodle. Inspect the Captain, as in all the pomp of war, he struts past you, hoisting his feet in the air, as though the ground on which he trod was hot...Then after him come tatterdemalions, with a dress and equipments such as it shall please God to allow them--one with a pillow case for a knapsack, and another with a meal bag to
match...This talking, galloping, unmanageable crew, laughing at their own appearance, and openly cursing the law that brings them out in a sultry day, sketches forth the wonderful effects of the Militia System, for the last twenty years." An Alabama newspaper reported of a militia muster in 1847 that "we saw there guns with single barrels, guns with double barrels, and guns with no barrels at all; guns with huge rusty bayonets and guns with no bayonets, guns with locks, guns without locks, and guns with neither lock, stock nor barrels. Some were armed with blunderbusses, some with broomsticks, some with hickory sticks, some with lightwood knots, some with pine boards, some with jack-knives, some with huge rusty swords, some with long poles and some with black bottles of whiskey--the most dangerous weapon of all...the whole furnishing a forcible illustration of the beauties of our militia system."48

Such external attacks on the militia system were often devastating in their effect; few eras have witnessed sharper barbs than those fashioned from the pens of antebellum American newspaper editors, who freely stuck them in the militia. These attacks were also
indicative of the extent to which such attitudes about the militia permeated American society; they came not only from workingmen's papers but "respectable" papers of every stripe. The militia musters and inspections, however, gave ordinary citizens who participated in the militia a chance to show their own disapproval of the institution. The most visible way in which the militia was ridiculed by those forced to participate in it was the militia burlesque or fantastical, in which people would dress themselves in outlandish costumes and turn militia musters into parodies of the militia. Susan G. Davis has called the burlesques a form of "urban folk dramas," arguing that they were a "distinctive mode of political expression for the city's poor and working peoples." Though fantasticals were not limited to the poor or working peoples, her characterization is largely a sound one. Just as service in a volunteer company provided to a young man favorable exposure and a chance for public notice as part of a group that he might have had considerably less chance in garnering on his own, militia burlesques provided to the men opposed to the militia a chance to give voice to their opinions as a
group with far greater effect than as individuals."

Though apparently occurring at a low level in some areas ever since the War of 1812, the first celebrated case of a militia burlesque was the case of Colonel Pluck. John Pluck, a poor stableman, was elected colonel of the Eighty-fourth Regiment of Pennsylvania Militia in 1826. The "Bloody 84th," as it came to be called, was the regiment covering the "Northern Liberties" area of Philadelphia, a poor neighborhood associated with radical sentiments. Pluck, apparently an alcoholic and possibly of limited mental capacities, would have been merely yet another example of a militia unit trying to elect an incompetent as commander in order to get out of militia duty or to stop the system from working, but the Eighty-fourth Regiment proved too enterprising to stop the business there. Instead, they made a spectacle of Pluck, exhibiting him like a prized bull. They sent him across the city, in a ridiculous faux-uniform, accompanied by a mock militia unit in equally fantastic dress. Crowds numbering in the thousands watched this mockery of militia rituals. At the behest of New York newspaper editors, he began a tour that included New York City,
Albany, Providence, Boston and Richmond. Upon returning to Pennsylvania, he was cashiered as being incapable of holding a militia office. But the parading of Colonel Pluck ushered in a new era of militia burlesques; throughout the 1830s and into the 1840s, the fantastical became an increasingly popular way of protesting the militia. Fantasticals, because of the planning that often had to precede them and the crowds they needed to influence, were generally the product of cities and towns, rather than in the countryside, though even in rural areas they sometimes occurred.50

They key to militia fantasticals was publicity: they were designed to attract attention to themselves, and thus secondarily to the militia system. Because of this, most fantasticals were planned well in advance, with placards or newspaper stories announcing intentions to put on a burlesque. The organizers of the "New York Invincibles," a fantastical that paraded in 1831, advertised its meetings to form people into "a Division, to be called the "LEGION OF INVINCIBLES" of the Royal Fantastical Army! And to make arrangements for the election of Aide-de-Camp to His Royal Highness Napoleon
the Reformer, Commander in Chief of the Royal Fantastical Army, Chief Justice and Lord High Chancellor of the same!!" The organization, in this case, paid off; the "Invincibles" numbered in the hundreds at their first turn-out. Militia officers and leaders were sometimes besides themselves in anger at the mockery that militia burlesques made of their institution, but most measures that they could take simply garnered more publicity. When in 1833, Philadelphia militia officers court-martialed Peter Allbright, a colonel of the "Bloody 84th" who allowed his unit to conduct a fantastical, they merely provided more grist for the newspaper mill. In many cases, officers had no recourse, for nothing prohibited the wearing of peculiar uniforms. As one New Hampshireite remembered, "There was no law against such merriment, and the officers were powerless to prevent it."51

The reaction of others varied. While many delighted in the highly amusing costumes and antics of the fantasticals, others could not help but wonder at the possible impact of such anarchy. When the Boston Evening Transcript discovered that "all Rhode Island" was to be
"engaged in a fantastical military parade," the newspaper--no friend to the militia by any means--could not help but be pessimistic. "The effect of all this," the Transcript predicted, "although the Military System of the state is odious, must be bad, and it is to be regretted that it is indulged." To those concerned with the fragility of law and order in the tumultuous 1830s, such large-scale burlesques flaunting a long-established law, however unpopular, was particularly unsettling. However, many more newspapers reported on the fantasticals as if they were simply juicy bits of spectacle, while others viewed the parades as the natural consequences of the militia system. As the Chambersburgh Repository, after describing a recent fantastical in that area, ended its report: "So much for a fantastical parade, and the useless militia system which excites such indignation as is always evinced when men are trained apparently for no other purpose but to make them weary."52

The ridicule aimed at the militia from individuals and groups alike greatly damaged the none-too-bright reputation of the institution. At the same time that legislators began to be more willing to look at radical
changes in the militia system, individuals became less willing to serve in the militia, either as soldiers or officers. The skillful manipulation of public opinion regarding the militia provides an excellent example of the way relatively powerless people were able to make their opinions felt in antebellum America. Many militia officers felt nothing but dismay at the ridicule they saw constantly being directed at the militia. However, there was a silver lining to the cloud that rained so heavily on the institution, and this was that the basis of much of the ridicule, both from within and without the institution, seemed to come from the perceived uselessness of the militia. As the Repository above noted, fantasticals proceeded from the purposelessness of militia duties. This gave those interested in reforming the institution, rather than abolishing it, an entree. Public opinion could perhaps be changed, if the militia itself were changed. To some, the public ridicule even seemed to provide an impetus for change. Militia reformer Alden Partridge, for instance, gave a lecture on militia reform directly following a fantastical in New York in 1831; he viewed the event as an opportunity to
press his views on reforming the militia to a potentially sympathetic audience. Perhaps it was not much of a ray of hope, but while public opinion obviously demanded change in the militia, it did not yet necessarily call for complete abolition of the institution. 52

Evading Militia Duty

To those who wished to avoid military duty, the end of the militia, whether through the force of public opinion or other means, was a desirable but still-distant goal throughout much of the antebellum period. While they could parade, protest and petition, in the meantime they still had to do military duty or risk the fines that nonperformance entailed. The wealthy could easily evade militia service simply by paying the fines. As a Florida newspaper suggested, "the fine system was viewed as a rich man's device for avoiding any unpleasant duty." In Alabama the fines were so small that the state's black-belt cotton-growers could easily avoid all militia service. "It is a lamentable fact," complained an adjutant general of that state, "that affluence and luxury are at war with discipline." However, to most
Americans, the fines purchased exemption only dearly, if indeed at all. Many simply could not afford to pay them. As a result, avoiding militia service in the antebellum period became something of an art, as Americans tried an almost endless series of stratagems to that end.54

Two basic strategies of avoidance offered themselves to the prospective unwilling militiaman. An individual strategy offered the possibility of slipping through the cracks of the system, but depended upon somewhat upon luck. Group efforts at avoiding service were more likely to be effective in the short run, but were also more likely to draw attention and possibly be thwarted. Antebellum Americans tried both strategies.

The simplest way of avoiding militia service for both individuals and groups was to somehow take advantage of the many legal exemptions from military duty offered by the various states. Two examples from North Carolina illustrate the ingenuity that young men displayed in avoiding the call to the muster grounds. Residents of Wilkes County complained in 1820 of the ease with which individuals could become local justices of the peace, who were exempt from service. "Nearly 1/3 of the most
juvenile young men in our county, is exempt by holding the appointment of Justice of the Peace," they claimed. In Jones County in 1846, people took advantage of the exemption for mail contractors. Contractors sold their contracts to others (who might repeat the process), while all would claim the right of exemption as letter carriers. Holding a legal exemption eliminated the risk of being caught evading service and risking prosecution; as such, they were highly desirable.55

The likeliest exemption available to the common man was for service in a volunteer fire company. Not all states allowed exemption for such service, but most did, since fighting fires was a public service quite obviously needed in all but the most rural areas. Volunteer fire companies had a long history of their own in antebellum America, sharing some of the same qualities possessed by many volunteer militia companies. Just as much social organizations as fire-fighting ones, and sometimes more so, they often formed along class, ethnic, geographical and other lines. Service in a volunteer fire company also offered an obvious utility that militia companies often could not match. For many Americans, it was
considerably more desirable to serve in a fire company than in a militia company, especially the compulsory militia. As a result, fire companies boomed. Philadelphia had over seventy fire companies in the 1850s, with numbers that varied from a few dozen to a couple hundred each. The town of Plymouth, Massachusetts, had in 1831 two volunteer militia companies, four compulsory militia companies, and five fire (also called engine) companies. Since Plymouth naturally contained a large number of other exempts (seafarers), the presence of the fire companies reduced the total number of men in the four compulsory companies to a total of 56, including non-commissioned officers. The fact was that members of the fire companies were very likely to be the same people eligible for militia duty. The Boston Fire Department in 1839, for instance, had 175 men aged 20-25, 208 men aged 25-30, 118 aged 30-35, 62 from 35-40, 22 from 40-45, 12 from 45-50, and only two men older than 50. Membership in a fire company was not necessarily a loss to the militia; some individuals belonged to both. In Boston in 1832, one company of militia was almost completely composed of men who also
served in the fire companies. When an alarm sounded
during a muster, the men could not stand staying in line
and broke ranks to run towards the source of the alarm.
When the alarm proved to be a false one, they returned to
the muster grounds. However, such double-duty was the
exception rather than the rule. Usually the growth of
fire companies meant the decline of militia strength.56

Militia officers and supporters were well aware of
the potential danger posed by the rise of fire companies
to the existence of the militia. A state legislative
committee in Massachusetts reported in 1831 that the
increase in numbers of fire companies in Boston and other
Massachusetts towns had had serious consequences. It had
reduced the size of many militia companies so much so
"that in several instances, a greater number of officers
and musicians than privates have appeared on the field at
the fall inspections." Such growth was an almost
inevitable consequence of exemption. "If the Fire
Masters and their assistants are exempted from Duty by
you..." warned a North Carolina militia officer to his
superior, "they will soon have a large company of their
own, but for what purpose is those assistants? They
don't work the Engines; the Engines are worked by Negroes and those Negroes are paid for their trouble...I conceive it may establish a dangerous and troublesome precedent." Agreeing with such sentiments, some state legislatures did not give blanket exemptions to fire companies, or removed such exemptions when it became apparent that service in the companies was a dodge from militia duty. But fire companies constantly petitioned for exemption in those cases, and were frequently supported by town officials, who feared that removing militia exemptions would decimate the numbers of fire companies to the point where they could not effectively function. When in 1839, the Massachusetts legislature considered removing the exemption for fire companies, it stirred a brief flurry of protest. The City Council of Salem, alarmed, claimed that it would be impossible to sustain the fire department if exemptions were discontinued, as did the town of Lynn. They needn't have worried; the state was on the verge of dismantling the entire compulsory militia system. But even if it hadn't, it was unlikely that Massachusetts would completely eliminate fire company exemptions. As a legislative committee reported a
quarter of a century earlier, it did not seem practical "to exclude altogether the whole body of Engine men from the privilege of [militia] exemption. It seemed unavoidable that it should be extended to a sufficient number to work the machines." The alternative, at least until the development of professional fire departments, was the loss of lives and property.57

For those who for whatever reasons could not obtain a legal exemption from the militia, the easiest course of procedure was simply to avoid being noticed by those making out rolls of men liable for duty. Sometimes it was easy to do so. Thomas Mosely, an Ohio adjutant general, complained in 1845 that many assessors would not take down the names of men liable to do militia duty, "owing to an aversion a large portion of our citizens had to contributing to the promotion of the militia." Such evasion was easier in urban areas than in less-populated rural ones. In a city, a young man with no property could hide himself rather effectively from the militia rolls. As a military clerk complained to Governor James Sullivan of Massachusetts in 1808, "many persons liable to do Military duty in Boston, who are without families,
and who reside in Boarding Houses, and other public places...find means to evade the Militia law of this commonwealth by a species of dissimulation practices by the keepers of such Houses, in refusing to give the names of the persons abovementioned." Many years later, Colonel John S. Tyler compared the records of several regiments of Boston militia. The contrast between two regiments was striking. The First Regiment (in Boston's North End) had 42.5% of the enrolled population performing military duty. "These men," Tyler assured Adjutant General William Sumner, "are generally mechanics, occupying their own houses, or those of their parents, and generally performing active duty, as their fathers have done before them, without deeming the law oppressive, or the service disgraceful." The Second Regiment, on the other hand, saw only 33.3% of its men show up for duty. This regiment, situated in the middle of the city, comprised a mixture of "numerous mean of wealth, who pay their fines, as a matter of course," on one hand, and on the other, "many boarding houses, whose inmates generally strive to evade duty, or belong to volunteer companies." Even in rural areas, such methods
of evasion by mobile young men were sometimes possible. One Alabaman complained in 1840 that "numerous cases exist, where single men work about from house to house, one time at one house and another time in another house in different Beats, and thus evade Muster, Draft and other duties." One of the few advantages of being young, poor and mobile in antebellum American society was that it was easy to evade notice by authorities.\textsuperscript{58}

Where it was impossible to remain hidden from the eyes of the militia, individuals often tried to escape duty through legalisms. Since most militia laws were long, complicated codes, there were often plenty of loopholes which enterprising young men could try to exploit. Men often refused to obey the orders of militia officers not properly commissioned, for instance. Another loophole arose in the written messages sent to militiamen warning them of liability to duty. Any mistakes in the certificates might make it invalid, thus releasing the recipient (temporarily) from militia duty. The Massachusetts Supreme Court even ruled that misspelling a person's name on a certificate would render it invalid, making it very difficult for clerks to find
out the true names of many obligated to perform military service. This was also the course contemplated by George Templeton Strong, a young well-to-do New Yorker, in 1839, who received a notice addressed to "George D. Strong, Jr." His back-up plan was to "get some nominal office for economy's sake." Legalisms also helped those militiamen bold enough to sue fine collectors, since such cases often turned on the exact wording of the law. This was something that Joseph Holcomb, a Vermont militia sergeant, discovered to his regret. Ordered by his captain in 1796 to collect a six shilling fine from six recalcitrant militiamen, Holcomb prosecuted the delinquents before a justice of the peace and won the suit. However, the defendants appealed to the county court the following year, where they won their case on the grounds that the warrant appointing Holcomb a sergeant had been signed by only one of the commissioned officers of the company (the captain), whereas the law required such warrants to be made by all the commissioned officers of the company. However, Holcomb's captain was then the only commissioned officer in the company. Holcomb's ordeal, according to his own accounting, cost
him at least $200 in court and attorney fees, and no
doubt made him much less willing to collect fines in the
future. 59

Individual action almost always was designed to
allow evasion of service or fines for non-service. In
groups, however, those opposed to militia service could
act considerably more effectively to frustrate the
workings of the militia system. The most common group
tactic, practiced across the country, was for the men of
a militia company to refuse to elect officers or non-
commissioned officers, or to elect only those who
promised not to enforce the laws. Virtually all militia
laws required officers or non-commissioned officers to
deliver the certificates warning people of enrollment in
the militia, of upcoming musters, or of fines. Without
people performing these duties, the operation of the
militia would grind to a complete halt. The militia of
Greenfield, Massachusetts, met in 1836 to elect officers,
where according to a newspaper account, "they balloted
from one o'clock until sundown, with industrious
perseverance and unexampled unanimity, and elected
successively twenty-five captains, each of whom
successively declined the honor." The company was dismissed without having elected an officer. Companies elsewhere elected men who would not perform their duties. "The people are most decidedly opposed to militia musters," Alabama governor Henry Collier informed the state legislature. "Persons having the greatest distaste for such displays are sometimes elected officers with the tacit, if not express understanding, that they will neglect their duties and connive at the defaults of others." A group of Massachusetts militia officers reported seeing "vagabonds, paupers, animals," and other misfits elected officers, while a military commission in the same state provided an even longer list of incompetents, including a drunkard with a broken leg. Such protests combined ridicule with the practical effect of stopping the operation of the militia system.60

Understanding the seriousness of such group evasions, state authorities often passed laws enabling superior officers to appoint junior officers in case of a refusal to participate in elections. Sometimes they disbanded such militia companies, assigning the men to various adjacent companies. In some cases, such tactics
were successful. The men particularly disliked having to muster in locations even further away. However, disturbingly often, a refusal to elect officers could essentially mean the end of the militia in a particular area. This was the case for Whately, Massachusetts, a town whose militia company would not elect any officers. The colonel of the regiment to which the company belonged, James S. Whitney, travelled to Whately to order an officer election. The men fell into line and promptly elected a captain, but the man refused to serve. The soldiers voted again, electing another, but again the choice declined the honor. This action was repeated time and time again, while Whitney grew more angry with each refusal. Disgusted with the events of the day, Whitney delivered a few "deprecatory remarks," then ordered the militia company "about face." When the citizen-soldiers had reversed their facing, the colonel then gave the order for "forward march," marching the men directly into a large pile of manure on the opposite side of the street. He halted them there, then dismissed the company. Whitney's action infuriated the men, who raised a ruckus, but their point had been made, and that was the
last militia training in Whately. 61

The incident in Whately was also a borderline example of another type of resistance to military service that was not uncommon in New England, particularly in small to medium-sized towns. In what might be termed "town revolts," the citizens of rebellious areas would jointly refuse to enforce the militia laws. They would not elect officers nor would they cooperate in prosecuting those who failed to perform duty. This was an extension of the tactic of non-election to a somewhat higher level. Interestingly, town revolts began to occur well before the level of opposition to the militia reached its highest pitch. As early as 1796, the towns of Roxbury and Brookline in Massachusetts repeatedly refused to elect any militia officers for the companies in those towns. Salem, Massachusetts, was the scene of another early town revolt. High-ranking militia officers had tried in vain for several years to organize the militia regiment in Salem, but without success. Not only would the men not elect officers, but when a major general tried to find men willing to be appointed to militia office, he signally failed. Town revolts
occurred occasionally in Massachusetts over the next several decades. The town of Heath became rebellious in the early 1820s, refusing for over a year to elect militia officers and destroying all militia records and books. After repeatedly trying to induce some cooperation from the men of Heath, state officials disbanded the town's militia company and divided its men between two adjacent towns. In early 1831, North Adams, a factory town, adopted the same tactics. Adjutant General William Sumner suggested to the militia officer who had jurisdiction in that area that he make plain to the Adamsians that they had "as much concern in the good order of society as others," and suggested that the factories in the town would be a target in case of foreign invasion. Sumner felt that such town revolts were of a temporary nature. Replying to someone informing him of a rebellion in Sandisfield the summer of that same year, Sumner noted that "dissatisfaction with the laws has shown itself in various ways for a time in several towns, but the good sense of the citizens has soon discovered the error." In several instances, he suggested, "where a most refractory spirit for a short
time had shown itself, as in Quincy and Heath, beautiful light infantry and rifle companies have been raised."

However, by January 1832, the towns of Sandisfield, Tyringham, Richmond, North Adams and New Marlboro, along with several towns in Berkshire County and most of the towns in Franklin County still refused to elect officers or participate in the militia system. Rather than being as fleeting as Sumner thought (or hoped), the town revolts were instead symptomatic of the growing opposition to the concept of compulsory militia service.62

At the far end of the spectrum were the most extreme ways of avoiding militia service. In Massachusetts in the early 1820s, some militia officers became concerned at the 1822 Massachusetts law discharging people committed to prison for refusing to pay their militia fines after only six days. The earlier penalty had been thirty days. The officers believed that a disturbing number of men were willing to go to jail rather than serve in the militia. In actuality, the number of men actually willing to spend a week in jail to avoid one day of militia service was probably not very large. More disturbing were threats or incidents of violence against
those who participated in the militia system. Such threats worried Jeremiah Bland of Monroe County, Alabama, considerably. Appointed captain of a militia beat in the Twenty-sixth Regiment in 1850, he soon discovered that most men in the beat would not attend musters. "They bid defiance to the law," Bland reported, "and say they will kill any overseer that will push on them." The wealthier residents of the county declared they would not muster, which perhaps made other citizens equally rebellious. Lawyers in a nearby town publicized an offer to clear every man in the company from militia duty for $20. Bland felt both concern and exasperation. "Now if there is no law to collect fines an men are to do as they please, I wish to be libberated from my troubles and expense." Bland, however, was not a victim of actual violence. Occasionally such violence did arise. The most publicized such incident occurred in Philadelphia in the ward of the "Bloody 84th," which had earlier raised Colonel Pluck to his high status. In the summer of 1833, residents of the North Liberties assaulted a militia fine collector apparently more than once. Accounts of what happened to "Major Hurlick" varied; incidents reported
included his being dumped in a tanning vat, chased across
the ward, pelted with eggs and nearly thrown out of a
window. What is clear is that the crowd vented their
anger at the militia system on someone symbolic of its
economic burden—the fine collector. The residents of
the "Bloody 84th," among the most radical opponents of
the militia system, demonstrated the lengths to which
they were willing to go to destroy the system.63

Overall, the steady growth of opposition to the
militia in the decades after the War of 1812 cannot be
overestimated. Increasingly, large numbers of lower and
middle class Americans felt alienated by a militia system
that seemed to require the poor to pay in order to
protect the property of the rich, who incurred no notable
expenses. Militia musters themselves seemed useless, or
even productive of vice. Such attitudes became
widespread enough to be accepted as the conventional
wisdom about the militia system. Unwilling to put up
with such a system, those required to serve in it tried
both to evade duty and to change the nature of the
militia. While it is true that many of their complaints
were not against the concept of militia duty itself, but
rather were aimed at specific aspects or failings of the system, it seems clear that even many of those not opposed to the existence of an equitable militia system were nevertheless committed more to opposition than to reform. No militia system at all would be preferable to the existing, unfair system. Those individuals who supported the militia system, or who wanted to retain a system while eliminating its evils, would find themselves swimming upstream against a mighty current of public opinion.
NOTES

1. Petition of Jason G. Morse, March 7, 1834, Document #9516/1, MSA ULF Sen.

2. Ibid.

3. Ibid.


6. Henry A. S. Dearborn to Edward Everett, December 12, 1836, Document #10013/3, MSA ULF Sen; Governor's Message Returning the Bill in Relation to the Militia, March 28, 1834, MSA Legislative Series, Passed; An Address from the Governor of the Mississippi Territory to the two Houses of Assembly, December 2, 1801, Mississippi Territorial Archives, Vol. I, 351-55.


9. Petition of Abraham Tyler and others, December 2, 1850, General Assembly Session Records, November 1850-January 1851, Petitions, Box 8; Petition of Citizens of Rutherford County, Ibid, November 1825-January 1826, Box 4; Philip H. Pitts to Benjamin Fitzpatrick, March 7, 1842, Alabama Governors' Militia Files, Sept 8, 1842 - June 28, 1842, ADAH.

10. Westover, "Evolution of the Missouri Militia," 82-83; Petition of the officers of the Second Brigade, Tenth Division, Massachusetts Militia, 1813, Document #7455, MSA ULF HR; Edward Livingston to David Swain, March 25, 1833, Governors' Letterbooks, Volume 30, NCDAH; Swain to Daniel, August 22, 1833, Ibid; Daniel to Swain, August 26, 1833, Ibid; *Niles' Weekly Register*, September 5, 1829; John Pierpont, *A Discourse Delivered Before the Ancient and Honorable Artillery Company of Massachusetts...June 2, 1828*, (Boston: Bowles and Dearborn, 1828), 9-10; William Jay, *War and Peace: The Evils of the First and a Plan for Preserving the Last*, (New York: Oxford University Press, 1919), 7-8.

11. Petition of William W. Partridge and other commissioned officers of the Second Brigade, Fourth Division, Massachusetts Militia, Acts of 1829, Chapter 11, MSA Legislative Files, Passed.

12. Petition of Jason G. Morse, March 7, 1834, Document #9516/1, MSA ULF Sen.

14. Acts of 1822, Chapter 102, MSA Legislative Files, Passed, contains a large number of these petitions. Most are identical, but the one quoted from is the Petition of Members of the Light Infantry Company in the town of New Salem, belonging to the Third Regiment, Second Brigade, of the Fourth Division, Massachusetts Militia.

15. Petition of Nathan Mitchel and others, 1827, Document #8405/1, MSA ULF HR; Petition of Samuel Picket and other officers, January 2, 1824, Document #7021/2, MSA ULF Sen; Memorial of Gardiner Dickinson on the subject of the Militia, February 1, 1838, Resolves of 1838, Chapter 67, MSA Legislative Files, Passed.

16. Register of Debates in Congress, Twenty-fourth Congress, First Session, 2771; Petition of John Jones and others, 1822, MVSP, Volume 56, 152; Petition of Bennington Iron Works, October 1, 1835, MVSP, Volume 64, 95; Petition of Jonathan F. Barrett, October 10, 1822, MSVP, Volume 56, 148.


18. Report of the Committee on the Militia, October 19, 1829, MSVP, Volume 69, 60; Petition of Ira Coolidge and others, October 1, 1828, MSVP, Volume 60, 6; Petition of Heman R. Smith and others, MSVP, Volume 62, 147; Address of the Military Convention of Officers of the Second Brigade, Third Division, of the Vermont Militia, MSVP, Volume 65, 122; Records of the Governor and Council of the State of Vermont, Volume VII, (Montpelier: J. & J. M. Poland, 1878), 46, 266; Petition of Uriah Lee and others, filed October 16, 1832, MSVP, Volume 62, 138; Memorial of Officers and Soldiers of the Third Brigade, Third Division, September 1832, MSVP, Volume 62, 99.


21. Joseph Rhodes to Benjamin Williams, December 14, 1799, Governors' Letterbooks, Volume 14, Part 1; Calvin Jones to General Assembly, November 27, 1809, Letters, Orders and Returns, 1807-12, Adjutant General's Department, NCDAH; Adjutant General's Report, November 24, 1813, Robert Williams Papers, Special Collections Library, Duke University; Beverly Daniel to Gabriel Holmes, November 28, 1824, Orders and Returns, 1821-40, Adjutant General's Department, NCDAH; Daniel to Hutchins Burton, December 1, 1825, Ibid; Alexander MacRae to Robert Haywood, April 1, 1842, Ibid.


23. Petition of Casper Miller and others, December 3, 1836, General Assembly Session Records, November 1836-January 1837, Box 5, NCDAH; Adjutant General's Report, December 7, 1830, General Assembly Session Records, November 1830-January 1831, Box 6, NCDAH; A Bill to pay the field officers of the State for the time occupied in reviewing, General Assembly Session Records, November 1846-January 1847, House Bills, Box 1; A Bill concerning Militia officers, Ibid; Petition of the commissioned officers of the Twenty-sixth Regiment, North Carolina Militia, November 21, 1846, Ibid, Petitions, Box 7; Memorial of the field officers of the Twenty-fifth Regiment, North Carolina Militia, December 26, 1846, Ibid; Memorial of the militia officers of Person County, November 16, 1846, Ibid; Petition of the officers of the Second Regiment [and?] Eighty-eighth Regiment, North Carolina Militia, September 12, 1846, Ibid; Memorial of the officers of the Ninety-third Regiment, North Carolina Militia, October 24, 1848, General Assembly Session Records, November 1850-January 1851, Petitions, Box 8, NCDAH; Memorial of the Committee of Regimental Court-Martial of the Fiftieth Regiment, North Carolina Militia,
October 25, 1852, General Assembly Session Records, October-December 1852, Petitions, Box 8, NCDAH; Report of House Committee on Military Affairs, December 13, 1824, General Assembly Session Records, November 1824-January 1825, Box 4, NCDAH. For examples of similar proposals from another state, see Alabama House Journal, Fourth Session, 23; and First Biennial Session, 112.


25. Biddle to Morehead, October 22, 1841, Governors' Papers, Volume 99, NCDAH; Thomas Eldridge to the Governor of the Mississippi Territory, April 7, 1817, Mississippi Territory Governors' Correspondence, typed transcripts, Container SG 3114, Folder 4, ADAH; G. McCurtis to Henry Collier, October 16, 1850, Alabama Governors' Militia Files, Container SG 14797, Folder 8, ADAH; John C. Gullick et al to John Morehead, Governors' Letterbooks, Volume 34, NCDAH.

26. For an overview of the antebellum reform movement, see Ronald G. Walters, American Reformers, 1815-1860 (New York: Hill and Wang, 1978). Two case studies that illustrate the societal changes that led to interest in reform are Mary P. Ryan, Cradle of the Middle Class: the Family in Oneida County, New York, 1770-1865, (Cambridge
and New York: Cambridge University Press, 1981); and Paul
E. Johnson, *A Shopkeeper's Millennium: Society and
Revivals in Rochester, New York, 1815-1837*, (New York:
Hill and Wang, 1978). On imprisonment, see Lena London,
"The Militia Fine, 1830-1860," *Military Affairs* 15 (Fall
1951): 133-144.

27. *Boston Evening Transcript*, June 29, 1833, October 8,
1838, September 30, 1831, September 26, 1833; *Working-
Man's Gazette*, June 14, July 5, July 12, 1831. For
information on the newspaper, see Randolph A. Roth, *The
Democratic Dilemma: Religion, Reform, and the Social Order
in the Connecticut River Valley of Vermont, 1791-1850*,

28. Report of the Military Committee on the subject of
reducing the number of petty musters, included with *A Bill
to Reduce the number of Petty Musters to two a year*,
General Assembly Session Records, November 1827-January
1828, Box 1, NCDAH; Report from the Joint Standing
Committee on Military Affairs, January 10, 1834, General
Assembly Session Records, November 1833-January 1834, Box
6, NCDAH. Such opinions were not new in North Carolina;
as early as 1819, Governor John Branch had declared that
musters had "a tendency to palsy and enervate by inviting
to dissipation and thereby lavishly sowing the seeds of
vice and immorality generating at the same time, habits
destructive to subordination." See Governor's Message,
November 17, 1819, Governors' Letterbooks, Volume 23, Part
2, NCDAH. The Massachusetts quote is from "Mr. Pierce, of
Stoughton," and can be found in the *Boston Morning Post*,
February 27, 1840; the Lowell quote is from the *Lowell
Journal*, October 19, 1827, reprinted from the
*Massachusetts Spy*. For examples of good behavior during
militia musters, see the *Boston Evening Transcript*,
September 18 and 30, 1835.

Tradition*, (New York: Oxford University Press, 1979), 125-
46.

30. Frederick Morse Cutler, *The Old First Massachusetts
Coast Artillery in War and Peace*, (Boston: Pilgrim Press,
1917), 26-27; Minutes, 1784-1853, Duplin County Regimental Court-Martial, p.51, Folder 44, James O. Carr Papers, SHC; Guilford, North Carolina, Militia Minute Book, SHC; Sumner Gilbert Wood, *The Taverns and Turnpikes of Blandford, 1733-1833*, (Published by author, 1908), 121; Proceedings of a Special Court Martial convened for the trial of Colonel Duncan MacCormick of the Thirty-third Regiment, January 29, 1844, Adjutant General's Department, General Correspondence and Miscellaneous Materials, 1771-1868, Folder 4, NCDAH.

31. Prude, *The Coming of Industrial Order*, 31; Petition of the Baptist Association of Flat River, November 29, 1817, General Assembly Session Records, November-December 1817, Box 3, NCDAH; William Sumner to John Whiting, October 9, 1818, Letterbooks of the Adjutant General, Volume D, MMRO.


33. Roth, *Democratic Dilemma*, 169, 172; *Cleveland Herald & Gazette*, June 9, 1841.


35. Ibid.

36. Ibid.

37. Ibid.


41. Memorial of Orange Peace Society, December 25, 1826, General Assembly Session Records, December 1826-February 1827, Box 5, NCDAH; Orange Peace Society Minute Book, 1824-30, Special Collections Library, Duke University. For the *American Advocate of Peace*, see especially June 1834, 50-51; August 1840, 175-78; April 1841, 231; April 1842, 138; July 1842, 179-80; December 1844, 281.

42. Petition of J. M. Wilden and others, 1838, Document #10386/1, MSA ULF Sen; Petition of William S. Porter and others, March 1836, Document #9944/1, Ibid; Petition of Austin Johnson, October 1, 1827, MVSP, Volume 59, 130; Petition of David Cambell, February 2, 1837, Document #10132/1, Ibid.

43. The Unpassed Legislative Files of the Massachusetts State Senate contain many such petitions. See, for instance, documents included in packets 10132, 10276, 10388, 10962, 11165, 10511, 13347, and 13343. For examples of such petitions from another state, see the petition of Robert Willson and others, September 27, 1827, MVSP, Vol. 59, 108; and the petition of Joshua Judson and others, MVSP, Vol. 59, 107.

44. For an example of a legislator who identified himself as a member of the peace movement, see the *Boston Evening Transcript*, February 27, 1840.


46. Levi Lincoln to John S. Tyler, November 13, 1829, Letterbook G. Letterbooks of the Adjutant General, MMRO; Report from the Adjutant General, 1838, Document #484, MSA ULF HR.

47. *Ohio House Journal, Thirty-third General Assembly*, 735; Samuel Avery to William H. Sumner, June 23, 1834.
Militia Reports and Recommendations, Volume 5, MMRO; Cunliffe, Soldiers & Civilians, 190.

48. Quote from Boston Courier, reprinted in the Huntsville Democrat, February 21, 1826; James G. Terry, comp., "Record of the Alabama State Artillery from Its Organization in May, 1836 to the Surrender in April, 1865, and from Its Re-organization January 1872 to January 1875," Alabama Historical Quarterly 20 (Summer 1958): 141-447. There are several choice examples of ridicule included in this compilation. See also the Cleveland Daily Herald, December 30, 1844.


50. Davis, Parades and Power, 81-83; Niles' Weekly Register, August 12, September 16, October 28, 1826.


52. Boston Evening Transcript, April 8, 1835; Niles' Weekly Register, June 6, 1835.


54. Tallahassee Floridian, quoted in Bittle, "In the Defense of Florida," 181; A Copy of a Written Communication Made to each Branch of the General Assembly, 1839, Alabama Governors' Militia Files, Container SG 11960, Folder 8, ADAH.
55. Petition of a number of the inhabitants of the County of Wilkes, October 27, 1820, General Assembly Session Records, 1820, Box 4, NCDAH; Memorial of the Field Officers of the Twenty-fifth Regiment, December 26, 1846, Ibid, November 1846-January 1847, Petitions, Box 7.

56. Laurie, Working People of Philadelphia, 58; Leander Lovell to William H. Sumner, February 17, 1831, Militia Reports and Recommendations, Volume 3, MMRO; Boston Evening Transcript, February 20, 1839, September 27, 1832.

57. Report of the Committee on Military Affairs, 1830, Militia Reports and Recommendations, Volume 2, MMRO; Thomas Jersey to Jacob Read, July 25, 1792, Thomas Jersey Papers, NCDAH; Johnson, Ante-Bellum North Carolina, 133; Resolves of the City Council of Salem, March 12, 1839, Document #826B/2, MSA ULF HR; Remonstrance of A. Oliver and others, 1839, Document #826B/4, Ibid; Remonstrance of the town of Lynn, March 12, 1839, Document #826B/6; Report of the Committee on the Militia, 1815, Document #5024, MSA ULF Sen. For examples of petitions asking for exemptions for fire companies, see Ohio House Journal, Twentieth General Assembly, 206; Twenty-third General Assembly, 192; Thirtieth General Assembly, 51; Alabama House Journal, Fourth Annual Session, 88; Sixth Annual Session, 144.


59. Theophilus L. Toulmin to David Holmes, November 16, 1816 and April 9, 1817, Mississippi Territory Transcripts, Governor's Correspondence, Container SG 3114, Folder 4, ADAH; Report of the Convention of Militia Officers assembled at Boston, January 19, 1831, Committee to consider the defects of the present militia system, Document #11685, MSA ULF HR; Allan Nevins and Milton

60. Memorial of J. C. Duckworth, December 14, 1856, General Assembly Session Records, November 1856-February 1857, Petitions, Box 10, NCDAH; Boston Evening Transcript, September 21, 1836; Governor's Message, Alabama House Journal, Fourth Biennial Session, 46-48; Memorial of the Committee appointed by a Military Convention assembled at Worcester last January 28, 1835, Acts of 1835, Chapter 144, MSA Legislative Series, Passed; Martin Brimmes et al to Levi Lincoln, October 22, 1838, Letterbook I, Letterbooks of the Adjutant General, MMRO.


CHAPTER VIII

"THE GRAND WORK OF MILITIA REFORM": THE MILITIA REFORM MOVEMENT

Voices of Support

"One of the most splendid assemblies of the season" was how one Boston newspaper characterized the military ball that took place on the evening of March 5, 1838. Held at Concert Hall and hosted by a military company called the Berry Street Rangers, the organizers pulled out all stops. They decorated the walls with portraits loaned by a noted artist and provided an orchestra whose seating area was canopied by banners supported by the lances of a volunteer cavalry company. The Rangers displayed numerous regimental and company standards, including one that flew at Bunker Hill. In front of the orchestra hung "an elegant transparent portrait" of George Washington, draped by the standard of the Rangers, surmounted by the motto of the company: "Our Country is
Music was provided by the Boston Brigade Band. Dancing dominated the evening, although the guests paused for an elegant catered supper late in the evening. The festivities did not end until well into the morning.\(^1\)

The Berry Street Rangers, all had agreed, had provided a wonderful and impressive entertainment. In most respects, however, the ball was nothing unusual. It resembled closely the many military balls hosted by upper-class volunteer militia companies across the country. Many volunteer companies, composed of well-off elites, conducted such activities regularly; indeed, volunteer companies are, unfairly, more well-known for being elaborate social clubs than for any other characteristic. Balls, parades, military trips: these all gave the volunteer companies opportunities to display their finery, demonstrate their patriotism and receive commendation and attention from the public.

But there was a difference. The Berry Street Rangers were not a volunteer company. They were simply a ward company; that is, part of the compulsory militia. Sometime in late summer or early fall of 1837, the members of the so-called Berry Street Rangers decided to
demonstrate to the people of Boston that a ward company could be just as impressive in terms of military discipline and pride as any of the volunteer companies. To this end, they enlisted sympathetic members of some of Boston's volunteers to train them. They planned their first public excursion for early October 1837. By this time, rumors floated around the city as to the nature of the Berry Street Rangers. Some expected the excursion to be another militia fantastical, while others looked for a more traditional military parade. Members of the militia, in particular the volunteer companies, were aware of the true nature of the Rangers and wanted to participate in the parade; the Rangers eventually had to limit the number of tickets for participants in their parade to 200. On October 4, they paraded through the streets of Boston, then proceeded to Chelsea for target practice, where they fired at dummies labeled "Judge Lynch" and the "Exempt Militiaman," the latter holding a surgeon's certificate.²

The Berry Street Rangers made it clear why they had formed. At a dinner following the firing, they adopted the following resolution: "Resolved, that in order to
make the Militia respected, it must first be made to respect itself; and that it cannot respect itself until public opinion makes it more respectable for a citizen to appear in its ranks, than to get off by a fine, a falsehood, or a Physician's certificate." The Berry Street Rangers had formed explicitly to support the militia, voluntarily doing more than the law required of them in order to impress upon the public the importance of the militia. Inviting Governor Edward Everett to their 1838 military ball, they informed the chief magistrate that "although not an independent company, we will go as far, to sustain the laws, good order, and correct discipline." Their second annual parade, on October 4, 1838, attracted even more attention. Other companies joined in the parade, so that infantry, artillery and cavalry all marched to the delight of onlookers. The Rangers, according to the Boston Evening Transcript, "presented a substantial front to the calumniators of the right arm of the national defence—the Militia."

The Rangers, like most of the volunteer companies which they resembled, eventually died out, perhaps as
leading members became involved in other activities. Though they clearly had more energy and more financial resources, the Rangers do not appear to have been alone in their assumption of additional burdens. There is evidence to suggest that other ward companies in Boston, including the "North Square Invincibles" and the "Mason Street Light Infantry," were similar in nature to the Rangers, including conducting military exhibitions and target practice excursions to Chelsea. These companies had no obligations to practice—indeed, by the late 1830s compulsory military service in Massachusetts was limited to an annual presentation of arms. Public opinion seemed to demand an end to all obligatory service. Yet these individuals went out of their way, spending both time and money, to demonstrate their support for and faith in the militia system.4

In this, the Bostonians were hardly alone. Though sentiment seemed always to increase against the militia, there were many Americans who still supported the institution strongly, who saw in the militia a time-honored tradition, a guarantee both of liberty and law. A group of militia officers from Ohio called upon
Congress to improve the militia system, stating that "we conceive that the situation of the Republic demand an army of some discipline; but as standing armies are considered dangerous to civil liberty and the laws of free government we believe that the army best suited to the genius and policy of our government is that composed of citizen soldiers." Another Ohioan, Sidney Smith, informed his governor that in war or peace, the militia should be fostered. "When the thunder of war is heard, how shall a nation be more invulnerable, than with every man a soldier? And if war is terrible and disastrous, how can be more effectually prevent the evil, than by being always prepared?" Volunteer militiamen from Roxbury, Massachusetts echoed these sentiments. "Far from considering the duty of bearing arms as a burden," they assured the Massachusetts legislature, "we as privates, look upon it, as the peculiar privilege of freemen, a privilege, which the Constitution confers upon every citizen."

Like the Berry Street Rangers, such supporters often took it upon themselves to do more than the law required. The officers of the Twenty-first Division of Ohio Militia
commissioned the publication of a military manual
designed for their use. In Beaufort County, North
Carolina, the local militia officers joined the
Washington Military Association, an organization formed
to instruct militia officers in military tactics and
duties. Militia supporters also struck back at the
encroaching tide of public opinion. "The militia must
again receive the respect of the community,"
Massachusetts Governor Edward Everett offered as a toast
in 1836 to a dinner given by the Ancient and Honorable
Artillery Company of Massachusetts, itself an
organization consisting of supportive militia officers,
and most in his audience would have agreed. "Laying
aside all the vanity which the opponents of the Militia
System charge to our account," stated a group of
Massachusetts militia officers from Mendon, "we still
hold that there is too much importance in the
preservation of a militia system of some kind, either to
have it battered down piece-meal, by ridicule, or
abolished at once by craven legislation. We hold that a
Militia System, so instituted, that it shall be effective
in its operation; and so balanced, that its burdens shall
have no unequal bearing, is important, not only to the well-being of our Free, Republican Institutions, but may, at no distant day, and without the intervention of miracle too, become the only guaranty of their permanency."

It was exactly such support for the militia that allowed, as a reaction against public opinion on the institution, a reform movement to arise after the War of 1812, designed to secure the survival and strengthening of the militia. As did the Mendon, Massachusetts, militia officers, adherents to the reform movement desired a militia that was both effective and equitable, one that would be sustained by the people and would in turn sustain their liberties. The militia reform movement did not blindly support the militia; rather, it supported the principles the militia stood for, but acknowledged that changes had to be made in the institution. This admission distinguished militia reformers from militia supporters, who were often unwilling to admit that the institution had any flaws at all, fearing that such confessions might damage the survival of the militia. In 1832, a writer styling
himself "A Militia Man," began a long series of articles in the Boston Daily Atlas, relating in considerable detail the inefficiencies and expenses of the current militia system, attacking in turn arms inspections, company trainings, brigade reviews, and volunteer companies. The purpose of these articles, their author admitted in his sixth essay, was to bring about a public discussion of the problems of the militia system, so that some decision might be made about the institution. "We are ready to support a militia system," he assured his readers, "if one can be established that is effective, properly armed and equipped, and decently well disciplined. We do not quarrel with the theory, for it is a noble one, but with the fact, which is a disgraceful one." What "Militia Man" wanted was to "take the opportunity, before it has gone from us forever, by a total abolition of militia fines, and by consequence, militia duties, to rouse the friends of the militia to a sense of its infirmities, and to prepare them to come forward early and ask the Legislature to do something that shall renovate the system, and restore it to its pristine strength and vigor." He noted that the system
had been "clung to and supported, for fear that any change would spur up its enemies to make that change for the worse; but that is, we content, impossible: and when the time comes, let the friends of a militia come forward frankly and unreservedly, and admit the inutility and inefficiency of the present laws, and devote their strength in making what under proper management the militia may be made, an honour and a boast for old Massachusetts." Indeed, "Militia Man" knew militia supporters all too well, for an incensed supporter immediately began his own series of articles in the same paper, calling himself "A Militia Officer," who resolutely defended the character of the militia against the defects pointed out by his adversary, arguing that the militia of the state, in terms of organization, arms, and discipline, had never been more deserving of respect than it now was. Accusing his counterpart of exaggerations and falsehoods, he labeled "Militia Man" "a whole hog enemy to any militia system whatsoever." "A Militia Officer" was completely unwilling to admit that any serious defects in the militia existed.  

Increasingly, however, the "Militia Mans"
outnumbered the "Militia Officers" in the ranks of those who supported the institution. They were, as was Massachusetts governor Marcus Morton in a speech before the Ancient and Honorable Artillery Company in 1840, "constrained to admit that the respectability and martial spirit of the militia, so essential to its efficiency, and the safety of our institutions, had not kept pace with the great advances made by our common country in other important respects." Morton claimed that he felt it his duty, and believed it to be the duty of all good citizens, "to strive to revive and re-animate its former noble spirit." Whether Morton himself truly felt such sentiments is open to question, but there is no doubt that an increasing number of individuals in the 1830s and 1840s felt a desire to try to reform the militia, to restore to it a respect they felt had previously existed. Members of the militia reform movement, though they differed on exactly what should constitute "reform" of the militia, nevertheless united in a drive to rehabilitate the militia. Using the tools of public opinion themselves, as well as adopting new methods such as mass conventions, they tried to convince state and
federal governments, as well as the public at large, that the militia was worth saving. It was an uphill battle, but the militia reformers were committed to waging it.

Approaches to Reform

Just as among those opposed to the institution of slavery, there were colonizationists, gradual emancipators and immediatists, so too were there a variety of approaches to the concept of militia reform. Suggestions ranged from simple measures like providing exemption from a poll tax to elaborate plans like that of Indiana governor James Brown Ray, who proposed an active/sedentary dual militia, with the former, labeled the "voluntary" militia, to have its ranks filled by draft. No uniformity existed even as to what "reform" meant. One person's reform could be another's irrelevancy. In looking at the mass of words written on the subject of the militia, though, it is possible to find three schools of thought on reform that would determine what problems an individual might see in the militia and what solutions he might propose to solve them. It is true that most militia reformers, especially
the more thoughtful, did not limit themselves strictly to one school or another, but one or another of these approaches to reform usually dominated a person's attitudes on the militia, and contemporaries could often recognize and differentiate between them. Most reformers could be grouped into one of three schools: efficiency reformers, classic republicanism reformers and socioeconomic reformers.  

Of the three, the most conservative group of reformers were those who argued primarily for greater military efficiency in the militia. To these men, the desired goal was increased military effectiveness. Issues relating to economic burdens were at best secondary. To some degree, most militia reformers would have been happy to make the militia a more formidable military force, but there was no consensus among those involved with the militia as to what the institution's real function was. While there were some who did think in terms of an armed populace able immediately to rise up to face a foreign invader, in which case the citizenry should of course be trained to arms, others considered the militia to be more of an administrative framework
that would allow leaders to mobilize a portion of the population to deal with threats as they should arise. It was this viewpoint that was behind Alabama governor John Gayle's comments to the state legislature in 1832 that "in times of peace, it is not expected, nor is it deemed practicable, to discipline the militia so as to change their character of raw troops, when called into active service." Militia musters should not be viewed as making citizens into soldiers: "The musters should be held chiefly with the view of ascertaining the actual strength of the several corps, and of enabling the officers to obtain an intimate knowledge of the changes that are constantly taking place, so that they could, at all times, be prepared to make such returns as would show the precise number of men capable of bearing arms." It was just such viewpoints that efficiency reformers objected to. Their view of the militia encompassed considerably more than an administrative framework.

The efforts of the efficiency reformers were most visible after the War of 1812 at the national level, where they continued earlier efforts to get Congress to adopt a militia system based on the principle of
classification. Chief among such reformers was William Henry Harrison, the postwar chairman of the House Militia Committee, who tried to capitalize on the general willingness to consider military reform that existed briefly after the end of the war. Harrison himself had run for Congress in 1816 on a platform largely limited to military measures, and his tenure as a Congressman would see little activity on his part except on military-related subjects. The classification proposals that Harrison and others brought forth, beginning in 1816, offered little that was original. Acting Secretary of War George Graham proposed a plan to divide the militia into three classes: minor, junior and senior classes. The former two would be trained for several weeks each year. In early 1817, Harrison brought forth his own plan, which retained the current organization of the militia during peacetime but nevertheless involved classification, with the burden of active service upon a middle class "composed of men who have small families, or those who have none; who are in the full enjoyment of bodily strength and activity, and whose minds will be more easily excited to military ardor and the love of glory,
than those of a more advanced period of life." Coupled with this would be a system of military instruction in every school in the United States, to create a population trained at arms. Reception to the plan must have been less than overwhelming, for the following month, Harrison offered a constitutional amendment to allow Congress to call out the militia for the purposes of training. He also claimed that he was ready to sacrifice his own popularity "to accomplish an object of such vital importance to the country." Legislators were not impressed; Harrison's plan failed to gain support, not in that session nor in subsequent ones where he reintroduced the plan. Harrison's plan was strictly a measure for improving the military efficiency of the militia; the only concession to those who complained of its unequal burdens that it contained was a statement (in 1818) that the militia should not be required to arm themselves, which would be a capitation tax "which the opulent and the needy will pay equally." As had all the earlier classification plans, Harrison's scheme failed to satisfy those concerned with states rights and failed as well to address the reasons why many people were unwilling to
support militia service. Proposals by other Congressmen in the early 1820s for classification-based reforms fared equally poorly. Participants on both sides of the question tended to offer the same arguments that had been offered in the debates over the militia system during the period 1789-1800, illustrating primarily the continued paucity of imagination on the part of militia reformers hoping for action from the federal government.¹⁰

Classification proposals were occasionally offered at the state level, such as the proposal by a Georgia militiaman that 17-21 year-olds train for a month out of every year, but such suggestions were relatively uncommon. However, military efficiency reformers were more successful at the state level than at the national level in implementing their ideas, for occasionally they could find a sympathetic legislature willing to try some of their proposals. The suggestions most frequently offered involved encampments for militiamen or officers. Encampment proposals typically called for militia training to take place over the period of several successive days, rather than spaced throughout the year. The rationale was that a single day of training produced
little knowledge and indeed, was quickly forgotten. A week of training by experienced instructors, however, might actually lead to the acquisition of military knowledge. Encampments would also necessarily be more "serious" and less "social" than the typical militia muster. However, encampment proposals for enlisted men often met with considerable objection, for the idea of calling out such a large number of men for so long at a time seemed unreasonable to many. Many states would adopt encampments when they changed from compulsory to voluntary militia systems, but not before, or like Alabama adopt them earlier but merely for their volunteer companies.  

Officer encampments—or more broadly, officer instruction—gained a good deal more support. The notion that officers should be competent enough in military tactics to instruct their men was one that seemed only reasonable. "Whatever diversity of opinion there may be as to the propriety of compelling the entire Militia to muster oftener than [currently], there can be none with regard to the officers," a North Carolina legislative committee wrote, agreeing with a group of militia
officers from Mecklenburg County who in 1840 asked for a law requiring an officers' drill of three days per year. Such encampments were perhaps too radical for other North Carolinians; this measure did not pass. Five years later, when the Mexican War forced an awareness of the possible need for military discipline among Americans, North Carolina's Governor William A. Graham once more argued for an annual officer encampment of "a few days," during which "they should undergo constant drilling and become familiarized with camp and garrison duties."

However, if North Carolina legislators were unwilling to go so far as to adopt officer encampments, they were in fact somewhat sympathetic to the notion of officer instruction: a longstanding provision in the state's militia laws required that officers meet for instruction the days before reviews or musters, to be taught "all matters of field exercise and discipline." Later, noncommissioned officers were also required to attend such exercises. Alabama had a similar provision, requiring commissioned and noncommissioned officers to be drilled two days before regimental musters, but in the 1830s the state enacted an officer encampment. Militia
officers in that state had to attend an annual encampment
of three days, along with all officers and enlisted men
of the volunteer companies, to be instructed in "all the
duties of the camp, the exercises and movements in the
field, the forms of parades, reviews and inspections, and
in such other matters as tend to the formation of good
officers and soldiers." Some individuals seized upon the
idea of officer instruction as a way to do away with
military service for enlisted men on the premise that
when their services were actually required, their
officers could then instruct them in military drill, but
most people who advocated officer instruction simply
viewed it as the most practical way to insure that
officers were competent in their duties and to propagate
military knowledge. The extent of actual utility of such
drills and encampments may be questioned, but there is no
doubt that some knowledge was preferable to none at all,
and the officer instruction also went at least a small
way towards establishing a sense of corporateness in the
officer corps of the militia.  

Other proposals commonly suggested by efficiency
reformers included ways to increase the desire of
militiamen to participate in military drill, such as the distribution of colors or standards to units, or the awarding of prizes to well-disciplined companies. Common to all of these recommendations was the end goal of increasing the actual military ability of the militia, at least on the drilling field. Such proposals obviously did little in terms of redistributing the burdens of militia service, but they did have the advantage of going to the heart of one of the most common complaints about the militia: it served no military end. The more useless the militia seemed—the more its members were a ragtag, un-uniformed, unarmed mass of men, who learned nothing of military discipline during their brief sojourn on the muster grounds—the more people objected to participating in it and the more unfair its burdens seemed. But if the militia were to become a more efficient institution, with obvious results from military training, then militia service might not seem so ridiculous and odious. Though such a train of logic had real merit to it, the inherent problem lay in implementing plans to increase military effectiveness: although in time stringent plans might indeed produce a moderately competent militia, there was
no guarantee of it, while in the meantime they would be productive of much discontent because of their additional burdens. Consequently, many people viewed classification, militia encampments and other measures with little enthusiasm. Those who proposed efficiency reforms uncoupled with other types of reforms often found their plans meeting with cool receptions.13

The other two approaches to militia reform, the classical approach and the socioeconomic approach, both recognized that the militia was no longer an institution strongly supported by the populace. Moreover, they both correctly identified the source of public discontent in the increasingly strongly-held opinion that the burdens of militia service were inequitably borne by American citizens. However, the nature of that inequity and remedies for it were matters of considerable dispute.

The classic reformers hewed to an idealized conception of the militia as one in which--at some point in the distant past--every man had served. Their rhetoric harkened back to a populace in arms in which rich and poor had put aside their other duties to serve in defense of the republic. The militia had faltered
when lawmakers began to exempt certain segments from the militia. As more and more minor officeholders, petty functionaries and groups such as mill owners or ferrymen were exempted, the concept that every man had a duty to serve in the militia disappeared. Low fines, too, allowed those well off to escape their civic duty. Classic reformers consequently looked upon exemptions as the greatest evil threatening the militia system and sought to do away with them. Also common was the suggestion of extremely high fines for non-performance of duty, so that rich and poor would have no choice but to serve together. Viewing militia service as an obligation owed by every individual rather than as a tax imposed upon the citizen, classic reformers were not particularly receptive to measures that tried to remove some of the burdens of militia service on those with fewer means. Rather than equalizing the extent of the burdens, their reforms centered more around insuring that all served equally. Rather than having rich and poor contribute according to their means, they were more concerned with erasing the distinctions between them. Typical of a popular classic reform was the notion of uniforming the
militia. Many militia reformers strenuously advocated uniforming the compulsory militia. While such plans would be costly, their advantages were obvious: a uniformed militia would increase the respectability of the militia both among its members and the people at large. However, there was another advantage to a uniformed militia: identical dress obscured the differences between rich and poor. "Men armed, dressed and accoutred alike, act feel and think like brethren..." stated an Ohio newspaper. "Not so with an ununiformed, unequipped soldiery. Their different appearance every moment recalls to their minds their different situation. There can be no union either in action or feeling, among them. The man decorated with all the gaudy trappings of wealth will naturally look down with contempt on the ragged attire of his less fortunate neighbor; and will probably think himself disgraced at being assimilated with him. The poor man, on the other hand, conscious of the scantiness of his means, will be mortified to reflect that he must ever stand on an unequal ground and that should he ever be called out on actual service, he must be doomed to suffer the hardships of cold, hunger, and
nakedness, while his rich neighbor is enjoying all the comforts which plenty can afford."

The different conceptions of the nature of militia service held by classic and socioeconomic reformers, despite their fundamental agreement about social inequity lying at the root of the problems faced by the militia system, led to frustrating exchanges between militia reformers who had difficulty seeing each other's positions. Such was the case with William H. Sumner, Massachusetts' adjutant general and a firm socioeconomic reformer, and Henry A. S. Dearborn, a militia general, Congressional representative and, eventually, Sumner's successor. While a representative in the early 1830s, Dearborn proposed a plan of militia reform that was very different from the solutions advocated by Sumner. Where Sumner's plan provided several means of lessening the burden of militia service, such as removing the obligation placed on individual militiamen to purchase their own arms, Dearborn's reform ideas concentrated solely on removing exemptions. Such a rejection of his conceptions of equalizing the burdens of militia service exasperated Sumner, who wrote Dearborn complaining that
the congressman had rejected every one of the "remedial"
features of Sumner's plan except that providing for a
office overseeing the militia. Sumner was particularly
irritated that Dearborn refused all relief "to the
privates from the abominable imposition of providing
their own arms." Nor did Sumner fail to notice
Dearborn's stand on exemptions. Sumner felt it proper to
provide a "limited discretion" to states, but Dearborn
held that there should be "no exemptions from the judge
to the juror."^{15}

The differences between Dearborn and Sumner clearly
illustrate the difference between classic reformers and
those who felt that active measures should be taken to
lessen the economic burden of militia service. "Here you
will give me leave to remark that it appears to me that
the difference of opinion between us arises very much,"
Sumner observed to Dearborn, "from the belief you
entertain...that all the evils we suffer arise from
exemptions, whereas this is but one [of Sumner's
concerns]." As a socioeconomic reformer, Sumner had a
broader conception of the problems of the militia: "I
much mistake your character as a political physician if
you ever propose a small remedy for a great evil... The difficulty seems to be so to point out the evil as to convince you of its enormity. I have endeavored to do it and have greatly failed in clearness of expression, if those who read it cannot comprehend that there is a widely spread opinion of the injustice and hardships of the unequal provisions of the existing law, which the people will not bear. To oblige the poor to defend the rich and find arms to do it with is an evil of magnitude which must boldly be shewn to be such." While Dearborn's reply apparently accepted some of Sumner's objections, later statements by the classic reformer indicated that he had not given up all of his original views. There remained a gulf between those who thought the gap between rich and poor was one of appearance that could be masked and those who thought the difference was one of sacrifice that should be rectified.\footnote{\textit{}}

Tools of Reform

Because the militia was a statutory institution, the ultimate goal of militia reformers was usually to get militia law changed to reflect their aims. This meant
influencing the state (or federal) legislatures. Where citizens served in the militia, officers and state officials managed it and governors commanded it, legislators were the ones who decreed what form it would take. They were also the way in which public opinion made itself felt, as people made known their desires to their representatives in office.

Perhaps because of this role, more militia supporters viewed the state legislators as the enemy rather than an ally or impartial force. In the opinion of many militia officers, the legislative branch of government, by bowing incessantly to public opinion, doomed the militia to a slow and agonizing death. "Your Memorialists would choose [abolishing the militia entirely], in preference to the course pursued by the General Assembly for several years past, in a series of Acts, all tending to undermine the foundation of the whole Militia system, and gradually to reduce it to chaos and confusion," complained a group of Vermont militia supporters. A group of Massachusetts officers agreed, stating that they could not help but deprecate "that course which has been for a series of years pursued by
the Legislature, the direct tendency of which has been to bring the whole system into disrepute, whereby the prejudice of the community have been enlisted against it, and affix upon the officers and soldiers, the stain of public odium and contempt, palsyng any effort which the conscientious officer may make to improve the present degraded and embarrassed condition [of the militia]." A North Carolina militia general was more concise: "Our militia system has been legislated into a perfect mockery, and the next best step now to take is to abolish it, in toto." Even when the possibility existed that a new militia law might have a positive effect, militia supporters were unwilling to attribute such a chance to the legislature. As Ohio adjutant general Samuel Andrews said of one law, "should the militia of the state improve under it (which indeed is possible) it will bring some credit to its authors, though I should be much more apt to impute any change for the better, to that natural tendency in every thing to react a little when it had reached the lowest possible point of depression, than to the improved state of the law of the ability of that committee."17
Legislators themselves sometimes admitted their failings. A North Carolina legislative committee on the militia noted in the early 1820s that many previous militia reform plans had been treated "with a cold indifference" by the legislature (as was the bill offered by this committee). But many lawmakers felt that though the laws were not perfect, it was merely lack of enforcement of existing laws that had caused the militia's problems. Another North Carolina committee suggested that "the great evil lies in the inattention and competency of those who are charged with the execution of [the militia laws], to obviate which they have neither the time nor the temerity to offer a remedy." In this, the legislature had the support of North Carolina's adjutant general, who noted that "many rules have been declared by former legislation, which in several parts of the State are not enforced." Quarrels between the legislative and executive branches over responsibility for the militia's performance were not uncommon, just as states and the federal government tried to pass the onus of responsibility for the militia to each other.
Eventually, militia supporters came to realize that a significant portion of legislators were willing to do away with militia service and would willingly support bills to that effect, though the extent of this opposition varied by region. The continued existence of the militia system hung therefore on the actions of what William H. Sumner called "the sensible men" of the legislature, who when faced with bills for abolition would be forced to "look into the principles of the institution, and the alternatives which its abolition presented." If militia supporters could maintain the support of such lawmakers, along with those who actively supported the militia, then the institution was safe from eventual destruction. Consequently, those who fought for the militia placed much of their energy on influencing this core group of uncommitted but practical men.¹⁹

The traditional ways by which the militia could influence the legislature were through the annual messages and reports of the governor and the adjutant general (and sometimes the quartermaster general), who could describe problems in the militia and suggest remedies. These communications, though they illustrated
specific problems, were not in and of themselves particularly influential, because they did not represent the force of public opinion. Militia supporters learned early on to address their concerns directly to the legislature in the forms of memorials and petitions, rather than channeling their complaints through the office of the adjutant general. As the reform movement arose, militia supporters found still other ways of bringing their case before the public. The most important advocates of militia reform were skilled in the art of early nineteenth century public relations, able at speaking and in using the press; the specific efforts of some of them will be addressed below. But it was not merely the "heavy guns" of the militia reform movement who aimed at influencing public opinion. Militia leaders sought out friendly newspaper editors or wrote articles about the militia themselves, as "A Militia Officer" and "A Militia Man" did. Some even started their own newspapers; several short-lived newspapers devoted entirely to militia affairs tried to speak to the concerns of the institution. Some leaders took advantage of holidays such as the Fourth of July, in the
celebration of which militia groups often participated, to address the populace on why they should offer support to the militia.

Perhaps most importantly, militia supporters developed a tool specifically for channelling and focusing support for the institution: the militia convention. Militia conventions were meetings of officers and men (usually the former) of the militia of a particular state to discuss the problems of the militia and solutions for those problems. Though conventions of various sorts in antebellum America were not uncommon, none could really compare to the militia convention. Its members observing rank and protocol, the convention was nevertheless an exercise in democracy, as committees were drawn up, proposals thrown out, and platforms voted upon just as if the committee were deciding upon a state party platform. The mixture of military hierarchy and Jacksonian democracy was conspicuous.

Most states had at least one militia convention, while in some states, particularly northern ones where distances were less and travel more convenient, the meetings were common. The idea of the militia convention
came from the notion that members of the militia themselves were more able to spot defects and suggest alternatives than members of the legislature (though, as always, there were plenty of legislators in the militia). Early conventions were small and informal and probably arose in rather informal circumstances. The First Brigade of Alabama Militia held a meeting for their officers and those of adjacent brigades at an inn in Huntsville in 1824, "for the purpose of suggesting to the Legislature such amendments or modifications of the Militia Law as may be thought required." In 1832, the officers of the Second Brigade, Third Division, of the Vermont Militia met at Williston, Vermont to discuss their dissatisfaction with changes in the militia laws over the past decade. Although statewide conventions became increasingly popular in the 1830s and 1840s, and were more well-publicized, local conventions on the regimental or brigade level continued throughout the antebellum period. The total number of conventions held is impossible to determine, but clearly it was large. During the period 1840-1841, for instance, Vermont's Second Brigade, First Division, held a convention at
Castleton "for the purpose of consulting for the best good of the Brigade, and the Militia in general," and the officers and noncommissioned officers of the Fifth Regiment held a convention at Pittsford, while a statewide military convention was held at Bethel in January 1841 and an "adjourned meeting" of that convention met at Norwich the following summer. In nearby Connecticut, the Sixth Brigade of Connecticut Militia met at Litchfield, the First Brigade at Hartford, and the Second Brigade at New Haven, while in New Hampshire the Thirty-first regiment met in military convention. Pennsylvania and Ohio also had state conventions during these two years.†

Military conventions were an explicit attempt to raise public support for the militia. "The militia is at a low ebb, and strenuous, undivided and long-continued efforts are necessary to revive it and place it in a sound, healthy condition," suggested the editor of the Citizen Soldier, a militia newspaper. "The hearty cooperation of all its friends can only succeed in obtaining the favorable and much desired result. The propriety of holding conventions to aid the militia, has
been suggested to us by some military gentlemen; not State conventions simply, but county and town conventions...Wherever there are men who approve a well organized and efficient citizen-soldiery, there is the place for action to commence--there for primary meetings to be held." Their organizers, especially when militia conventions were still a novel idea, often held inflated ideas as to what the conventions could accomplish. Nevertheless, the energy with which they were organized and attended testifies to the amount of support that the militia could still command, even into the 1840s.\footnote{21}

Members of militia conventions were almost always officers. Some conventions, usually local ones, required that all officers of the militia attend, or at least all field officers. Statewide conventions often asked militia units to select delegates, but sometimes they were merely attended by those interested in going. The expenses involved in attending such conventions often meant that the makeup of the gatherings consisted largely of people from nearby locales, with only a few participants coming from farther away. The size of conventions could vary considerably, but was often
impressive. An 1835 Massachusetts military convention
sported over 200 attendees, while a convention of New
Hampshire and Vermont militia officers in 1838 could
boast of 300 delegates. It is likely that organizers of
militia conventions opted for officer attendance not
because of any disdain for the opinions of enlisted men,
but because officers were more likely to be supportive of
the institution. A proposed national militia convention,
recommended by New York militia supporters in 1839, would
have had as delegates all major and brigadier generals,
each of whom could appoint two other delegates; every
colonel and the commissioned officers of every regiment
to appoint a delegate, and the noncommissioned officers
and privates of each regiment to appoint a delegate.
This would have been a large convention indeed. A
Vermont military convention elected seven delegates to
attend the convention and proposed that militia units
also elect delegates. Such elections were often at the
brigade or regimental level. When the officers of the
Second Brigade of the Fourth Division of Ohio Militia
learned from their brigade inspector that there would be
an upcoming military convention, the brigade's court of
inquiry expressed its official approval of the
convention, selected delegates for it, and announced that
"we have full confidence in a well organized and
disciplined militia, assuming all the purposes of a
standing army in time of war; and that we will use our
influence to aid our fellow officers of Columbus in their
laudable undertaking." 22

Militia conventions were a combination of
speechmaking and committee work. A typical convention
would begin with an address from an important militia
officer or politician (the governor if he could be
obtained), after which it would appoint a committee to
draw up resolutions or a plan of militia reform. This
committee would do most of the actual work of the
convention, then bring the resolutions to the floor,
where they would be discussed and voted upon. Typical
resolutions would call for various changes in the
militia, ask representatives and senators in Congress to
press for a new national militia law, applaud certain
supporters of the militia, or condemn those who opposed
the militia. Frequent in the resolutions of many
conventions were condemnations of West Point and the
regular army; this was particularly true for Ohio, Pennsylvania and Vermont, where such expressions were unrestrainedly made. These resolutions were the direct or indirect work of militia reformer Alden Partridge. Many militia officers were optimistic that their resolutions would be heeded by the state legislatures, because of the expertise assembled together. A local Ohio convention noted in 1832 that "many members [of the state legislature] are gentlemen totally unacquainted with military affairs, and therefore, are not so well qualified to deliberate thereon, as that portion of their fellow citizens, who, from habit and education, have become familiar with all their details." The Ohioans looked to Pennsylvania, where a militia convention at Harrisburg had, "it is believed," convinced the legislature to adopt their suggestions in a new militia law, for support of their hope that their own plan would, "when submitted, receive the unqualified sanction of the State Legislature."²³

Because the militia conventions were intended to influence public opinion as well as public policy, their organizers took special care to insure that the
gatherings were kept before the public eye. Using a network of "all...editors of newspapers friendly to a well organized and well disciplined militia," they both advertised upcoming conventions and publicized the proceedings of conventions just ended. Militia supporters also used the proceedings of conventions in an effort to persuade legislators to adopt reforms. References to the suggestions made at militia conventions were common occurrences in petitions for militia reform; the conventions themselves also often addressed state legislators, presenting their plans of reform. The attempts to gain publicity were not without effect. Even newspapers hostile to the militia system frequently praised the idea of militia conventions and expressed hope that the conventions might come up with a solution to the problems faced by the militia.24

However, the conventions were not, as some had thought they might be, enough to effect a profound and wholesome change in the militia. It was difficult for the expressions of support of a few hundred militia officers to compete for attention with the widespread disdain for the militia; moreover the conventions could
only have more than a mild effect if legislatures adopted their proposed solutions, and this seemed unlikely to many. A number of militia officers, it appears, supported militia conventions because they were determined to show support for the institution and not because they were convinced that the conventions would be particularly successful in bringing about change. As one militia general wrote a superior in Alabama in 1838 about a proposed military convention, "I feel confident you will approve the commendable object of the resolution, whatever you may think of the prospect of success."

Conventions could even have negative effects. When an 1842 North Carolina militia convention was attended by a considerably smaller number of officers than was hoped by organizers, it seemed to suggest that even the officers of the militia were not that interested in addressing its problems. Militia supporters had to acknowledge its lackluster performance, while legislators felt free to ignore its suggestions. Some months later, a North Carolina militia general expressed frustration that "our Legislature should pay more attention to the amphibious quadruped, than the recommendations of our Military
Convention of the fourth of July last." Striving for attention was a risk that could in fact bring attention to where it was not wanted. Failed militia conventions, since their organizers and supporters placed so much hope in them, could also result in significant demoralization. Ohio adjutant general Samuel Andrews sadly noted that many militia supporters were "despairing of ever having anything done inasmuch as the Convention failed last year and too many are inclined to reason that as the convention of last year failed, all similar attempts hereafter must be equally unfortunate." The failure of the state legislature to adopt the resolutions of the convention, he admitted in a separate circular to the state's brigadier generals, had a "palsyng effect" upon the militia throughout the state.25

In the end, the militia conventions must be accounted a failure in terms of advancing reform. While they did in fact produce many useful suggestions for fixing the various ills of the different state militias, some of which were adopted by legislatures, they could not by themselves convincingly demonstrate broad support, even when they called for objects such as compensation.
Lawmakers simply were not willing to adopt radical militia reform measures that would cost a great deal of money. However, the prominence of militia conventions, demonstrating that some citizens at least, were willing to go to great lengths to protect the institution of the militia, was clearly a factor in the reluctance of many legislators to abandon the system entirely. The conventions, if nothing else, helped the militia to hold on.

The Reformers

Though calls for reform of the militia came from all areas of the country, they were not everywhere organized and effective enough to be considered part of the reform movement, which was concentrated heavily in the northeastern states of Pennsylvania, New York and New England. These were the states that had the most militia conventions, that spawned the most serious discussion and argument over the militia and that contained the preeminent spokesmen of militia reform. The institution of the militia was not strong in the northwest; west of
Ohio, the militia could only generously be characterized as "struggling." Though still existing in name, for all practical purposes the militia died out in Indiana and Illinois shortly after the War of 1812. The other northwestern states found it difficult merely to establish militias.

In the South, there were calls for reform but little action taken. The militia, with considerably less direction and weaker systems of compulsion, tended to sink to a low level and stay there, maintained largely by a fear of dismantling. Beverly Daniel, the long-serving adjutant general of North Carolina, provides a good example of the lack of spirit with which many Southerners approached the idea of militia reform. Daniel was a competent administrator and was even receptive to the idea of national militia reform; indeed, he participated in the 1826 effort by the War Department to come up with a plan of national reform. However, rather than energizing Daniel, the experience seems to have convinced the officer that militia reform at the state level was impossible and not worth trying. Daniel repeatedly refused to suggest significant changes to the North
Carolina militia code, suggesting that the state wait for Congress to reorganize the militia. It is clear, in fact, that by 1827 Daniel had convinced himself that the militia system as it existed was entirely unworkable. The state, he felt, had not the resources to train the militia effectively. Like many militia officers, Daniel believed that the chief evil of the current system was the large number of militia who were required to train and that this could only be remedied by Congress. The state in the meantime should concern itself only with enrolling and returning the names of people subject to militia duty, preserving and maintaining the public arms, and, naturally, protecting the state from slave unrest. Since Daniel served as adjutant general from 1821 to 1840, it is not difficult to see why North Carolina did not mount a vigorous state militia reform effort.26

Still, if a militia reform movement never really manifested itself in the South as it did in some northern states, the southern militias could nevertheless lay claim to one important advantage: the emphasis on local government in the South led to state legislatures that were quite willing to modify state laws for the benefit
of particular localities, including the militia laws. Northern states allowed such localism occasionally, but usually only where circumstances seemed to allow no other course of action. Massachusetts, for instance, found that the island of Nantucker could not be shoehorned into the mainland militia system. Southern states, however, proved more than willing to change the militia system for the benefit of particular counties, even those without unique geographical or other qualities. More often than not, such local legislation merely specified where musters would be held, but the practice also allowed those communities that really did want a more vigorous militia system to maintain one.

In North Carolina, legislators at the request of local citizens mandated in 1822 that militia officers in Ashe County hold at least two drills for officer instruction per year. In their 1834-35 session they passed a similar law for the Eighty-eighth regiment in Davidson County. Alabama was perhaps even more amenable to local wishes. In 1834, the state legislature passed a law requiring the Jefferson County militia to hold four company musters per year, instead of the two required by
law. That same year, it also required the militia regiment in Madison County to encamp for six days per year, with additional requirements for officers. This act became unpopular very quickly in Madison County; by the end of the year, militia officers were asking the legislature to repeal it. The legislature also mandated stricter requirements for several other militia units. An 1836 law allowed the Thirteenth Brigade, Fifth Division, to hold officer encampments for five days a year. Such laws allowed those communities which desired increased military preparedness to achieve it. Performing increased duties voluntarily would require the willing participation of virtually the entire community, but a majority (or even an active minority) of the inhabitants could get a local law passed that increased military requirements. Local laws such as these were almost invariably passed at the request of inhabitants of the localities, or occasionally on the initiative of their representative. When in late 1840 the House militia committee reported a bill repealing brigade encampments for the various brigades in Alabama, almost immediately representatives from Mobile, Montgomery, and
various other localities asked that particular militia
brigades be exempt from the repealing of brigade
encampments. In the end, several different laws had to
be passed stating explicitly which militia units would no
longer have to hold brigade encampments. Similarly,
during the 1840s Alabama lawmakers passed laws for
several militia units mandating four musters a year.
Such flexible lawmaking allowed those communities in
which a substantial militia spirit appeared to linger to
maintain as rigorous a militia system as local opinion
permitted.  

They did not, of course, substitute for larger
reform movements, which might actually change the nature
of the militia system. These were located almost
entirely in the northeastern states. These states had
traditionally had the strongest militias, they tended to
be smaller (facilitating conventions, encampments, and
the like) and they possessed as well a stronger reforming
ethic, the same ethic that allowed campaigns against
alcohol, imprisonment for debt, or for school reform or
the abolition of slavery. Here, too, protest against the
militia was the most vocal and the most organized; this
perhaps necessitated a stronger and more organized response in order to save the institution.

New England produced the two most well-known advocates of militia reform, men whose ideas regarding the militia were circulated across the country and who had a considerable impact on the course of the citizen soldiery in the antebellum years. These fervent supporters of the militia were Alden Partridge, the New England military educator, and William Hyslop Sumner, the long-serving adjutant general of the Massachusetts militia. Clever publicizers and enthusiastic spokesmen, they provided voices for those who did not want to see the long-standing institution die a painful death. Partridge and Sumner possessed considerably different conceptions of the militia and its role, as well as very different suggestions for reform, but together they represented the militia reform movement at its most energetic. The militia's greatest chance for revival lay with these men, but in the end, neither were particularly successful.

Of the two, it was Alden Partridge who was the more flamboyant; Partridge's true talent, for all his interest
in military education, was as a publicist, and next to education, it was the militia that he publicized the most. Partridge grew up in New England and attended West Point. After graduating in 1806 he remained at the institution for some years as an instructor, receiving a promotion to Captain in 1810. Eventually, Partridge rose to become the superintendent of the military academy.²⁸

Though he commanded at West Point, Partridge was interested in disseminating military knowledge as widely as possible. While superintendent, he began a correspondence campaign on behalf of the diffusion of military science. Among other aims, Partridge had in mind multiple military academies, which civilians (as future militia officers) could attend as well as those desiring a military career. Even this early in his career, Partridge had gained the ear of congressmen and other influential figures, but he had little success with this project.²⁹

However, Partridge received an unlooked-for boost to his campaign when he became embroiled in a bitter campaign over control of West Point that resulted in his court-martial for insubordination on the order of
President James Monroe in 1817 and his resignation in 1818. It also resulted in his bearing a life-long bitter and relentless grudge against West Point and the "military aristocracy" that he thought ran the U.S. Army. Now "Captain Partridge," as he inevitably was referred to for the rest of his life, had to find a new calling; not surprisingly, Partridge decided to devote himself to advancing his ideas regarding military education and the militia. He spent much of 1818 providing military instruction to a volunteer militia unit and in giving a series of lectures on military science and fortifications in New York. Here he developed his basic position on the militia and military education.30

Partridge's "Lecture on National Defence," which he would repeatedly give at countless addresses and personal appearances, argued for a militia system over a standing army, the latter containing "features highly unfavorable to a republican government." The militia, on the other hand, composed "the grand constitutional military force of the country--a force identified in views, in feelings, and in interests, with the great body of the community, and which, while it opposes an insuperable barrier to
foreign invasion, will at the same time constitute the surest support of the laws and civil institutions of the country." However, the militia could not serve this purpose unless adequately trained, which meant that the state militias suffered from a "radical defect," which consisted of a lack of officer instruction. Partridge argued that the United States should be divided into thirty departments, each under a military instructor who would train militia officers at six-day long officer encampments. The officers would then return to their units and diffuse the military knowledge thus gained.31

Partridge in 1820 opened the American Literary, Scientific and Military Academy, a military academy located in Connecticut and later moved to Vermont, where it still exists as Norwich University. Thereafter, he spent more time publicizing the notion of military academies than the militia. But Partridge was such an energetic publicist that there remained still plenty of room for the militia on his agenda. Partridge successfully cultivated relationships with a variety of important public figures, including (among many) William Seaton and Joseph Gales, the editors of the National
Intelligencer, and Joel Poinsett (eventually Martin van Buren's secretary of war, to his ultimate woe), the latter of whom sent his son to Partridge's academy. So too did Henry A. S. Dearborn. The educator traveled the country, north and south, attempting to plant military academies as Johnny Appleseed did orchards. No occasion was too bold or too minor for him; he would address crowds after militia fantasticals just as he would insert a section on his academy into a book published by one of his professors on the art of letter-writing.32

While heading the A.L.S.M.A., Partridge maintained his interest in militia affairs. He allowed militia officers to enroll in the institution for military studies only, delivering two courses of public lectures per year for their benefit, including talks on the subject of fortifications (as well as attacking and defending them), artillery, tactics, garrison duties, operations, inspections and review, and military history. A complete course consisted of twenty lectures, five per week, with a tuition charge of ten dollars (although anybody who paid for two complete courses of lectures could thereafter attend all subsequent courses free of
charge. Partridge also delivered lectures and short courses on military training and the militia throughout the country. Moreover, he continued to lobby Congress for some national plan.\textsuperscript{33}

Partridge, through his long tenure at the A.L.S.M.A., eventually developed a set of proteges or disciples, most of them former students. Some headed military schools, while others travelled around offering training to militia units. One, J. Swett, Jr., started a militia newspaper, \textit{The Citizen Soldier}. Partridge also skillfully utilized militia conventions to propagate his ideas. He was responsible for organizing conventions in Vermont himself and visited others, while his ideas were praised at yet more conventions. Militia conventions in nearby Connecticut regularly praised Partridge and, as did the captain, condemned West Point as being "strictly aristocratic in its character, of no benefit to the militia who are recognized in the Constitution as the natural guardians of the rights and liberties of the nation; an institution maintained at a great expense to the people, and chiefly filled by means of a system of favoritism." So too did conventions in Pennsylvania and
elsewhere. Particularly popular were Partridge's attacks on West Point, which struck the vein of American egalitarianism and brought forth chimes of agreement from states as far away as Ohio and Illinois. 34

Partridge's concerns rested primarily in popularizing military education and demonizing West Point; even most of his militia proposals were on the subject of military training, putting him more or less firmly into the efficiency school of reform. However, given that his primary goal was in spreading military knowledge to the militia, it must be acknowledged that he did not ignore the complaints against the militia. He approved of various plans that involved the government picking up the tab for militia expenses and in 1838, when he proposed a plan of militia reform that would classify the militia and encamp the junior classes for six days a year (and officers for additional periods of time), he nonetheless proposed to pay militiamen $1.50 per day of encampment, and officers $2 per day of officer instruction. Moreover, according to the plan, the federal government would supply all equipments and arms, instead of the burden resting on the militiaman himself.
The notion of compensating militiamen was one that few people previously advocating classification had offered, but Partridge asked whether it was "not as reasonable...not as just, that the militia should receive a compensation for their public services, as it is that those who are engaged in the discharge of duties, purely civil, should be compensated?" A committee at the convention from which the plan came argued that all American citizens ought to contribute "his due proportion," either through actual service of "pecuniary aid," and decried exemptions as "anti-constitutional" and "anti-republican," thus encompassing as well the third of the three main approaches to militia reform.35

Partridge's popularity rested on his personal appeal, his appeals to democratic susceptibilities, and on the popularity of military education. Partridge was not, it appears, particularly effective at maintaining institutions --most of the academies that he seeded soon failed, while even Norwich eventually stopped being a military school--but he was more effective than previous popularizers had been on the issue of military education. He was not the first to connect mandatory teaching of
military science with an improvement in the militia; even a West Pointer like Jefferson Davis could favor militia reform based on a large number of military academies. However, Partridge's role was largely limited to popularizing. Holding no major political office himself (he was sometimes a state legislator), nor any official position in the militia, he was not in a position to be able directly to change the militia. Even his own state, Vermont, where he wielded great influence over the militia, was essentially an anti-militia state, to Partridge's dismay. Partridge succeeded in making it well-known that there were indeed people who supported the militia, and possibly helped to generate an atmosphere conducive to reform, but failed in effecting any actual reforms himself.36

A very different sort of reformer was William H. Sumner, who as Massachusetts' adjutant general administered that state's militia from 1817 until his resignation in 1834. No less interested in public opinion than was Partridge, Sumner's strategies of gaining support for the militia were different, as were his actual conceptions of militia reform. Less well-
known to history than Partridge, whose outspoken opinions about West Point have gained him some notoriety, Sumner was nevertheless just as influential in the debates over militia reform and emerges from the period as the most thoughtful, most consistent and most concerned advocate of the militia, fully deserving of the term given to him by John K. Mahon as the "Clausewitz of the American militia."  

Sumner, a native of Massachusetts, was the son of Governor Increase Sumner. He attended Harvard in the late 1790s, then studied law under John Davis and practiced law until 1818. During this time, he also served as both a state representative and a militia general, commanding troops along the Maine coast during the War of 1812. In 1818, Governor John Brooks, a former adjutant general himself, appointed Sumner to administer the state's militia, a post Sumner would hold until 1834. Sumner entered into the office with the energy typical of adjutants general who had not yet encountered its difficulties. However, unlike many other such office-holders, for whom the job contained far more aggravations than pleasures, Sumner continued diligently to put up
with late returns, contested elections, premature resignations and balky legislatures. Opponents of the militia attributed his energy to the fact that he would lose his job if the militia were abolished, but it is clear that Sumner early on became a devoted and earnest supporter of the institution, convinced that its continued good health was crucial to the health of the country. It became, in fact, difficult for Sumner to put down his role as guardian of the militia. In one instance, after going on at length in a letter to New Hampshire representative Henry Hubbard about militia affairs, he had to apologize, confessing that "the business of the Militia is so nearly the uppermost in my thoughts, that it is with difficulty I can refrain from embracing from any fair opportunity of urging its consideration upon those who have it in their power to advance its intent."38

Sumner's earlier thoughts on the militia place him more or less in the mold of the classic militia reformer, though even in the early 1820s Sumner was concerned about equalizing the burdens of militia duty. But for some time after the War of 1812, the Massachusetts militia
enjoyed a period relatively free from attack. Its militia law, passed in 1810, seemed to work well, and even though it contained the germ of future trouble in a provision that those individuals 41-45 years of age could purchase a conditional exemption, thus weakening the notion that everyone should serve in the militia, the funds received from such purchases were considerable and were used to arm and uniform militia companies. Then, too, though Jeffersonians outside of New England heaped scorn upon the Massachusetts militia, which Caleb Strong refused to allow out of the state during the War of 1812, Massachusetts themselves had been proud of the way their citizens had responded with alacrity to the numerous alarms and raids along the seacoast. The Massachusetts militia came out of the war proud of its accomplishments. Moreover, the people since the war had seemed to be willing to bear the burdens of militia service with relatively little complaint. Sumner himself characterized opposition in the legislature as "the active exertions of a few individuals, some of whom misapprehended the subject." They wanted the burdens of militia service lightened, but there were a variety of
ways, Sumner thought, to make the burden more equal, without harming the militia. 39

However, the early 1820s brought with them the first major assault on the militia system in Massachusetts. As petitions poured into the legislature and editorials mocked or abused the militia, the legislature, which once Sumner had thought considered the militia "the favorite of the government," seemed to turn against it. An 1820 law limiting the number of large unit parades was soon joined by an 1822 statute that extended the conditional exemptions to all aged 35 to 45. Sumner thought initially that the privates of the militia, as well as its officers, would not sit still for such changes, and welcomed a petition from the privates under the command of General Henry A. S. Dearborn as evidence to that effect, but he found such tokens of support to be less than he had hoped for. Dearborn disliked the idea of any exemptions at all, but Sumner was not so dogmatic. He was not opposed to exemptions so much as he was against the idea of absolute or unconditional exemption. If those exempted by law had to pay for their exemptions, the money thus gained could be used for the relief of
others. "Thus we should rid the hive of the drones, increase the efficiency of our force, afford essential relief to those who do the labor, and draw the necessary funds from those...better able to pay, have the most interest to defend, and who [have the choice of] a voluntary tax, if they pay any."40

Sumner's increasing worry at the extent of opposition to the militia and the effects that this opposition might have finally led him to assume the role of public militia advocate. Here his methods were distinct from those of Alden Partridge. Although Sumner was not averse to public speaking, he clearly was not as at ease in front of a crowd as was Partridge. Nor was it in Sumner to try to appeal to popular, democratic notions as Partridge did in his attacks on West Point. Sumner, as befitting a conservative New Englander, chose to appeal to authority. His plea for the militia would take the form of a public letter to John Adams, the senior New England statesman. With, presumably, the warm response that such a letter would receive from the elder statesman, Sumner would be well armed to combat the foes of the militia. Sumner's project, completed in 1823, was
printed along with Adams' response and those of others. Carrying the cumbersome title *An Inquiry into the Importance of the Militia to a Free Commonwealth in a Letter from William H. Sumner to John Adams*, the work was not so much a call to reform as it was a defense of the institution as it was.⁴¹

Declaring to Adams (and the reading public), that he was writing it because of "the open manner in which the militia has been assailed," Sumner detailed the history of the institution in Massachusetts, as well as the troubled world scene which seemed to justify its existence. He then addressed what he suggested were the objections made to the militia, chief among them were the musters. He admitted an economic objection to them, but portrayed such opposition as coming from individuals such as factory-owners who bemoaned the loss of their labor rather than from the militiamen themselves. The militia, Sumner suggested, liked getting out of the factories, into the fresh air. The adjutant general then addressed the question of efficiency. He admitted plainly that the militia could never equal the regular army, but argued that it was enough that the volunteer companies were
trained to that standard; they could then infuse the rest of the militia with their ability. Sumner dismissed the complaints of temperance advocates by noting that while drinking was indeed associated with militia musters, so too were almost all gatherings of large numbers of people; they could not be all banned.  

Sumner objected to classification, not on military but on civil grounds; he felt that annual encampments such as the classification advocates proposed would inspire youths with military glory without a commensurate suffusion of love of civil liberty. The current system, in which father and son trained together, thus carrying on the tradition of militia service, was a republican institution that created an orderly community. Sumner objected as well to compensation, largely on the same grounds, i.e., that people should not be paid for their services, which would destroy "the purity of its original design." However, the officer was willing to allow a sort of compensation in the form of remitting a poll tax or furnishing militiamen with rations. There was no harm in equalizing the burdens of militia service. Throughout his letter to Adams, Sumner stressed the nature of the
militia as a republican institution. Officerships were open to all, rich and poor, "strictly a republican principle." Similarly, Sumner spoke out strongly against exemptions, claiming that the 1792 Uniform Militia Act, which gave virtually unlimited exemption power to the states, was a large mistake. This headed the list of those few suggestions for reform—still not inconsiderable—that Sumner did make: restraining the exemption power, equalizing the "expence of the system," providing manuals and arms at public expense, and adequate instruction of officers. Since Sumner had begun by this time to express his opinions in much stronger words—arguing, for instance, that the militia system bore "with unequal weight on the younger and poorer classes of the community" and that the rising wealth of the country should be employed to ameliorate the condition of those subject to militia duty—it is clear that he picked and chose his words carefully in his missive to Adams, wanting to present as positive a portrait of the militia as possible.43

In the end, with its defense of the militia emphasizing the republican values of the institution,
together with its moderate and limited suggestions for form, Sumner's letter was well-designed to attract the attention of conservative or moderate policy-makers, less so to convince the public at large, which in any case was not Sumner's intended audience. Once it reached print, the adjutant general used the long pamphlet as a wedge to open the door for further endorsements and support. In 1823, he sent copies to Thomas Jefferson, James Madison, John C. Calhoun, Timothy Pickering and numerous others. This was in part to compensate for what Sumner considered to be too brief an endorsement from Adams, which he attributed to the ex-president's advanced age, which required the services of an amanuensis. Later, he would use the letter as a sort of calling card, sending it to people he thought might be sympathetic to the militia. The effect of the letter is hard to gauge, since it contained few specific proposals for reform, and those not as strenuously argued as his defense of the institution itself, but it did establish Sumner in the public eye as an authority on the militia alongside Alden Partridge, whose lecture on national defense was published at roughly the same time. In fact, reviewers
sometimes compared or contrasted the opinions of the two militia advocates. The most telling comparison comes from a publisher who printed Partridge's speech and extracts from Sumner's considerably more lengthy letter together. The commentary accompanying the documents suggested that Partridge treated the militia almost exclusively as a military subject, while Sumner considered the institution as a "civil establishment" as well as a military one."

As Sumner grew more secure in his reputation as an authority on the militia, he became more willing to advance his ideas on militia reform. Once more, his main focus was on exemptions. "On the return of peace," he lectured Governor William Eustis, who had formerly if incompetently administered the War Department of the United States during that war, "finding that the burthens of the system were unequal and that a great portion of the citizens were unnecessarily if not unjustly exempted from duty the militia petitioned either that all able-bodied citizens should be subject to duty or that those who performed...should receive some remuneration for it." Instead of complying, the legislature passed laws
increasing the number of exempts. Only the "strongly rooted habits of the people," Sumner complained, kept the militia system from falling apart. At the very least, the poll tax should be remitted. But Sumner was no longer content with reforming the militia only on the state level; seeing some of the flaws (such as exemptions) stemming primarily from federal law, the adjutant general increasingly turned his eye towards national militia reform, even presenting a report on the subject to Secretary of War John C. Calhoun which argued against the inequalities of the militia law, which in requiring the poor man to spend so much of his own money to comply with the law, produced "one of the greatest obstacles to the improvement of the Militia." Here Sumner also developed his responses to those who argued that the militia spawned immorality and vice. Sumner painted a different picture of the militia, a portrait of a conservative institution that could take young, uncontrolled adults produced in a rapidly-changing society and by immersing them in a traditional republican institution change them into responsible, mature citizens. "A disciplined Militia composed of all classes
of citizens, of Parents and Sons, of Masters and
Apprentices, of Guardians and Wards, commences its
influence on those, who, in their progress to maturity,
become liable to enrolment, at a period of life when
parental authority begins to lose its control," Sumner
explained. "It regulates the eccentricities of youth;
inculcates submission to authority; teaches obedience to
the laws, and respect for those who are interested with
their administration." The militia, "this truly
republican institution," along with religion and
education, "produces that just subordination in society,
which influences all its conduct, and constitutes an
orderly community."\(^{45}\)

Sumner's reputation as a militia advocate made him a
possible choice, though evidently not one of the first
ones, for James Barbour, John Quincy Adams' Secretary of
War, when Barbour was casting about for individuals to
make up a board to produce a plan of national militia
reform. Barbour had long had an interest in military
affairs and took advantage of his office to launch an
investigation into the nation's militia. During the
summer of 1826 he sent out a number of questionnaires to
state officials and militia officers, while he set about convening a board to study their answers. Eight men made up the board as it was finally constituted; in addition to Sumner, there were five Army officers (Major General Winfield Scott, Lieutenant Colonel Enos Cutler, Lieutenant Colonel Abram Bustis, Lieutenant Colonel Zachary Taylor and Captain Charles J. Nourse) and two militia officials (Major General Thomas Cadwalader of Pennsylvania and Beverly Daniel, adjutant general of North Carolina) on the board. The list of questions that Barbour sent out give some indication as to what lines of reform the Secretary must have been considering. Of the sixteen questions dealing with the militia, three simply asked for information about the state's militia, five dealt with volunteers and clearly were leading towards exploring a volunteer-only system, three dealt with classification, and the rest dealt with training and officer instruction. If the number of questions are any indication at all of Barbour's opinions, he seemed to be leading towards a volunteer system. Among them, he wanted to know whether volunteer militia were more efficient than compulsory militia, how the volunteer
militia affected the compulsory militia and what preferences, if any, were given to people entering volunteer corps. In contrast, his questions regarding classification were very brief: one asking if classification would be an improvement, a second asking if classification should be by age or marriage, and a third asking what the age range should be. Of the respondents, the great majority responded favorably to the questions on the value of the volunteer militia. Two-thirds of the respondents favored classification. Of interest is that only 10 of 34 respondents thought that frequent musters were useful, a clear rebuff to efficiency reformers.46

Sumner's particular views on a national militia system at this time are obscure; his reply to Barbour's questionnaire was written only after the board itself had been meeting for some time. A later letter on the militia, made many of the same points that Sumner's 1825 letter to Calhoun made, and argued for the federal government, among other things, to commit itself to arming the militia in order to "relieve those whose expenses and burdens are heavy and unequal," to relieving
the "elder class" of citizens of militia duty since the
population of the country had so greatly increased, and
"above all," to taking back the power of exemptions from
the states. Sumner argued that though the unexempted
citizens were generally those of the least means, they
should not be compensated, because they did have life and
property to defend. However, those who were wealthier,
and thus had more at stake, should be expected to
contribute more towards the public defense; otherwise,
there could never be much prospect of success for a
uniform national militia. It is clear that by 1826,
Sumner had stepped firmly and irrevocably into the
socioeconomic camp of reformers.47

The final report of the board of officers held that
the primary defect of the militia system was an excess of
numbers; Beverly Daniel's strongly held views on this
subject might have been influential in this regard. But
it also acknowledged that militia trainings represented a
heavy economic burden on the populace. Its plan of
reform suggested a militia with an age range that went
from a lower limit of 21 to an upper limit of from 25-30,
depending upon the circumstances of each individual
state, with a goal of having around 4-600,000 total
militiamen, roughly a brigade for every member of a
state's delegation to the House of Representatives. In
addition, there would be camps of instruction for ten
days each year for officers, as well as several
administrative changes. Taken all together, it must be
admitted that the proposal offered by the board of
officers was remarkably weak. Although it reduced the
term of militia service, it did not provide for arming
the militia at government expense, nor for removing
exemptions from the states, to say nothing of more
extreme measures such as compensation.\textsuperscript{48}

The actions of the board received considerable
notice throughout the country, and until the report was
made public, response was generally cautiously positive.
As the Boston News-letter and City Record reported,
"their labours must, we think, be productive of some
good, as almost any other system would operate
beneficially, when put against the present existing one
in Massachusetts." When the report was released, some
governors commended it as the best system possible.
Lewis William, a North Carolina congressman, praised the
board and suggested that no means be spared to make the militia efficient. But others were not so sure. Another North Carolinian, Representative John Long, Jr., disliked its expense ($300,000 for officer instruction), arguing that "I doubt very much whether the people would so generally and readily subscribe their money to defray the expense that must necessarily be incurred in carrying the proposed new System into effect." John Quincy Adams, the president, was non-committal about the plan, not convinced that it would be "expedient," nor that Congress would approve of it. Although Adams liked the idea of reducing the term of militia service, he too felt that a $300,000 expense would be too high. In this, Adams might have been exercising a relatively rare moment of astute presidential politics. John J. Crittenden, for one, was quite fearful that were Adams to strongly support the proposal, it might backfire against him. "Such a measure [reorganizing the militia]," Crittenden wrote Henry Clay, "extends its practical effects through all society and interferes with the habits and energies of the people." Crittenden was doubtful of the plan's chances for success; moreover, he feared that Adams' political
enemies might misrepresent the plan, which "might prove as fatal for the present administration as was the standing army to the late Mr. Adams." Since this was exactly what would happen some years later, in 1840, credit must be given to Crittenden for sound political judgment. In the event, Congress did nothing with the plan, though similar proposals would be the basis for militia reform on the national level for the next several years, none with any more success. A more significant result of the board's plan was that it allowed a number of states to postpone considering militia reform on the grounds that the federal government might adopt a new system in the near future.49

Sumner returned from his efforts at national militia reform to face trouble at home. Public opinion against the institution had continued to grow; now it seemed almost overwhelming. The state legislature began to cave in to demands that the burdens of militia service be reduced. In 1828 it limited company musters to one per year (though it did add officer training). More importantly, it made the exemption of those men over 40 an absolute exemption rather than a conditional
exemption. In 1830, the legislature limited the age range still further, exempting those thirty and over. The law removed other exemptions, though, and provided for excusing militiamen who uniformed themselves from a poll tax. A later bill proposed the abolition of most militia duty but met with a veto by Governor Levi Lincoln, generally a militia supporter. However, in 1834 the legislature abolished all trainings, requiring militiamen only to appear for arms inspection once per year.53

Such actions were heavy blows to militia supporters. While Sumner could still claim that the militia "has supported itself beyond the expectations even of its friends," since the reduction of training days from four to one, he knew that it could not continue. He tried to impress upon the legislature, without much success, that reducing the burdens of militia service by eliminating trainings would only harm the militia, increasing ridicule and public feeling against it on the grounds of its uselessness. "Strange as it may seem to those who are not connected with the militia," Sumner explained, "it is nonetheless true, that every alteration in the
law, which is made for reducing...the burdens of the militia, such as increasing the number of exempts, lessening the amount of fines and reducing the number of parade days, is considered by the Militia itself, as Legislative discouragement." This was a point that militia supporters in other states tried to make as well. But much of Sumner's prodigious energy was still wrapped up in national militia reform, and throughout the late 1820s and early 1830s he worked with Henry A. S. Dearborn, Henry Hubbard and others to try to get Congress to pass a national plan of reform, based generally on the principles of the plan of 1826, but without success. For a while Sumner thought that the state law passed in 1830 might improve the situation of the militia, because it remitted a poll tax and reduced the number of people subject to military duty, but this hope proved illusory.51

Sumner's last attempt at militia reform was encompassed in his adjutant general's report for the year 1833, presented to the legislature early in 1834. This document, over 100 pages long, represented the culmination of Sumner's thinking on the militia; much of it was lifted from earlier reports or letters. In it he
defended the militia as it was based in the 1810 militia law, but observed the discontent that arose in subsequent years, "not...from any want of respect for the principles of the institution itself, but rather from an unfavorable belief, that, as a remedy for the inequality of its burdens has not been applied, it cannot be obtained."
The 1792 federal law cramped the ability of states to remedy the situation, yet states themselves did not exercise the powers given to them.52

The evils of the militia system, as Sumner saw them, were many. Chief among them was its excess of numbers, a flaw of which Sumner had been convinced ever since the 1826 board met. The adjutant general briefly alluded to a defective organization, but spent considerably more time criticizing the extensive exemptions, the effect of which threw the burden of militia duty "upon those, who, not having arrived at thirty years, have not yet discovered the means of escape from the penalties of the law, and those who are unable to comply with them when they are exacted." Sumner complained again of the provision requiring citizens to arm themselves and also noted that training and the supply of qualified officers
were both deficient.\textsuperscript{53}

Sumner discussed some of the alternative plans for militia reform and dismissed them. To the notion of abolishing all compulsory militia service and relying on volunteer corps, the adjutant general replied that such plans would go against the Constitution and existing federal law. Perhaps more importantly, it would violate the republican spirit of the militia. "When the whole of the able bodied citizens were armed and trained, the Militia had the greatest moral influence," Sumner argued. "Every reduction of numbers impairs it. But the spirit of the original design is kept up, so long as the reduced force comprehends all the various classes of society, within the same ages, without regard to their circumstances or condition. Its fundamental principle of equality is preserved." However, if a volunteer system were adopted, and only those "who have the ability to procure [arms], and the leisure to practice them" were to belong to the militia, "that jealousy and apprehension will ensue, which a state of inequality and dependence always produces." Volunteers, Sumner argued, echoing consciously the arguments of an earlier generation, would
demand compensation and become like hired troops. However, Sumner had little sympathy for the plans of the classic reformers, either, "those zealous friends of the Militia, who think that no one whatever, within the ages of enrolment, should be exempted, and that the fines, for neglect of service, should be too great for the richest to pay." Sumner argued that society could not function without exemptions for various public officers and teachers, who rendered personal service in other ways.⁵⁴

The plan that Sumner himself offered followed naturally from the plans with which he had been involved since 1826, with additional strategies for relieving the burdens of militia duty, based on "the established principles of equal political justice, which are laid down, in the Bills of Rights, that personal services shall be rendered equally, and the expense of their execution made a general charge." A national rather than state plan for reform, it advocated a total force of some 500,000 men to consist of militiamen aged 21-35. Officer instruction at federal expense would educate the officers, while privates would have a day of enrolment, one company training and one battalion training. The
federal government would have a Militia Department under the War Department and would also provide arms for all of the militia. The state law that remitted the poll tax for privates who wore a uniform would be continued, while towns would supply rations to militiamen on muster days.55

Sumner accompanied his plan of reform with a challenge. "The time has come," he said, "for a decision of the great question, whether a Militia shall be sustained or not." The militia needed changes in order to survive. "Let it fall, or be honorably supported," Sumner commanded. The adjutant general took actions to insure that his report was widely circulated, sending copies of it to every governor, a number of politicians and state officials, James Madison and Secretary of War Lewis Cass, and several Army officers. However, at home Massachusetts legislators rejected Sumner's proposals decisively, making a decision in 1834 that by eliminating all compulsory militia meetings except one per year to display arms marked the beginning of the state's transition to a volunteer militia system, a change completed by 1840.56

When the 1834 law passed, Sumner knew that he would
never be able to implement the sort of militia he wished to see. Accordingly, at the end of the year he sent his resignation to Massachusetts Governor John Davis, stating that he had become worn out by efforts that had generally met with no success. He ended his long affair with the militia, retired to his Roxbury suburb and chose an avocation that would doom him to obscurity. Like Alden Partridge, his efforts had in the main been unavailing.  

Some of the reasons for the failure of the reform effort, as well as the effects of that failure, are explored in detail in the following chapter, but it is important to note here the consequences for the militia reform movement as it took shape. The sources of support for the militia were primarily militia officers, with a secondary source being officers and men of volunteer militia companies. The primary tool used by militia supporters to present their views was the militia convention, a gathering organized and attended by officers. Of the two principal reformers, one of them, Alden Partridge, appealed to the people with populist ideas but failed to offer proposals for reform designed to respond to the desires of citizens uninterested in
promoting military efficiency. William Sumner, on the other hand, came to understand only too well what the complaints of the people were, but appealed to politicians and statesmen rather than the masses. Unlike the temperance movement or even the abolition movement, the militia reform movement failed to attract the notice of enough people to gain the momentum needed for significant reform. It is true that the militia reform movement was a campaign for institutional reform, rather than a popular social cause such as ending alcohol abuse, but other institutional reform movements, such as the education reform efforts of Horace Mann or even the asylum reform campaign of Dorothea Dix, were able more effectively to galvanize public opinion (and state legislatures) into action. They were effective not only in illustrating problems but in proposing and implementing solutions. The militia reform movement, on the other hand, was to some degree reluctant to admit that problems existed, and even when it could bring itself to do so, was generally unsuccessful in creating public support for solutions that would maintain some form of the traditional militia system. The people
demanded more radical action; the question then became what form it would take.
NOTES

1. Boston Evening Transcript, March 9, 1838.

2. Boston Morning Post, September 30, 1837; Boston Evening Transcript, October 4, 5, 6, 1837.

3. Boston Evening Transcript, October 6, 1837, March 9, 1838, October 4, 1838.

4. Boston Morning Post, October 12, 1837; Boston Evening Transcript, October 4, 1837, May 29, 1838.

5. Petition of the officers of the Second Brigade, First Division, Ohio Militia, March 20, 1826, HR19A-D14.1, Records of the United States House of Representatives, Record Group 233, National Archives; Sidney Smith to Robert Lucas, November 25, 1833, Box 1, Folder 15, Robert Lucas Papers, OHS; Remonstrance of James Robinson and others, 1833, Document #12169, MSA ULF HR.


7. The exchange between "A Militia Man" and "A Militia Officer" in the pages of the Boston Daily Atlas in 1832 is extremely interesting as a contrast between two very different approaches to the militia. The articles by "A Militia Man," under the heading "The Militia," can be found on October 17, 18, 19, 30, 35, 27, and November 2,
13, 22, 1832. The series "The Militia System," by "A Militia Officer," can be seen on October 31, 1832, and November 1, 3, 6, 7, 16, 20, 24, 1832.


12. Report of the Joint Committee on the Militia on the petition from the officers of the Sixty-eighth and Sixty-ninth Regiments, General Assembly Session Records, November 1840-January 1841, Joint Committee Reports, Box 4, NCDAH; A Bill to provide for the appointment of a Brigade Major and for other purposes, General Assembly Session Records, November 1832-January 1833, Senate Bills, Box 3, NCDAH; Governor's Message, November 17, 1846, Governors' Letterbooks, Volume 37, NCDAH; Revised Statutes of North Carolina, 1837, Chapter 73, Section 24; Acts of Alabama, 1822, "An Act to revise, consolidate and amend, the several acts relative to the Militia of this State," Section 14; Acts of Alabama, 1843, Chapter 48; Alabama Military Code, 1837, Chapter 9, Section 5; Governor's Message, December 4, 1821, Ohio House Journal, Twentieth General Assembly, 10; Governor's Message, December 5, 1843, Ohio Documents, Forty-second General Assembly,
Document 1, 14.


14. (Franklinville) *Freeman's Chronicle*, August 26, 1814, reprinted from the *Chillicothe Frederonian*.

15. William H. Sumner to Henry A. S. Dearborn, February 3, 1832, Letterbook H, AG MMRO.

16. Ibid; Sumner to Dearborn, February 12, 1832, Ibid.

17. Petition and Memorial of Haman R. Smith and others, MVSP, Volume 62, 147; Petition of the officers of the Third Regiment, Second Brigade, Fifth Division, Massachusetts Militia, March 12, 1830, Acts of 1829, Chapter 115, MSA Legislative Series, Passed; H. G. Spruill to Robert Haywood, December 25, 1854, Governors' Papers, Volume 137, NCDAH; Samuel C. Andrews to Duncan McArthur, April 21, 1831, Reel 1, Frames 245-46, Duncan McArthur Papers, microfilm edition, OHS. Opponents of the militia system often criticized the legislature as well, some suggesting that the legislature was composed too much of militia officers. However, more opponents viewed the legislature as an ally or a force to be won over than as a foe.


19. Sumner to John A. Dix, January 14, 1831, Letterbook H, AG MMRO.


22. The *Boston Morning Post*, February 7, 1835, reports only 150 attendees for the Massachusetts convention, but the *Proceedings of the State Military Convention, held at Worcester, January 28, 1835*, (Worcester: S. H. Colton, 1835), list considerably more. On the Vermont/New Hampshire convention, see *Boston Evening Transcript*, August 2, 1838. *Niles' National Register*, September 14, 1839; Brigade Court of Inquiry, 1841, Record Book, Second Brigade, Fourth Division, Ohio Militia, WRHS.

23. Report of a committee of the First Brigade, Seventh Division, Ohio Militia, October 20, 1832, OHS.

24. *Niles' National Register*, September 14, 1839; Memorial of a Committee appointed by a Military Convention assembled at Worcester last January 28, 1835, Acts of 1835, Chapter 144, MSA Legislative Files, Passed; Petition of Richard Fay and others, enclosed with "A Bill in further addition to an act for regulating, governing and training the Militia," Document #9031/1, MSA ULF Sen; *Cleveland Daily Herald*, November 4, 1841, January 11, 1842.

25. George W. Crabb to John Thompson, Benson Family Papers, Special Collections Library, Duke University; Alexander MacRae to Robert W. Haywood, April 1, 1842, Orders and Returns, 1821-1840, Adjutant General's Department, NCDAH; Adjutant-General's Report for the Year 1842, *Documents Printed by Order of the General Assembly of North Carolina at its Session of 1842-43* (Raleigh: Preston R. Gales, 1843); *Raleigh Register*, July 9, 1842; James Waddell to John Morehead, February 22, 1843, Governors' Papers, Volume 103, NCDAH. Samuel C. Andrews to Robert Lucas, October 24, 1833, Robert Lucas Papers, OHS; see also the enclosed circular by Andrews to the brigadier generals of the state, dated October 15, 1833.

General, December 3, 1831, Ibid, November 1831-January 1832, Box 5.


33. Ibid, 233-35. For an example of a Partridge personal appearance, see Mackey, ed., A Gentleman of Much Promise, Volume Two, 328-29.


38. The New England Historical and Genealogical Register, Volume XVI, (Albany: 1862), 186-87; Lowell Journal, July 11, 1828; Sumner to Henry Hubbard, January 4, 1830, Letterbook G, MMRO AG.

39. Sumner to William Sullivan, June 12, 1820, Letterbook E, MMRO AG; Sumner to George Bliss, Jr., July 26, 1820, Ibid.

40. Ibid; Sumner to Henry A. S. Dearborn, July 5, 1821, Ibid;

41. See William H. Sumner, An Inquiry into the Importance of the Militia to a Free Commonwealth in a Letter from William H. Sumner to John Adams, (Boston: Cummings and
Hilliard, 1823).

42. Ibid, 4, passim.

43. Ibid, 14-15, 22-24, 29-30, 34-38, 45, 48-51, 57;
Sumner to John Brooks, January 9, 1823, Letterbook F, MMRO AG.

44. Sumner to Thomas Jefferson, June 5, 1823, Reel 24,
Thomas Jefferson Papers, Coolidge Collection, Microfilm edition, Massachusetts Historical Society; Sumner to
Timothy Pickering, June 3, 1823, Reel 32, Pickering Papers, Microfilm edition, MHS; Observations on National
Defence, Drawn from Captain Partridge's Lecture on that Subject, and from General Sumner's Letter to the Venerable
John Adams, on the Importance of the Militia System,

45. Sumner to William Bustis, January 17, 1824,
Letterbook F, MMRO AG; Report on Militia for John C.
Calhoun, January 10, 1825, Ibid.

46. Mahon, "A Board of Officers," provides the best
overview of the group's activities. The answers to the
questionnaire are collected in American State Papers,
Class V: Military Affairs, Volume III, 394ff; Circular,
July 11, 1826, Ibid, 393-94.

47. Sumner to James Barbour, November 9, 1826, Ibid, 468-
70; Sumner to Barbour, November 17, 1825, Letterbook F,
MMRO AG; this is the undated letter that appears on pages 478-591 of ASP MA III.

48. Report of the board of officers relative to the

49. Boston News-letter and City Record, December 23,
1826; Report on the petition of Nathan Mitchell, et al,
1827, Document #8405/3, MSA ULP HR; Governor's message,
Ohio House Journal, Twenty-sixth General Assembly, 14-23;
John Long, Jr. to his constituents, February 20, 1827,
Circular Letters, Volume III, 1356-62; Lewis William to
his constituents, February 21, 1827, Ibid, 1364-68; John

50. An interesting discussion of the problems as the legislature saw them in 1830 is contained in the Report of the Committee on the Militia, February 1, 1830, Acts 1829, Chapter 115, MSA Legislative Series, Passed. For the veto message, see Chapter 93, *Resolves of the General Court, January 1832 to April 1834*.

51. Adjutant General's Report, December 20, 1827, Document #8286, MSA ULF Sen; Sumner to Henry Hubbard, January 4, 1830, Letterbook G, MMRO AG; Sumner to Hubbard, February 4, 1830, Ibid; Circular to the Major Generals, April 6, 1830, Ibid; Sumner to John A. Dix, January 14, 1831, Letterbook H, MMRO AG; Sumner to Dearborn, January 12, 1832, Ibid; Sumner to Dearborn, January 21, 1832, Ibid; Sumner to Dearborn, February 3, 1832, Ibid; Sumner to Dearborn, February 12, 1832, Ibid; Sumner to Beverly Daniel, February 28, 1832, Ibid; Sumner to John C. Calhoun, February 29, 1832, Ibid; Sumner to Dearborn, March 12, 1832, Ibid; Sumner to Dearborn, April 19, 1832; Sumner to Manson Clark, September 27, 1832; Sumner to Andrew Jackson, June 25, 1833, November 20, 1833, Ibid.


54. Ibid, 97-106.

55. Ibid, 94-96.

56. Ibid, 106-110; *Boston Evening Transcript*, February 19, 1834. See Letterbook H, MMRO AG, 368-373, for a list of people to whom Sumner sent copies of his report.

57. Sumner became a historian. Sumner to John Davis, December 20, 1834, Letterbook H, MMRO AG.
CHAPTER IX

"A VERY IMPERFECT CONDITION": THE FAILURE OF REFORM AND ITS AFTERMATH

An Institution in Decay

Once again the regular Army was under attack. As for much of its early history, the enemy was not the British or Native Americans, but rather a Congress bent on retrenchment, looking at the Army as a place from which to shave a few dollars--or more than a few. The spring of 1842 was no different; an Army appropriation bill was on the floor in the House of Representatives and its originators hoped to reduce the size of the institution.

Among those Congressmen defending the Army was Aaron Ward, a Democratic representative from Sing Sing, New York, who as a young man had served in the U.S. Army as a junior officer in the War of 1812. Ward took to the floor of the House to defend the Army against further cuts. He did so, following in the tradition of many
other pro-Army congressmen over the preceding decades, by discussing the inefficiency of the militia. The militia was a handy foil for those interested in preserving the Army. However, Ward did not blindly criticize the militia, for he was concerned about that institution as well. Ward had not only been an Army officer, but also a long-standing militia officer, serving New York as a colonel, brigadier general and finally major general of militia. He was deeply imbued with the tradition of the citizen soldier; this showed itself in his speech as he began by tracing the history of the English and colonial militia, praising the American militia in the Revolutionary War and the War of 1812.

"But, while I concede so much to the merits of the militia," Ward then said, "I cannot shut my eyes to the fact that the militia is now in a very imperfect condition, and requires a thorough reorganization, and more ample means, in order to give it such a degree of efficiency as will justify us to rely solely upon it as our only means of defence." He briefly traced the history of Congressional inaction regarding the militia, arguing that before Congress reduced or abolished the
Army, it should reorganize the militia. Ward stressed that the states and the people had repeatedly called upon Congress to do something about the 1792 law, which imposes services that were "onerous, unequal, and expensive." Many states had taken the initiative themselves in lessening the burdens of militia service, which merely made the militia unequal between states and the cause of further dissatisfaction. "While a tax is uniform and equal in every State," he said, "the people are disposed to bear it; but where it is unequal, they will complain and with just cause."¹

In some states, Ward noted, military parades were required; in others they were dispensed with. Some states exempted large numbers of citizens, while yet other states exempted volunteer militiamen after serving seven years. "So great is the inequality of the operation of this system, that the poor man, who has a family dependent on his daily labor, is, in some States, compelled to perform militia duty from [ages 18-45]--a period of twenty-seven years--or pay heavy fines, or be imprisoned for the neglect of the same; while in the same State, a man who can afford the expense of a uniform can
join a volunteer corps, and become exempt from duty after
a service of only seven years." Ward went so far as to
examine the militia laws of all the states, looking at
the peculiarities of each state's code. For the benefit
of his fellow Congressmen, he listed the ways in which
men could make themselves exempt by paying fines in the
various states. Everything called for a national reform
of the militia, but Ward seemed to doubt that it could be
accomplished. "The clamor of the people against the
militia system," he predicted gloomily,"...will be
continued, I fear, until it is entirely prostrate."2

The different militia systems that Ward described,
all with different ways to purchase exemptions from
service, as well as some like Delaware and Massachusetts
in which compulsory militia service had been abolished,
were the natural result of the failure of the militia
reform movement. William H. Sumner, Alden Partridge and
other reformers had sought to find a way to reconcile the
country's militia tradition with the shifts in attitude
wrought by a rapidly changing society. But many of their
ideas refused to take root in popular opinion, while
state legislatures were unwilling to commit themselves to
providing compensation for military service in an amount high enough to satisfy those who had to perform it. But this left the question of what, then, to do with the militia. If a state would or could not equalize the burdens of militia service, either by providing direct or indirect compensation or by (as classic reformers wanted) making both rich and poor subject to militia service, how could it sustain the institution in the face of public opinion?

The obvious answer to the conundrum was to reduce militia service to the point at which the people would bear it. Presumably, there was some level where the burdens of military service would be low enough that the people would willingly accept them. Some states never tried to address the problems of the militia and went straight to limiting military service, while other states only adopted the latter course after reform efforts had clearly failed, and another group of states pursued both courses at the same time, reducing military service while still pursuing the fleeting shadow of successful reform. Various militia officers and supporters had in the past at different times complained that the militia was
decaying, but when they made such statements they often meant that the willingness to serve in the militia was disappearing or that the militia system could not efficiently produce accurate returns or reports. In a sense, the most accurate measure of true decay were the laws passed by state legislatures that limited military service in order to appease those who had to perform it, without any intention of reforming the system. In the 1830s and 1840s, as reform efforts petered out in the states that had sustained them, these appeasements became common. Typically, two strategies were used by legislatures trying to calm public opinion, usually in conjunction with each other. The first was to reduce the number of training days required of militiamen, while the second was to reduce the term served by militiamen through age exemptions. These reductions in obligation led many states to the natural next step: abolition of the compulsory militia and a switch to reliance on a volunteer militia system. Though militia supporters across the country still hoped for the fleeting possibility of successful national militia reform, their hopes were dashed by the 1840 election campaign, in which
a radical reform plan became a decisive campaign issue and demonstrated conclusively that reform at the national level had no chance. This failure left the states relying, implicitly or explicitly, on volunteer militia systems, but some states discovered to their dismay that the volunteer militia had been more closely connected to the compulsory militia than people realized, and the abolition of the latter led to considerable problems in the former. Possibly the only thing that saved the militia in any form in some states, particularly northern ones, was a new justification for existence as a form of civil police. This allowed the militias to limp along until sectional controversy called for new militias.

The Aftermath of Reform

In 1829 a Massachusetts legislative committee rejected the idea of compensation for the militia, though it remained in favor of lessening exemptions. However, it strongly rejected as well the notion of reducing the number of annual militia trainings. Were this to happen, the committee stated, "the present relation of officer
and soldier would almost cease to exist." However, as legislatures found themselves unwilling or unable to enact other reform measures, they increasingly settled instead on the tactic of reducing militia service as a way to try to calm the public outcry against the militia. The most common way to do this was to reduce the number of musters. Almost all states reduced the amount of training days they required during the antebellum years. Massachusetts, for instance, went from requiring three company musters yearly and larger musters every other year in 1793 down to one company muster per year in 1828 and by 1834 only an annual showing of arms and equipments. Such reductions were intended to reduce the burdens on militiamen but instead more often had the tendency to increase public ridicule of the militia, as every reduction in the number of trainings made it seem more useless and impractical.

Far more compelling—and more subtle in its effects—was the practice of age exemptions, or in other words, limiting militia service to young men. Supporters of age exemptions tended to think, as did William H. Sumner and Beverly Daniel, that the population had grown so much
that a compulsory militia of all the people aged 18 to 45 would render the militia, in the words of a Virginia newspaper, "entirely too unwieldy." A Vermont legislative committee agreed; the need to enroll so many men no longer existed, and there was no longer "any object to be gained by a plan which affects the common business and daily occupations of so large a portion of the community, nothing gained, to compensate, for breaking up, to such an extent, the order and business of civil life." This was also the opinion of a Massachusetts committee that thought that "by the now nearly obsolete law," there were probably three times as many people enrolled as necessary, while the term of service was three times too long." Reducing the term of service would kill many birds with one stone, proponents of such measures argued: fewer people would serve in the militia at one time because their terms of service would be less, while at the same time the militia would be strengthened because only the healthiest and strongest young men would have to serve. This smaller, leaner militia could be more easily trained. Such a plan was what North Carolina governor David Lowry Swain suggested
to the state's legislature in 1833. "I am satisfied," he informed the lawmakers, "that if the burden sustained mainly by the poor and middle classes of society were reduced by exempting militia men from service at an earlier period of life and a proper degree of military science disseminated among them, their organization would be much more efficient than at present." The legislature agreed; a joint select committee replied that "the present term of Militia service is entirely too long; that it should be confined to the young and the robust; and that proper measures should be adopted to render the training of this class effectual; that a comparatively small and well-organized and disciplined force would be much more efficient in its character than the tumultuous assemblages to which we are accustomed." Henry A. S. Dearborn of Massachusetts supported such a plan because it was still compatible with his goal of eliminating exemptions. "It may be assumed, as a fundamental principle," Dearborn explained to Governor Edward Everett, "that no greater military force should be maintained, than is amply sufficient, to give efficient aid to the civil authority, in times of public
excitement, and to meet the first shock of war...The maximum of numbers having been fixed, the system must be so universally equal in its application, that every man shall not only be subject to but compelled to perform [his term of service]."

Enacting age exemptions was more risky than reducing the number of trainings because of the doubtful legality of the measure. Congress, it seemed, clearly had the power to determine of whom the militia should consist, not the states. Indeed, the Vermont legislature on just such grounds decided in 1829 not to recommend a reduction in the term of service, settling instead for reducing the number of musters. However, enterprising lawmakers elsewhere argued that the 1792 Uniform Militia Law contained a loophole that allowed age exemptions in that a provision granted to the states the power to declare additional exemptions from militia duty, and courts upheld such opinions.

The strategy of allowing age exemptions did not have its intended impact. On the contrary, wherever they were enacted, they tended to have a disastrous effect on the militia. After Massachusetts in 1830 passed its most
expansive exemption measure, a law exempting all men once they reached the age of 30, militia officers across the state objected. One artillery captain reported to William H. Sumner that his company had determined that the act was "subversive of that good order and discipline for which the Militia of Massachusetts has been so justly celebrated." Age exemptions limited tended to limit officers to the young and inexperienced, since older men were excused from duty. It also discouraged men from entering volunteer companies and allowed elections to be governed by men who did not have to serve in the militia (since technically they still had to show their arms every year, they could still vote in militia elections). The company called for all able-bodied men under 35 to have to appear on the field. A militia convention the following year also noticed how difficult the age exemptions made it to get qualified people to accept officers' commissions. Other militiamen rejected the notion that limiting service to the young would produce a more robust militia. "The present law has made the Militia feeble and inefficient," claimed the officers of one Massachusetts regiment, "inasmuch as the great mass
of active soldiers is now composed of those who are least able to bear the fatigues and duties of actual service. Instead of being composed of the 'bone and muscle' of the community, the men put down upon your Militia Returns are mostly of that age, that would but poorly bear the fatigues of a single campaign. Making the ages of 18 and 30 the termini of active duty has...done much to lower the estimation of the Militia in the eyes of the community."

Similar objections were raised in North Carolina, which in its 1849-50 legislative session exempted from militia duty all men over 35 years of age. Its deleterious effects were perceived almost immediately by Adjutant General Robert Haywood, who in his next annual report stated that the act "comes very near [to] destroying the whole Militia system in the State."

Again, one of the major problems was its effect on the officer corps. "In some of the regiments," the officer stated, "all of the Field officers have taken advantage of this act, and left the Regiments totally without officers, and in a state of disorganization. Many of the Regiments in the State, which were in the habit of"
returning to this Department from 700 to 1000 men, are now, under this law, making returns of mere fractions of Regiments." Haywood called for its repeal. 6

Haywood did not exaggerate the effects of the law, which upset militia officers across the state, causing a flood of petitions to reach the state legislature. One militia general suggested that the law depressed the military spirit, "and if not repealed, would inevitably prostrate the military of the state." One of his units informed the legislature that their ranks had been thinned "down to comparatively nothing." The officers of another regiment claimed that their experience satisfied them that the late law was impractical and tended "to a total destruction of our military system." It not only diminished the ranks of the militia, "so as in some instances to reduce our companies to a number hardly within that required by law," but it crippled the system by "taking from our ranks the exemplary soldier who from maturity of age exercises a controlling influence as privates, and who from established character commands respect and obedience as officers." Several thousand petitioners, officers and privates of the Fifth and
Seventeenth Brigades of militia, reported to the legislature that the militia system was defective; chief among its defects was the law exempting all persons over the age of 35.7

Legislators who supported the militia introduced a bill in 1852 designed to repeal the most odious features of the 1848-49 act and to reestablish the principle that all white males aged 18-45 should serve in the militia, but the bill failed, as did similar bills introduced throughout the 1850s and the odious age exemptions continued, causing considerable distress among those remaining militia proponents. "The miserable act of assembly of 1848 & 49 exempting all persons over 35 years of age from Military duty will finally destroy our Regiment in the Eastern portion of the state," complained one bitter militia officer. "The gentleman that introduced such a bill who he may be I know not had better to have been at home." The North Carolina, already much weakened by 1850, had received a nearly-mortal blow by the age exemptions, from which it would not recover until the sectional crisis prior to the Civil War.8
Perhaps even more important than increased problems in finding officers or decreased numbers in units was the effect that age exemptions had on the composition of the militia itself. The militia was traditionally strongest in those areas where militia service itself was a tradition, where father and son served alongside each other. Young men were less willing than their elders to view militia service as a burden to be cheerfully borne. Allowing older men to escape militia service broke the chain of tradition that conditioned men to bear militia duty willingly. Moreover, exempting the older classes of men did absolutely nothing to lessen the tide of public opinion against the militia. Those who supported age exemptions expected that reducing the term of service would garner some praise and perhaps turn the tide of public opinion. But those suddenly exempt from militia duty did not suddenly change their views and start supporting the institutions; relieved of responsibility, they tended to be indifferent to the militia thereafter. And those young men still faced with military service were no less happy about performing it than before. As Henry A. S. Dearborn said of a bill reported by the
Massachusetts legislature that proposed setting the upper age of liability for presenting arms for inspection at 35 instead of 45, "[it] does not change the old law in any important respect, save taking off ten years of service. This may gratify those who are exempted, but holds out no encouragement to those who are obliged to do duty." To an 18-year old, seventeen years of militia duty seemed as long as twenty-seven years.  

Even worse was the fact that each additional age exemption lopped off a portion of the citizenry from having to bear the burdens of militia duty that was more wealthy than the portion that remained. Since wealth correlated with age, each successive age exemption allowed a group of people comparatively better off than the younger men to escape from militia duty. Rather than viewing age exemptions as a reduction of their burdens, young militiamen saw such measures as another way by which those well off could avoid military service while the young working men had to perform the duty. Throughout the period of age exemptions in Massachusetts, for instance, outcries against the militia on the grounds of inequality grew rather than decreased. Exactly
contrary to the wishes of their proponents, each age exemption left a correspondingly younger, poorer, and more bitter class of people in the militia. As a result, no age exemption could reduce the level of opposition to militia service by those who had to serve. The inevitable result of such a vicious circle was that opposition would increase to the point where an end to compulsory militia service (formally in Northeastern states, tacitly elsewhere) seemed the only solution.

The alternative to compulsory militia service was a militia system based upon the volunteer companies only. This was also the inevitable conclusion to the policies of reducing trainings and terms of service: eliminating militia service for everybody except those who desired to be in it. Moreover, the volunteer militia was widely conceded to be more effective. As a South Carolinian explained, "The volunteer militia are much more efficient than the regular. The volunteers are generally composed of select men; their association is voluntary, and the esprit de corps is calculated to make them emulous of distinction. They are hence better trained, and have more reliance on each other...They regard their musters
with pride, and think them useful and necessary. The regular militia are too much in the habit of regarding their company musters as an irksome duty which confers no distinction and is of no value." Moreover, a volunteer militia system could have other advantages as well. A state so willing could afford compensating a small number of volunteer militiamen where it might not be able to provide an equivalent to the militia at large. Moreover, the revolution in transportation seemed to make a smaller militia more feasible; numerous public figures cited the railroads as a development that would allow a smaller militia. A switch to a volunteer system even held out the possibility of reversing the tide of public opinion against the militia, since many people were appreciative of the volunteers even as the deprecated obligatory militia service. "We are glad to see...evidences of the continued zeal of our young men in the service," a Boston newspaper waxed about the volunteer militia, "notwithstanding the unpopularity of the present system." A switch to volunteer service could even revive militia activity in communities where none had existed before, as Wabash County, Indiana, found out in 1853 after an act of
that state authorized the formation of volunteer companies. A volunteer militia system as an alternative to universal military service could appeal both to military efficiency proponents, since the volunteers were at least likely to have a modicum of military discipline, and to those individuals concerned about the burdens of the militia on the bulk of the population; it was least appealing to those militia advocates who sought a universal militia without exemptions.10

Some states moved slowly towards a volunteer system, but in other areas a volunteer system was the alternative to compulsory service most often advocated by opponents of the latter. In Ohio, calls for a volunteer militia erupted as early as the early 1820s. The volunteer based plans offered by Ohio legislators were typical of most such schemes. When an Ohio state representative in 1823 called for the repealing of all acts requiring militia duty, he advocated instead "that every person who will enroll himself in an independent company...shall be exempted, from laboring on the roads and from serving upon the petit or grand juries, and that said independent companies, when organized and uniformed, shall have the
power to organize themselves into squadrons, battalions, regiments and brigades." A plan suggested the following year provided for purchasing arms for volunteer militiamen and exempting them from half of their public highway labor. The notion of eliminating compulsory militia service and encouraging volunteer corps by "appropriate privileges and immunities" was one that remained popular among militia opponents in Ohio throughout the 1820s, 30s, and 40s.¹¹

By no means, though, was the attraction of a volunteer system universally acknowledged. In Massachusetts, for instance, an ambiguous feeling about the uniform companies had persisted for some time. While the volunteer and compulsory systems co-existed, there was often resentment on the part of officers in the enrolled companies who felt that the volunteer companies attracted too many men. But even more people felt that the volunteer companies operated in a symbiotic relationship with the compulsory militia. Individuals, knowing they would have to perform military duty or pay a fine one way or the other, chose to pay a little extra and enlist in a volunteer company instead, where at least
their actions would be viewed with pride by the community. Were compulsory militia service to disappear, there would be no reason for these individuals to perform duty in volunteer companies. Still other citizens were "fine members" of volunteer militia companies; that is, they were members in name only, supporting the upkeep of those companies by paying the fines required by such companies for the nonperformance of duties. Again, without a compulsory militia system, this source of income for the volunteer companies might dry up. As a result, many volunteer militia officers viewed with dismay actions such as the 1834 act that required of Massachusetts citizens only one militia meeting a year, and that only to inspect arms and equipment. A number of Bostonian militiamen predicted the disbandment of all volunteer companies within a year and a half of the enactment of the law. "Performing military service is a tax, undoubtedly," they explained, "and the only question with many who perform it is where that tax can be paid the lightest, or in other words, where they can do it and make it a pleasure and a pride, to compensate them for the loss of their time and the expenditure of their
money." A militia major general agreed, noting that volunteer companies "have been in a good degree sustained by a fund derived from fines collected of members, who did not duty. This fund will now be at an end."12

The growing desire to switch to a volunteer system was particularly frustrating for Henry A. S. Dearborn, the Massachusetts general who had to oversee the switch, because the classic reformer had never given up his hope for a universal militia of some sort. Dearborn was the son of Henry Dearborn, the Jeffersonian Secretary of War and unsuccessful War of 1812 general. After graduating from William and Mary in 1803, he studied law with Joseph Story, then from 1812-1829 served as a customs collector in Boston. During the War of 1812, he had served as a brigadier general commanding the forces that defended Boston. After a single term in the House of Representatives, he returned to Boston to take over the duties of administering the militia from William H. Sumner. Initially a strict classic reformer, Dearborn gradually came to accept many of Sumner's ideas about the need for an equalization of the burdens of militia service and the excess of numbers in the militia, but the
adjutant general still cherished the idea of a militia without exemptions. As a result, Dearborn was willing to consider liberal age exemptions as long as service was universal. In 1835, not long after Massachusetts had taken its first major step towards a volunteer system by virtually eliminating compulsory service, organizing volunteer units into larger formations, and legislating a three dollar annual compensation (raised to five dollars a year later) for volunteer militiamen, Dearborn was still arguing for a fundamentally different system. He called for a militia composed of all men aged 21-30 who would drill five days a year. The creation of exempts, Dearborn was convinced, "has produced an impression, that odious distinctions have intentionally been made, unfavorable to the rank and file...who therefore, either believe that they are obliged to perform a laborious and expensive duty, which should be equally borne by all the citizens, or that it is degrading in its character."

Dearborn blamed much of the decline of the Massachusetts militia in the 1830s on the law of 1834; in 1838 he commented that four years experience had "resulted in consequences more fatal to the character of the militia,
and the practical utility of the system, in any form, than would have been a total disbandment, and exemption from all duty, of the whole of the infantry of the line." Moreover, the plan had hurt the volunteer companies as well, since the compensation was still so small that many people preferred to undergo the single arms inspection that was required of the militia than "the expense of a uniform, and the fatigue and loss of time," involved in mustering with a volunteer company.¹³

The objections of Dearborn and other militia advocates in the late 1830s set the stage for a considerable battle over the future of the militia. In 1838, the state appointed a group of commissioners, headed by former governor Levi Lincoln, to look at the militia and propose a plan of reform. Lincoln's commission issued a report early the following year which essentially adopted Dearborn's position. It advocated a militia composed of all men aged 21-31. It strongly attacked exemptions, even criticizing exemptions for Quakers and Shakers, calling them contrary to the principles of the Bill of Rights. The commission called for high penalties for noncompliance, in order to fill
the ranks "by all, without distinction of condition or rank, who are within the legal rule of enrolment. The service must be made honorable, and its performance not only enforced by the mandate of authority, but influenced by a lofty sentiment of patriotism, and a just sense of its object." In addition to advocating a universal militia, Lincoln and the other commissioners argued that "among the many expedients...resorted to, to preserve or to awaken a martial spirit," the most questionable was giving an annual bounty to volunteer companies. While on the one hand the expense was high, on the other hand, volunteer companies had actually decreased in number. The commissioners advocated instead providing such militiamen with arms supplied by the state, which would be more in accordance with the spirit of the militia than providing money.\textsuperscript{14}

The plan of the commissioners became, with some alterations, the basis for a militia bill debated in the 1839-1840 session. The current Massachusetts system was perched precariously between a compulsory militia and a volunteer militia; the state had to choose. Advocates and opponents of the commissioners' plan both furious
argued their case. Many volunteer militiamen disliked the revival of "most of the objectionable features of former laws," that would prevent people (presumably by removing compensation) from joining volunteer militia companies. Others opposed the elimination of exemptions, particularly those for volunteer fire companies, or were concerned about the possibility of removing exemptions for conscientious objectors. While supporters of the plan petitioned the state legislature as well, arguing that it would "elevate the character of the militia," it was clear there was no overwhelming support for the commissioners' plan. In the end, the legislature completely scrapped the plan and in an about-face that surprised many who thought adoption was likely, committed themselves to an all-volunteer force. The bill mandated "enrolment" of the non-volunteer militia, but they would have no duties or requirements. Henceforth, Massachusetts would rely on a small, compensated volunteer militia force.15

Other states similarly moved to a volunteer system, but more than default than by design. Many states disliked the independent nature of volunteer companies,
and considered them too difficult to rely on. Ohio, for instance, repeatedly refused requests by volunteer militiamen for some sort of state encouragement. One privilege much sought in Ohio was one often granted elsewhere: allowing volunteer companies to incorporate themselves as public entities. The legislature, however, was loath to grant such power to volunteer companies. If such companies could incorporate themselves, a committee said in response to a plea from the Hocking Valley Dragoons in 1837 for the power to incorporate, they would be operating upon principles "totally independent of the general military system of the State." The system would disappear, "without the probability of sustaining itself." Repeatedly, Ohio refused to grant volunteer militia companies the power of incorporation or any other privileges, to the dismay and frustration of members of those companies. As members of the Cleveland Greys complained in the late 1830s, the laws of the state were "not such to encourage the raising of volunteer corps." However, by 1844 public opposition to militia service was so great that the state eliminated all military service for a nominal fee of fifty cents. The law provided for
the better organization of volunteer companies, but allowed no compensation, privileges or exemptions to members of such companies. As a result, Ohio's militia system dropped off rapidly in the 1840s and 1850s. In this, Ohio was typical of many states in the Old Northwest. Volunteer companies flourished in the cities and sometimes elsewhere as well, but there was little provision made for encouraging or maintaining them. As Aaron Ward reported to Congress in 1842 in his recital of the condition of the militia, "in some northwestern states, particularly Ohio, Indiana, and Illinois, the militia system is almost entirely abandoned and abolished."¹⁶

Alabama was another state that by default came to rely upon a volunteer militia. Like many Southern states, Alabama was unwilling throughout most of the antebellum era actually to eliminate the compulsory militia system, despite its unpopularity. And as in Ohio, there was significant objection to volunteer companies, largely on the grounds of their independence. Unlike Ohio, Alabama did grant charters to volunteer militia companies, which rendered them rather too
uncontrollable in the eyes of many officers. As early as 1839, a militia general reported that the volunteer companies attached to his division were chartered companies that claimed they were subject only to the orders of the governor. The governor himself complained to the legislature that, although he felt volunteer companies were the "best means of infusing that spirit and animation into the militia system, which is essential to its existence as well as success," the practice of granting militia companies charters "tended greatly to embarrass and derange the harmony of the system."

Adjutant General James G. Carroll was more explicit. "My experience in organizing militia is this," he told the legislature, "that it is worse than folly to attempt it where they do not stand on equal footing with all other troops that act with them." His office never heard from such companies and could not keep track of their numbers or status. "They are an order of troops in my opinion which never ought to have been created," Carroll said. But Carroll, like Governor Bagby, stressed that he was not opposed to volunteer companies per se, and felt "due encouragement" should be given to properly organized and
equipped companies.17

The Alabama legislature, however, was not willing to remove such privileges, which were eagerly sought by volunteer companies, particularly those composed of members of high social standing and importance. Ten years later, Carroll still complained of the incorporation of "what they choose to call independent companies, and sir, they are properly called so for the most of them are so privileged as to defy civil and military law." Carroll was convinced that such companies lasted only short time, but their members thereafter claimed exemption from all public duty because of their membership in a volunteer corps. "I feel perfectly safe in saying to you that not one half of a dozen that are organized have any thing like their proper numbers," he stated. Carroll was justified in his complaints. The following year he received returns from only two of over thirty chartered volunteer companies. They were, he remarked, "acting most decidedly on the independent principle."18

What many Alabamans wanted was a volunteer system, rather than a collection of very independent companies.
Stating in 1850 that the current mode of conducting the militia was "a nuisance, producing no good at all," volunteer militia company officer W. G. Coleman called for a "well organized system of volunteers." Several years later, Governor John Winston argued for much the same thing. "In place of the present exploded system," he said, "I suggest the propriety of encouraging volunteer companies by granting exemption from other public duties those who may be regularly drilled in organized volunteer corps." However, not until sectional pressures in the late 1850s caused a reorganization of the militia on volunteer grounds was his wish granted. Through much of the 1840s and 1850s, Alabama's compulsory militia system was prostrate, with the legislature unwilling to enact any reforms or to abolish it completely. In the interim, the state was forced to rely by default on those "decidedly independent" militia companies. In this, Alabama was not atypical of Southern states.19

The "Standing Army Humbug"

Even though militia supporters increasingly
witnessed their states turning away from the traditional militia system, the more optimistic among them could still hope for reform of the institution at the national level, despite the failure of various plans in the 1820s and early 1830s. "I write you, to bespeak a place in your [annual] message for the militia," urged former representative Ransom Hooker Gillet of President Martin Van Buren in 1837. "I once made an effort for them, but Congress was too much occupied in other subjects to act...You could not do a more acceptable thing, than to call the attention of Congress to this subject. Its effect upon our active young men, you can readily understand." However, the presidential election campaign of 1840 abruptly demonstrated that federal militia reform was a dead letter. The election, moreover, showed how far the sentiments of the people had diverged from those of erstwhile militia reformers.  

What created such an uproar and scotched the goals of militia supporters for national militia reform was a plan for reorganization submitted by Van Buren's Secretary of War Joel Poinsett to Congress early in 1840. Poinsett, a South Carolinian more well known to history...
for his diplomatic endeavors in Latin America than his
tenure as Secretary of War, was an energetic Secretary.
Having attended military school in England, he retained a
certain sympathy for the military. When Congress in 1839
passed the buck and asked Poinsett to prepare a plan for
militia reform, the Secretary assiduously set to work.
The previous year, Poinsett had suggested that reform of
the militia would be best tried "on a small scale,
leaving the militia generally, for some time to
come...under the direction of the States," but in the
winter of 1839-40, Poinsett worked to produce a complete
and radical plan of militia reform.21

Poinsett presented his plan to Congress in March
1840. In the plan, the Secretary argued that the militia
as presently constituted was far too large and that every
day of duty "abstracts at least one million of dollars
from the earnings of labor," without adding anything to
the nation's defense. The solution was to rely on "a
select body of citizen soldiers" instead and train them
extensively. Poinsett called for enrolling all men aged
20-45 and requiring them to arm themselves; these people
would be the First Class of the militia. However, from
this class the plan would take "by draught, or by voluntary service" a quota of men between the ages of 21 and 37 not to exceed 100,000 men (apportioned among the states). This force would be the Active or Moveable force. Such men would be required to serve for four years. A third class of the militia was the Reserve or Sedentary force, which would consist of those men just released from the Active force. The Reserve militiamen would also serve for four years. Poinsett envisioned dividing up the United States into ten military districts for the purpose of training the militia. Because the Constitution called for training of the militia to be left with the states, Poinsett got around the restriction by having the federal government call up the Active force into federal service up to two times a year for a number of days (not exceeding 30). While the militia were under federal jurisdiction they would then be trained by the federal government, then released back to the states. While in active service, the militia would be paid and fed as regular infantry. Subsequent remarks by Poinsett indicate that he thought that volunteer militia companies would easily fill the ranks of the Active militia,
obviating the need for a draft.\textsuperscript{22}

Poinsett's plan received some initially favorable comments, including some by Whig newspapers, to their later regret. It was not initially a partisan issue. The \textit{New York Journal of Commerce} gave it "our most cordial and hearty assent. In substance, we have recommended it over and over again. It will be a vast saving of time and demoralization, and will add much to the real efficiency of the militia." The \textit{New York Commercial Advertiser} called it an admirable document, "one of the best suggestions ever put forth upon that subject." But other voices, equally nonpartisan, expressed some doubts. Henry A. S. Dearborn, sent a copy of the plan for review by Poinsett, did not like the provision that called for all men aged 18 to 45 to arm and equip themselves. "The plan of having a Militia force, without expense to the Nation or State, after a perilous experiment of sixty years has been an entire failure," he told the Secretary, "and we must now correct the error by the use of the proper and only means--viz, make the force only so large as is requisite and arm and pay it on duty." Historians have rarely examined
Poinsett's plan, and generally praised it when they have, but it clear that the plan contained numerous gaping flaws. Not only was it of dubious constitutionality, with its end-run around the training issue, but it proposed to place a serious economic burden upon young men. Although the plan, unlike most previous plans offered to the same end, did call for paying militiamen not only while being trained but also for travelling to and from militia duty, the pay was at the scale of the Regular Army, which sufficed to support single soldiers who did not have to pay for room and board, but would certainly be problematical for a civilian with even a small family to support. The long training times also raised the possibility of losing ones' employment. And, of course, the militiamen still had to pay for arms and equipment.  

What Poinsett's plan was, more than anything else, was a colossal political blunder. In the spring of 1840, Whigs suddenly realized the political capital they could make of Poinsett's plan of militia reform. As North Carolina Whig Congressman James Graham noted to his relative and future Whig Senator William A. Graham, "the
Plan drawn by Poinsett and endorsed and **recommended** by Van Buren to organize the Militia and convert them into a standing Army of 200,000 men, is a strong ground of attack on the administration. North Carolina, South Carolina, Georgia and Florida are to make **one Division**. They are to meet at some Central Point twice a year to Drill and Muster. Now how would the Militia of Orange like to be marched off to Columbia or Augusta **twice a year**, to be disciplined by some Regular federal officer!!! Leave their Wives and Children, lose their Crops and incur heavy private expenses, all in time of Peace to learn from a Federal Van Buren officer how to shoulder a Musket." Graham's letter also illustrates how Whigs quickly tagged Poinsett's plan as a "standing army" of 200,000 men, a brilliant rhetorical device that stuck, try though Democrats might to remove it, for the rest of the campaign.24

The first people to take advantage of Poinsett's blunder were Virginia Whigs, who wielded the issue with great effect in the statewide elections in the spring of 1840. The Whigs freely alluded to federal tyranny and tossed references to standing armies about with abandon,
but their most telling thrusts were aimed at voters' pocketbooks rather than their conceptions of republican government. "There is no describing to you," one Virginian, Richard Elliot Parker wrote to Pennsylvanian Democrat James Buchanan, "the effect it produced upon those, who were told that they would immediately have to find their own arms...and be marched wheresoever the President pleased." Democrats were immediately placed on the defensive. To Van Buren, Parker stressed that it was "the most formidable weapon" in the hands of the Whigs. In the elections, Whigs delivered a stunning defeat to their opponents, serving notice to the entire country that Poinsett's militia reform plan was a potent political weapon.35

Vainly, loyal Democrats tried to respond. Many were considerably irritated with Poinsett for having suggested the plan in the first place, and Poinsett found himself besieged with angry letters attributing Whig successes to his plan and calling the Secretary to "come forward with whatever you can" to sustain the administration. "We are harranged by the federal slangwhangwhangers until pure democracy is more and more disgusted," wrote one
Virginian to Poinsett, asking Poinsett if he would be willing to respond to questions about his militia plan for publication. By that time more important Democrats were also pressing Poinsett for a reply. In late May, Thomas Ritchie, the secretary of the Central Democratic Committee of Virginia, wrote the cabinet officer asking him, in essence, to offer a public defense of his plan. Poinsett's response stressed the unpreparedness of the current militia system and related the past history of attempts at national militia reform, including those by Whig candidate William Henry Harrison. Poinsett also defended the principle of classing the militia, which he felt was the "most obvious" means of devising an effective military force. "No one appreciating the blessings of a Republican Government, can object to his share of the burden which such a plan may impose," he argued. He also stressed that his plan, like past plans, inculcated "the propriety of relieving the great mass of the militia from the onerous burden of frequent mustering." There had been so much outcry against the plan that Poinsett could no longer defend it on its own merits, and was forced to admit that he "did not pretend
to say, that the system I have presented to Congress is the best that can be devised," but stressed its continuity with past plans, to illustrate that what he suggested was not in fact that radical. Poinsett's reply also mentioned what may or may not have been true, but was in any case rapidly adopted as the Democratic position, that Martin Van Buren had no knowledge of Poinsett's plan before the latter submitted it to Congress and had not approved it.  

With the Poinsett plan a hot political item in Virginia and elsewhere, Whigs took the offensive in Congress while Democrats tried to defuse the issue. The Democratic-controlled committee of the House to which Poinsett's plan had been referred stressed the essential continuity of the scheme with earlier projects, as did Poinsett, and emphasized the fact that the plan provided for paying privates. However, it avoided actually voting for the plan by stressing the Constitutional issues involved, suggesting that it was up to the states to lay the foundation for militia reform. A Senate committee did much the same thing, except that it explained its inaction because all previous militia reform efforts had
failed. Whigs in the House Committee issued a minority report that stressed Van Buren's endorsement of the plan, its unconstitutionality, and the great cost the plan would incur, to be borne largely by individuals. A spat then ensued in Congress over whether or not to print copies of the Senate committee report. Democrats wanted the report (which gently repudiated Poinsett's plan) printed, while Whigs demanded that Poinsett's plan be included. Alabama Democrat Clement C. Clay then moved to include William Henry Harrison's various reports as well. 27

The squabbles over printing the reports, however, need not even have taken place: Whigs across the country were acting energetically to publicize and criticize Poinsett's plan. "KEEP IT BEFORE THE PEOPLE," urged an Ohio newspaper, and the Whigs did. In an election full of log cabins and hard cider, infamous for its lack of "real" issues, the Whigs created an issue out of the Secretary of War's blunder and maintained it despite the hasty disavowal of Van Buren and, indeed, most Democrats of Poinsett's plan. "One of the most ridiculous of the Whig humbugs," complained a Democratic newspaper in
Boston, "worse even than the hard cider humbug, or the reduction of wages humbug, or the very latest agrarian humbug--is the two-hundred-thousand-standing-army humbug." Some Whigs gave emphasis to the "Standing Army" theme, suggesting that Van Buren was planning to use bullets as well as ballots to stay on his throne. James Graham told his North Carolina constituents that the plan would be tyrannical, suggesting that militia officers could not go one mile from the camp without a written pass or be court-martialed. Others stressed the constitutional issues, which were more comfortable for some of the less gratuitously partisan politicians.

Daniel Webster, delivering a speech at Saratoga in August, disavowed any intention to charge Van Buren with any desire to play the part of a Caesar or Cromwell, but suggested it would be "expensive, burdensome, in derogation of the Constitution, and dangerous to our liberties." Later in the campaign, Webster spoke to Virginians, noting by then that it was "hardly necessary" to speak of Poinsett's plan. "I am sure," Webster joked, "he must be very tired of it himself." Webster urged his audience to remember the "great principle of the
Constitution" on that subject, which was that the militia was the militia of the states, not of the general government. Henry Clay advanced similar principles in his speeches, only he was less willing to give credit to Van Buren's principles and more wily about keeping the issue alive. "Do not be deceived by supposing that it has been or will be abandoned," Clay warned his audience of Virginians. "It is a principle of those who are now in power, that an election or a re-election of the president implies the sanction of the people to all the measures which he had proposed, and all the opinions which he had expressed, on public affairs, prior to that event." 28

But more than the standing army, more than abstract constitutional issues, the Whigs stressed the economic burdens of the Secretary's plan. The plan, as the Raleigh Register stressed, "places 200,000 of the Militia of the United States under the control of the President--to be marched hundreds of miles at his will--separated twice a year from their families--fined for neglect of duty, and if unable to pay, IMPRISONED--which requires, also, each man in the United States (except
officeholders), between 20 and 45 years of age, to buy, out of his own pocket, $12 1/2 worth of Military equipments!" An article later in the summer jumped the sum to $20, asking the question, "Are you willing to submit to this onerous tax?" The Dayton, Ohio, Log Cabin took delight in presenting the details of the plan to Ohicans, beginning with the provision "that every able bodied white man between the ages of 20 and 45, is to be enrolled, and each man is to PROVIDE HIMSELF at his own expense with arms and accoutrements, which will cost him from twelve to fifteen dollars." Furthermore, as a later number of the paper noted, each man "may be dragged from his home and business twice a year for the space of thirty days each time."

Against such an onslaught, the Democratic Party seemed strangely paralyzed. Part of the problem was that Democrats were not in agreement as to how to handle the issue. "Our party have almost been prostrated by unwise and rash councils," Alabama Representative David Hubbard wrote Tennessee Democrat James K. Polk in May, "and it remains to be yet seen whether we are to sustain Poinsett's Militia Bill or go down ourselves. I am
against it." The situation was much the same in Tennessee itself. "The Militia Bill is doing much damage," another correspondent informed Polk. "The Whigs are aware of it...Some of our friends have bolted from us. Others are silent and almost all condemn it. We can't carry it. If Mr. Van Buren is fastened down as endorsing the particular plan submitted in Mr. Poinsett's report...I am thoroughly satisfied we cannot hold up to the vote of last summer. Even if it were sound policy to organize the Militia, our people hate to muster and will oppose anything of the kind." The Whigs did all they could to help Tennesseans come to that conclusion, even to the extent of taking advantage of Tennessee census questions about soap, chickens and geese. "The Whiggs used it with great dexterity," retired president Andrew Jackson wrote to Van Buren after the election, "they had their whippers in every precinct in the state and alarmed all the old ladies with the idea that all soap, etc., etc., were to be taxed to support your standing army of 200,000 men."

The Democrats did realize that the plan had to be disassociated from the president. Therefore, after some
early discussion on the propriety of discussing what the
president knew and when he knew it, Van Buren and his
associates claimed ignorance, leaving Poinsett holding
the bag. With the arrangement of Van Buren and Thomas
Ritchie, Poinsett publicly claimed in early June that
"the President concurred with me in opinion with regard
to the importance of reorganizing the militia at this
time; but had no agency in preparing the plan reported to
Congress and no previous knowledge of its details." With
such denials, Democrats made spirited attempts to defuse
the issue. "Let the plan be for good or ill," suggested
one newspaper, "the President had nothing to do with it;
nor did he advise either its adoption or rejection." But
the Whigs were not deterred so easily. They printed and
distributed copies of Poinsett's plan along with excerpts
from the president's message to Congress that mentioned
the plan. Moreover, they made political capital from the
Democrats' efforts to get the issue away from Van Buren.
"Mr. Ritchie has compelled the President to give a semi-
denial of his approval of the scheme," reported the Whig
Scioto Gazette in Ohio, "and the supple Secretary of War
has consented to shoulder the whole affair himself."
When Allen Thurman, at that time an up-and-coming Democratic orator in Ohio, spoke out in favor of Poinsett's plan, the paper claimed that it was "pleased to hear the project defended, because, unfair and deceptive as was the sophistry made use of, it was still better than the subterfuge by which the President and his retainers have recently endeavored to escape all connection with its parts."31

Overall, Democratic efforts were confused and self-contradictory. Even a skilled politician like James Buchanan, speaking at the Pennsylvania State Democratic Convention in August, could sound a little confused. Buchanan decried the attempts to label the scheme a "200,000 man standing army." and defended the plan's particulars, trying to suggest they were not extreme or onerous. He ridiculed Whig attempts to suggest such a militia could threaten liberty. "What renders this humbug still more farcical and ridiculous," he added, "if possible, is, that General Harrison himself...advocated and strongly urged the adoption of a similar plan to classify and train the militia." Buchanan argued that all such attempts to reform the militia were because the
present militia system "was a heavy burden and expense both of time and money to the people," while they acquired no useful military knowledge. Then, after defending the wisdom of such plans, Buchanan stressed that not a single Democrat in Congress voted for Poinsett's plan. "For my own part," he said, "I was always opposed to it, believing that the true defense of the country consists in the brave hearts and strong arms of the mass of the people...Besides I believed that one feature of the plan conflicted with the Constitution."

The effort of defending such plans and stressing Democratic opposition to them at the same time might weary anybody, but a surprising number of Democratic papers attempted simultaneously to defend the plan and disassociate the president from it. However, many Democrats stayed as far away from Poinsett's scheme as possible. The North Carolina Standard was a relatively rare exception when, early in the campaign, it actively defended the plan, noting that "the disasters, the defeats, the great sacrifices of human life, from the slow organization of the militia in time of war, are fresh in the recollection of every citizen...Whatever
system may be finally adopted, it is a matter of congratulation that the subject has been brought before the people." 32

Many Democrats had the not unreasonable expectation that publication of Harrison's own plans for militia reform would help their cause; Harrison's schemes were certainly in the same spirit as Poinsett's plan. Democrats also knew that Harrison himself was a staunch believer in militia reform. "From that day till perhaps very lately," one Democratic newspaper confided to its readers, "the smallest allusion to the militia in [Harrison's] hearing would produce a long lecture on the excellence of his plan, and his regret that he could not succeed in having it effected." Humphrey Marshall, Jr., sent Poinsett extracts from a plan Harrison proposed in 1810, for the Democrats to use against Harrison, noting that when Harrison "recurs to his efforts to embody public opinion upon the militia system, he breaks into a perfect rhapsody." But Harrison's "handlers" wisely kept Harrison mum on the subject, adopting banker Nicholas Biddle's advice from 1835 that Harrison remain silent on his principles. 33
In the end, Democrats were unsuccessful in defusing the standing army issue, which contributed powerfully to their defeat at the polls at both state and federal levels. Though Democrats retook Virginia after losses in the state election, and came very close in the popular vote, their electoral defeat was humiliating. In this defeat, the "Standing Army Humbug" played an important role. "Two causes have mainly contributed to bring about this result," Bedford Brown wrote Martin Van Buren after elections in North Carolina that resulted in Whig victory. The first was the strength of the Whig party in the state, but the second "was the plan supplied by Mr. Poinsett for re-organizing the militia. The federalists availed themselves of the most fraudulent misrepresentations on this subject and before explanations could reach the people, succeeded in driving from us a portion of the labouring people, who had always formed our steadiest support. As they were most liable to be affected by any plan for organizing the militia, of course they were quickest to take alarm."

It was this analysis which had the most relevance to the militia. The campaign of 1840 demonstrated that
national militia reform was simply not feasible. In 1840 Poinsett had produced a plan that could have easily been found among the plans for militia reform sent to George Washington in 1783, even though such plans were decisively rejected in the 1790s and thereafter. That the Poinsett Plan had progressed so little from its forebears demonstrated the limited ability of reformers to operate on the national level; that public outcry in 1840 against such a plan helped to bring down an administration demonstrated that the population simply would not stand for such a plan. For all the talk of "standing armies of 200,000 men," the issues that most newspapers and politicians discussed, and which concerned most voters, was the distribution of the military burden that the plan proposed. Poinsett's plan proposed placing the load squarely on the shoulders of young men, and it was a not inconsiderable load. The election of 1840 was a vigorous rejection of this unequal distribution of the burden of service. And since no reformer would offer any other plan, the federal government would not reform the militia.
The Post-Compulsory Era

In May 1840, as political debates regarding Poinsett's "standing army of 200,000 men" raged in Virginia, Washington, and elsewhere, the militia of Boston met for spring training. The military drill and parades, however, marked a considerable transformation of the militia: it was the first militia muster in Boston to be attended only by the volunteer militia, as compulsory service had been ended by the state legislature earlier in the year. Bostonians were optimistic about the new system; as one newspaper rhapsodized, "our own companies looked well as they always do and will do, so long as they feel that the people look upon them with gratification as the strong arm of security against domestic violence or foreign invasion."

The volunteer militia, however, in Massachusetts and other places, would not have such an easy time of it. The end of efforts to reform the compulsory militia had not changed public opinion suddenly in favor of the militia, nor was the volunteer militia system an ideal solution. In New York and New England, states still had to struggle to maintain any militia system whatsoever,
even voluntary; these struggles represent the last serious conflict over the militia system before the late 1850s and the threat of civil war. Southern states had generally implicitly adopted a system of volunteer militia by letting their compulsory militia degenerate, while many northwestern states (and a few others, like Vermont) let both compulsory and volunteer systems decay into somnolence. Along the frontier, conditions were even worse. States such as Arkansas, Texas, Wisconsin, Iowa and Florida had considerable difficulty in creating any sort of workable militia system at all. The problems that frontier conditions caused militias were exacerbated considerably by the attitudes concerning the militia that settlers brought into those states; the frontiersmen of 1850 had a considerably different attitude concerning the militia than did those of 1800. States like Texas and Florida had militia systems that looked good on paper but were never able to effect any real organization of the institution, which remained largely a paper creation. Robert Lucas, an Ohio militia general and former governor who became the first territorial governor of Iowa in 1838, experienced firsthand the considerable problems
involved in creating a far-western territorial militia. After numerous efforts and a border dispute mobilization with Missouri that recalled Lucas' mobilization of Ohio militia during the Toledo War, Lucas was compelled in 1840 to admit to Joel Poinsett that he was encountering great difficulty in organizing the militia and his successor noted an "almost total failure." Increasingly, it was the United States Army that settlers depended on, rather than their own poor efforts at organization, for frontier protection. This left the northeast section of the country as the only area that still experienced considerable debate on the militia system, its composition, nature and effects. Here those states which had switched to a volunteer system discovered that such a transformation by no means solved all the problems of the institution. New York provides a good example following its 1846 abandonment of compulsory militia service. The drastic reorganization required by the switch caused serious problems for several years, but some problems persisted even longer. The volunteer encampments still didn't seem to provide much in the way of serious military instruction, while many of the volunteer
regiments were mere skeletons; one historian has discovered that some regiments had fewer than fifty men. The New York militia by the 1850s was a patchwork of volunteer units, some reasonably organized and trained, and others no better than the compulsory militia whom they replaced.36

In no northeastern state was the debate over the militia as great as it was in Massachusetts. The switch from a compulsory system to a volunteer system, occurred roughly during the tenure of Henry A. S. Dearborn as adjutant general, from 1834-1843. During this time period Massachusetts removed the last remaining obligations for ordinary citizens to perform military duty, mandated a volunteer system in 1840 and in the succeeding several years accomplished the reorganization required by the switch. The period was a rough time for the volunteer militia, because as predicted many volunteer companies had to be disbanded because the majority of their members had only joined in order to avoid serving in the compulsory militia. But by the time Dearborn was removed from office in 1843 for providing Rhode Island with weapons during the Dorr Rebellion, the
volunteer system was fully established. Though funding was still a problem—unlike New York, Massachusetts did not require those not performing military duty to pay a small tax to support those who did—Dearborn's successor could claim in 1843 that "the volunteer militia was never more efficient, under the existing organization, than it is at the present time—the ranks being generally full, the discipline excellent, and the officers and men emulous of qualifying themselves."

Such a cheering report no doubt must have gratified those legislators who voted to abolish compulsory duty, but the person who made the report, Joseph Boyd, was a new adjutant general who had been in office less than a year (he would be replaced after a year's service) and who was not as conversant with the state of the militia as someone with more experience would have been. Before Boyd's brief tenure in office was up, serious protests had been raised by members of the volunteer militia against the existing system. Nearly two thousand petitioners from towns across the state, consisting of officers, privates and civilian supporters of the institution, voiced their complaints to the state
legislature. The primary issue was pay. Some militiamen demanded greater compensation, while others demanded a more equitable distribution of the burden. "Unless some action is taken...the Militia...will soon lose all its efficiency, if not be entirely disbanded," explained a typical petition. "We believe that the burden ought to be borne by all equally." If lawmakers would not make all men do duty, then they should make all men pay. The response of the legislative committee that received these petitions was to quickly dismiss the former possibility. "The public interest does not require the reenactment of former laws compelling all persons...to do duty," the committee reported. Nor was it ready to impose a tax on all men. Instead, it adopted a mild change, raising the compensation slightly, to six dollars a year (for those who performed all required duties).38

That such a slight measure was not enough to halt the increasing dissatisfaction with the militia soon became apparent. By the end of 1846, the state's adjutant general, Henry K. Oliver, described a militia that was clearly in trouble. Of 91 light infantry companies, only 32 were "flourishing," while 21 were
"fair" and 38 "depressed." Moreover, their members were overwhelmingly inexperienced. The majority of militiamen had served for only three years or less; the number of long-serving militiamen was very small indeed, and of these, Oliver reported, very few reenlisted. The militia began a decline in membership from 6,337 in 1845 down to 4,581 only a few years later. Immediate legislation was needed, the adjutant general stressed, "to preserve even the slightest vestige which we now possess of a military organization." What Oliver called for was a "more rigorous and stringent" system that contained compulsion; what he was hoping for was that men who did not serve in the militia would have to pay a fine. Increasing the sense of crisis was the Mexican War, which began in 1846 and immediately had a depressing effect on the state militia. The war was not popular in New England; this translated not only to a decline in military spirit but renewed opposition to the militia on moral grounds.39

Those still supporting the militia called for significant change. In early 1847, officers held a militia convention that called for reform. In February, General B. Adams and other members of a committee
appointed by the convention memorialized the legislature with the convention's wishes. Adams and his cohorts admitted that the present organization of the militia was "inefficient" and required further legislation. The cause of the inefficiency, the committee suggested, was "that it is not popular, in consequence of its not being imperative upon all male citizens between 18-45 to perform military duty personally, or be subject to a fine for not performing it." What was needed was a tax assessed upon the property of all men aged 21-35. Again members of the militia were calling for a more equitable distribution of the military burden. Though some legislators were willing to enact such a tax, there was opposition to "an increase of the burden on the people" for the support of a militia system which had "a bad influence on the cause of peace." The legislature avoided the controversy by taking the easy way out: it appointed a commission of five individuals to study the militia system and make recommendations for its reform.  

Heading the commission was former governor Levi Lincoln, a supporter of the militia, who agreed "to make one more effort to invigorate and preserve the system of
domestic tranquility and national defense." Lincoln proposed that the commission survey military officers across the state on the subject of militia reform as a way to judge their sentiments; the commission also wrote adjutants general in other states for information on their militia systems. The Massachusetts militia would undertake the greatest self-examination in its history, with the main issue being whether or not the institution should continue as a volunteer system or revert to some sort of compulsory organization. The questionnaires asked militia officers what were the advantages and defects of the present system, whether a militia system should be voluntary or obligatory, what ages should duty be required of men if the system were obligatory, what amount of service should be required, what fines should be instituted, how should fines be enforced and collected, and what exemptions should be permitted. In other words, the whole survey was designed to judge the practicality and desirability of abandoning the volunteer system and going back to a compulsory militia.

The responses that trickled in throughout the fall of 1847 could not have been encouraging to supporters of
a volunteer system. Though some officers thought a volunteer system was sustainable, the majority of respondents seem to have been thoroughly disgusted with the condition of the volunteer militia. The advantages of a volunteer system "are yet to be discovered," reported Major General A. Howe, who argued for an obligatory system of men aged 21-45. William Thompson Gale was equally adamant. "I am satisfied of the impossibility of sustaining the present volunteer force...unless something is done to render the system in some sort obligatory." Gale felt that the burdens of the militia system should fall equally on all those aged 20-35, but with low fines so that those who disliked militia duty could pay the fines and thus contribute to the expense of the rest of the system. Future adjutant general George H. Devereaux, then only a militia captain, suggested that the volunteer system had no advantage over the obligatory system, although it was better than none. "The volunteer system is unequal and therefore unjust in its operation," he explained. "It brings the burden (for the State Bounty is no remuneration) upon a few, altho' it is manifestly, if it have any use, the interest of
all." Devereaux argued for a system compelling men aged 18-30 to do duty. Colonel B. Edwards also argued for an obligatory system, with fines structured so that "those who can best afford it contribute most," and no exemptions except possibly for clergy. "I think the idea should be carefully avoided that any militia duty is voluntary," he stressed. These arguments were typical of many other respondents, who all stressed the defects of the volunteer system and their desire for an obligatory militia system.41

Even among those officers who suggested a volunteer system was preferable, there were many who were not convinced that the system was actually better, but rather felt that public opinion would not support any other. General Adams, who had earlier addressed the legislature, argued that they system should remain voluntary, "because no other system would be sustained by the people."

Should the obligatory system be adopted, the general suggested, "the result would be, that, the first year, companies would be raised which would be little better than burlesques upon the Militia, and the second year the whole system would be overthrown by the legislature."
Lieutenant Colonel Samuel Dudley favored a voluntary system because "it will meet the wants of the community." However, he was not sanguine about the prospects for either system. "The most discouraging of all," he lamented, "is that a great [sic] part of the community are against any militia system and therefore use their influence to render it unpopular." This was the opinion of Adjutant General Henry K. Oliver, who tried to stir the legislature into action by announcing that "unless public sentiment changes, no military system whatever can be sustained in the state." 42

Early in 1848, the militia commissioners presented their report to the state legislature. "[Not] unmindful of the utter failure of success, in the many efforts which had been made by others," they offered a report seemingly designed to add to the list of failures. After a lengthy justification of the need for a militia, the report admitted that the militia could not be sustained under the present system. The alternatives were a compulsory system or some other voluntary system. The commissioners expressed considerable doubt that a voluntary system was even Constitutional. Instead, they
offered a slightly modified version of an earlier plan of reform which offered a mild compulsory system that encompassed only the ages of 21-28. However, the committee also offered suggestions for the reform of the voluntary militia, should the legislature choose to keep it, suggesting that non-militiamen pay a commutation in order to avoid service in the militia and that the state provide compensation for the cost of taking care of arms. As a result, the report, though obviously leaning towards a return to some sort of compulsory system, hardly presented a forceful document to legislators. 43

The legislature took its time in examining the commission's report; it was not until April 1848 did the Joint Standing Committee on the militia offer its opinion on the study and proposals. Not surprisingly, the committee was disappointed that Lincoln and the other commissioners had been unable to unequivocally suggest a plan of reform. It announced that was not itself satisfied with either set of recommendations suggested by the commission. To return to the old system, which had proved so troublesome, would be "unwise," but the committee was not interested in providing for a
commutation tax. In essence the argument of the committee was that the current system might be unconstitutional, but since the people did not have to pay for exemption, they didn't care. However, were a commutation tax imposed, the people might challenge the constitutionality of the law. Instead, the committee introduced a bill providing for a slight increase in the compensation paid to volunteer militiamen. Although numerous petitions were sent to the state legislature advocating the adoption of the commissioner's proposals, including the City Council of Boston, they were without avail. The current militia system would continue.**

However, the dire predictions of Henry K. Oliver did not come true; the militia system did not disintegrate further. Some credit for this must be ascribed to the end of the Mexican War, which quieted some of the feelings against the militia. However, a more likely explanation is simply that the militia had sunk about as far as it could go—despite inadequate compensation and the force of public opinion, there would remain a minimum of four to five thousand men willing to perform military duty. Oliver's successor, George Devereaux admitted at
much in late 1848 when he said that though there were
great defects in the militia system itself, it still had
"a tenacious vitality." Though Devereaux continued to
call for increased compensation (he wanted ten dollars
instead of six), he also proposed an annual encampment of
three days. This would have the effect of increasing
esprit de corps and help to keep the volunteer companies
intact; it would also presumably impart more military
skill. The legislature remained unwilling to pass a
commutation tax, but agreed on an encampment (of two
days, not three; a subsequent law expanded it to three).
The following year Devereaux cautiously reported that the
measures passed by the legislature so far
"productive...of the desired results." The militia had
been in a period of transition, he stated, which had
depressed its character. "The peculiar spirit, produced
by circumstances which formerly brought yearly our whole
male population into its ranks, abated and died out, with
the changing character of the time. The old system
survived its adaptation to the state and temper of the
community long enough to bequeath to its successor a very
undesirable inheritance of confusion, disorder and
absurdity." But now a new organization had begun "to assume its proper character of a select, neat and respectable force."45

Perhaps it was a transition—-one historian has generously called it a "turning point"—-but it seems more likely to have been a stabilization. For, in fact, little hand changed for the militia. Despite repeated calls for such measures, militia supporters were unable to convince the legislature to pass a commutation tax. Moreover, opposition to the militia did not abate during the 1850s. In 1851 pacifists and others repeatedly petitioned the legislature for the abolition of all militia drills, notwithstanding that they were conducted only by volunteers. The encampments and drills were called nuisances, productive of vice and immorality, and moreover, a considerable expense to the community. Opposition also surfaced at the 1853 state constitutional convention. Such charges continued throughout the 1850s, and though the legislature was unwilling to abandon the volunteer militia system, the protests put considerable pressure on the militia. The militia suffered, too, from institutional problems. In 1858 and 1859, the state
consolidated four regiments which averaged less than thirty-two privates per company into a single regiment, and disbanded seven companies. And a number of officers continued to demonstrate an inability to conduct their military duties. However, it was clear that the crisis had passed and that Massachusetts could maintain a volunteer militia system, albeit only a small one. And by the end of the decade, the state could even boast of one of the better volunteer systems. 

From Republican Bulwark to Civil Police

The primary reason the Massachusetts militia was able to survive the crisis of the 1840s and 1850s was because the institution was able to define for itself a new and significant role more suitable for the times than the traditional role of defender against foreign invader. The militia of Massachusetts--as did other state militias in the northeast and elsewhere--redefined itself into the role of civil police, as the last guard against mobs and anarchy.

In seizing upon the issue of civil disorder, the
supporters of northern militias made a canny decision. As a result of rapid urbanization, geographic mobility, growing immigration and other social extremes, the problems of riots and mobs had grown tremendously in the second quarter of the nineteenth century. As one historian has noted, while between 1828 and 1833 only around twenty incidents of major rioting occurred, in 1834 alone there were sixteen and in 1835 as many as thirty-seven. In the cities of Baltimore, Philadelphia, New York and Boston alone, thirty-five major riots occurred from 1830 to 1860. Smaller cities also saw riots and commotions, as did Worcester, Massachusetts, in 1854, when a crowd angry at the jailing of a lunatic who believed himself to be the Angel Gabriel rioted in protest. These events caused great public concern and fear. "The spirit of anarchy and revolution is making fearful progress in the land," the Cleveland Daily Herald noted anxiously in 1845. "Anti-rentism and blood-shed, Mormonism and civil war, Texas and political plunder have filled and are daily filling the columns of the public press." The public anxiety created by these disturbances provided a way for the militia to reassert itself as an
institution worth saving because of its value in mob control. This opportunity required that the militia reinvent itself, casting aside its traditional role as a defense against foreign invaders—casting aside the heroes of Bunker Hill and New Orleans—in favor of the role of civil police.  

Using the militia against internal disturbances was not of itself a new thing; Southern militias had for decades staked their institutional existence upon their role in guarding against the possibility of slave unrest. Even in Massachusetts, Shays' Rebellion cast a long shadow. Writing in 1820 to a state legislator, William Sumner emphasized the lessons of the Revolution and the War of 1812, but still noted that the people must rely on the militia in times of internal commotion. A month later Sumner suggested to a militia officer that the militia was the "greatest safeguard of the law, against the licentiousness of the people." Still, Sumner's references to such a role for the militia were generally few and brief. However, the mid-1830s brought the riots that had so plagued Providence, Philadelphia, Baltimore and other Eastern cities to Boston. The year 1833 saw a
mob of about 500 attack a ball given by Irish families. In 1834 a mob attacked an Ursuline convent in Charlestown, looting and burning. In June 1837 the collision between an Irish funeral and a volunteer fire company resulted in what became known as the Broad Street Riot, while later that year were the disturbances caused by the "mutiny" of the six volunteer companies.48

Militia supporters acted quickly to capitalize on the disquiet caused by the alarming growth of civil disturbances. At the 1835 militia convention held at Worcester, Colonel Edward G. Prescott warned that if the legislature did not cooperate in devising a new militia system, and "the spirit of riot which is abroad in the land should spread still further," then the country would become a scene of confusion, mob-law and bloodshed.49

Equally illustrative of the new emphasis placed on unrest and civil disturbances were the annual election-day sermons of the Ancient and Honorable Artillery Company. This volunteer company was a rather unusual organization, in that each member was a militia officer in some other unit, often of high rank. Members of the company were often, though not always, prominent people
in society. Every year when new members were elected, it was customary for the Company to invite a minister to preach a sermon about some topic related to the militia. Although once in a while the sermons were actually hostile to the institution, usually the sermons discussed the need for the militia, the bravery of the militia or some other laudatory subject. Beginning in the late 1830s and continuing through the 1840s, however, ministers increasingly discussed the need for law and order, and how the militia provided the strength necessary to achieve such order. In 1837, the Reverend Artemas B. Muzzey of Cambridge delivered a sermon on "The Importance of an Efficiently Organized Militia, as a Defence Against Civil Dissensions, Insurrections and Every Combination for Popular Violence," in which he stressed that the only way for a government to defend itself against violence and anarchy was through physical force. The United States was becoming "one vast Metropolis," augmented by a measureless influx" of foreigners from lands governed by despotic institutions. Even worse, many were Catholics. Combining with this force was the "despotic sway of Public Opinion," which
leads people to violence against those with unpopular views. "The elements of society," Muzzey stated, "were in chaos." The last resort against this chaos was physical force: "It is the only unfailing refuge when order and justice are trampled in the dust." Force could be provided by a disciplined militia; the burdens of militia service were paltry compared to the foundation of society itself. Therefore, the militia should be supported, because only it could maintain order.  

Muzzey's sentiments increasingly would be echoed in subsequent sermons. In 1839, Otis Skinner stressed the need for laws to organize society, to provide security for property and to promote the general interests of the community. But governments had to have a physical force to compel obedience to the laws and this force could only safely be found with the militia. Riots were sweeping the cities, and "nothing has been found that could arrest their progress but the militia." Three years later, Pastor John S. C. Abott alluded to the three hundred thousand Europeans annually transported to America, "uncultivated in morals and in mind," who caused lawless violence in American cities. The pastor argued that the
law "MUST BE, AND SHALL BE SUSTAINED." Near the end of the decade, Thomas Clark observed that civil law "supposes of necessity a power behind it, capable of enforcing its enactments," and that the law depends upon the community as it is organized for the defence of law, specifically the organized military companies.  

These sentiments found support in public opinion. After the Ursuline Convent riot, the Boston Transcript reported that "there is an excellent, and unanimous feeling also, prevailing in the city, which goes directly to the suppression of all mobs...and the mobites and rowites may rest assured, if it ever be necessary to call citizen soldiers into action, ball cartridges will be discharged first, and blanks afterwards."  

One of the more conspicuous displays of support for the militia in its role against rioters was the popularity of the National Lancers, a volunteer cavalry company raised in the city of Boston in the late 1830s. Lamenting in late 1836 the disbandment of an old cavalry company, a newspaper noted that "in no place...is such a corps of more value than in a large city, where it is sometimes necessary to call out the militia to assist the
civil authorities in the preservation of peace—the
dispersion of mobs and the prevention of violence," and
heralded the formation of a new cavalry company. The
Lancers, before even receiving their uniforms,
participated in quelling the Broad Street Riot on June
11, 1837, then made their first public appearance four
days later, in front of eight to ten thousand spectators.
Later that summer Governor Edward Everett presented the
Lancers with a standard and complimented them on their
role in restoring peace to the city. The standard itself
read "Liberty, the Union, and the Laws." Over the next
few years, the Lancers time and time again were used—or
their use was threatened—for crowd control and civil
policing. "The corps is a favorite with the citizens
generally," noted one newspaper, "and is, as it deserves
to be, highly popular." 53

The public perception of the militia's new role was
largely accurate. During the period 1830-60, the militia
assumed a significant role in quelling riots in large
American cities. John Charles Schneider, who has
examined eighty such riots from 1830 to 1865, discovered
that civil authorities summoned the militia in nearly 40%
of these riots. Generally the militia was used as a last
resort, after civil authority failed. In large riots,
the militia, police and watchmen, and ad hoc civilian
groups often worked together in efforts to halt mob
action. The opinion of the militia itself of its
newfound role was mixed. Some militia officers and units
embraced the idea. The Twenty-seventh Regiment of New
York Militia offered itself to the mayor of New York City
as a guard against civil disturbances; the New England
Guards of Boston proudly proclaimed their role in
suppressing riots and disturbances. However, other
militia officers embraced the role of civil police only
with reluctance. "As it has been often before remarked,"
a New York militia general and reformer wrote in 1854,
"the Militia are, after all, however unpalatable the
truth may be, neither more or less than an Auxiliary
Police Force, and for the last forty odd years that is
the only duty they have ever been called upon to
perform." In keeping with this conception, the New York
militia magazine The Éclaireur published articles on
street fighting and other subjects of possible use to
militia officers who found themselves facing hostile
crowds.\textsuperscript{54}

In Massachusetts, adopting a policing role was a way for the militia to survive. The militia's involvement in riot suppression garnered it important support in the legislature at times when it needed support the most. Though the militia's new emphasis on civil policing could not save the old, compulsory militia from destruction, it could maintain the volunteer militia in the face of sometimes significant opposition. In 1836 the Joint Standing Committee on the Militia announced that the militia could not be dispensed with because of its role in quelling "internal commotion." Even the mere existence of an organized militia, the committee argued, had a calming effect. The 1839 commission to revise the militia laws headed by Levi Lincoln argued for the continuance of the militia because over the previous fifty years it had of itself maintained "domestic peace, the security of social order, and the enforcement of the supremacy of the laws."\textsuperscript{55}

The groundwork laid during the 1830s served the Massachusetts militia well during its crisis late the following decade. Supporters of the militia continually
stressed its vital role in suppressing mobs and riots. "I cannot but think," wrote Adjutant General Henry K. Oliver to Governor George Briggs in 1846, "that if it be assumed, that public opinion in Massachusetts is averse to sustaining a militia system, well and wisely and prudently conducted as a means of support of the laws and of security to the citizens against lawless oppression and the wild spirit of mob and lynch law--I cannot but think...that [such people] have inaccurately estimated the public thought." Two years later, the 1847-48 commission headed by Levi Lincoln echoed similar views, pointing to the dense settlements of cities and towns, the "thronging multitudes" of foreigners who were "strangers alike to our soil, manners, habits, laws and institutions" and prone to sudden outbreaks of passion. Projecting a scene of incendiaries burning cities and staining sidewalks with blood, the commissioners asked rhetorically, "Where then shall be the succor and the defence of the quiet and the orderly, of the feeble and the unprotected, the suppression of violence, and the restoration of rightful authority, but in the presence and prompt application of a pre-existing organized
Militia force?" The commission maintained that only the militia could "over-awe the minds of the vicious and curb the excesses of the turbulent and the licentious."56

Adjutant General Henry Devereaux extended the arguments later in the year in his first report to Governor George Briggs. "The idea of dispensing with a military force...does not seem to find any support," he argued. "The public papers are constantly announcing at short intervals, disturbances that require the interposition of military force...The Militia has ever shewn itself--ready and abundantly sufficient--to meet all calls upon it in favor of public order." Moreover, "the changes that are taking place" were likely to render the militia even more indispensable in the future. "Our population is rapidly increasing, and as rapidly perhaps, losing some of the peculiarly orderly and sober characteristics that have hitherto distinguished it."

Immigrants poured into American cities, where vice and disorder also concentrated themselves. Only the militia bayonet could put down the inevitable riots. But, borrowing a page from the book of William H. Sumner, the adjutant general also argued that militia service itself
helped to create an orderly populace. "Now the class of our citizens, that are chiefly found in the ranks of our volunteer companies are the young, the high-spirited, active and social," Devereaux explained, "precisely those whose temperament most urgently demands reasonable relaxation from regular routine and an innocent vent for their redundant energies and restless disposition."

Military training was "highly advantageous" to young men as a way of calming one of the more excitable segments of the population. The arguments of Lincoln, Devereaux and other militia supporters in justifying the militia played a key role in the institution's continued existence, not only in the late 1840s but throughout the 1850s. The militia's role as a civil police gave the legislature a reason for rejecting petitions by Charles Francis Adams and other militia opponents for its complete abolition.\(^5\)

In fact, with the change in rhetoric on the part of militia supporters from emphasizing the defense of the country to protecting law and order, opponents of the militia system had to change their arguments as well. In so doing, they provided further proof how completely the militia's role had changed. Militia opponent Charles
Sumner noted during the debates over the militia in the late 1840s that "only as an agent for preserving domestic peace, and for sustaining the law, is the militia entitled to support," and others had to agree with the importance of that role. What opponents of the militia had to argue was the unsuitability of the militia as an instrument of social control. Sumner, as did other militia opponents of the 1850s, called for the development of a stronger civilian police instead of the militia. Such a force would be less expensive and less productive of vice than the militia. Aside from its expense, the main argument against the militia as a civil police--and one which was not without merit--was that the militia was as subject to public commotion as the general populace from which it came. As the American Advocate of Peace noted, "the very soldiers would be a part of the people," and subject to all the passions of the crowd. One such incident occurred in 1834, when authorities had to consider bringing Boston militia to Charlestown to quell possible anti-Irish riots, because the militia of Charlestown were deemed untrustworthy to act for the militia. The most notable incident of militia
unreliability was the September 1837 mutiny of the six volunteer companies because of the Montgomery Guards. Officers and supporters of the militia realized immediately the ill effect that the riot could have on the reputation of the militia. As one high-ranking officer noted to another shortly after the event, the riot was "fatal to [the militia's] very existence." Adjutant General Dearborn admitted as much when he said in General Orders that the event shook public confidence in the militia, because those dedicated to preserving the peace had so deliberately broken the law. One newspaper at the time sarcastically referred to the citizen soldiers, "ever obedient to the laws."  

Incidents such as the "mutiny" gave credence to the warnings of militia opponents about the worthiness of the militia as civil police and helped to lead to a considerable strengthening of the civilian police force. But opponents were ultimately unsuccessful in painting the militia as unreliable, when the populace could see the National Lancers in their resplendent uniforms, keeping order at large gatherings. The militia remained the ultimate resort for law and order before the Civil
War. The reforms enacted in the late 1840s and early 1850s, establishing encampments and providing equipment for the volunteer companies, undoubtedly played a role in stabilizing the institution. But only with a valid justification of its existence could the Massachusetts militia survive the turbulent period, and it was the switch from external foe to internal commotion that provided that rationale. 59

The transformation of the Massachusetts militia was symbolic of northern militias as a whole. In those areas such as Massachusetts and New York, where a significant justification for the militia could be demonstrated, the militia system was able to survive, albeit in a truncated volunteer organization. Cities in states with weak militia organizations, such as St. Louis and Cincinnati, relied on what independent volunteer companies existed in those cities. In states where no such need for a militia existed, such as Indiana or Vermont, the militia system was allowed virtually to disappear.

The failure of the reform movement caused militias to sink to whatever level of support the community could give them. Southern states tended to keep some semblance
of the compulsory militia longer than northern states, because of the presence of slaves, while a few northern states made successful switches to highly-organized volunteer systems and the militias in other northern states languished. The effort to find an equitable distribution of the burdens of militia service had failed; as a result, only those individuals or communities willing to bear the burden themselves held up the post-reform militia system. Only the pressures of impending civil war would cause many states to take another look at their militia systems, and then with a view not to defending the country but to rending it apart.\textsuperscript{40}
NOTES


2. Ibid.


4. Alexandria Gazette, quoted in Niles' National Register, May 26, 1838; Report of the Committee on Military Affairs, October 19, 1829, MVSP, Vol. 69, 60; Report of the Committee on so much of the Governor's message as relates to the militia, February 19, 1831, Document #11478, MSA ULF HR; Governor's Message, December 24, 1833, Governors' Letterbooks, Volume 30, NCDAH; Report from the Joint Select Committee on Military Affairs on so much of the Governor's message as relates to the public defense, etc., January 10, 1834, General Assembly Session Records, November 1833-January 1834, Box 6, NCDAH; Adjutant General's Report, December 12, 1836, Document #10013/3, MSA ULF Sen.

5. Thomas Friler to William H. Sumner, October 25, 1830, Militia Reports and Recommendations, Volume 2, 1830-1831, MMRO; Report of the Convention of Militia officers assembled at Boston, January 19, 1831, Document #11685, MSA ULF HR; Petition of the officers of the Second Regiment, First Brigade, Sixth Division, 1831, Document #9066, MSA ULF Sen;


7. Petition of Samuel Gaither and others, 1850, General Assembly Session Records, November 1850-January 1851, Petitions, Box 8, NCDAH; Memorial of the officers of the Third Regiment of North Carolina Volunteers, September 5, 1850, Ibid; Memorial of the officers of the Sixty-ninth
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17. J. C. Pickens to John Thompson, June 6, 1839, Benson Family Papers, Special Collections Library, Duke University; John Thompson to Arthur P. Bagby, Alabama Governors' Militia Files, Container SG 11960, Folder 7, ADAH; Governor's Message, Alabama House Journal, Twenty-first Annual Session, 8-22; A Copy of a Written Communication Made to Each Branch of the General Assembly, Alabama Governors' Militia Files, Container SG 11960, Folder 8, ADAH.


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22. Niles' National Register, April 25, May 2, 1840.

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28. Raleigh Register, July 31, 1840; Boston Morning Post, August 27, 1840; Mass Meeting at Saratoga, August 19, 1840, The Works of Daniel Webster, Vol. II, (Boston: Little and Brown, 1851), 33; A Declaration of Principles and Purposes, adopted by a General Convention of the Whigs of New England on September 10, 1840, prepared by Mr. Webster, Ibid, 49; Speech Delivered October 5, 1840, at the Whig Convention at Richmond, Ibid, 95; Niles' National Register, July 25, 1840.


32. Speech before the Pennsylvania State Democratic Convention at Lancaster, August 5, 1840, The Works of James Buchanan, Comprising his Speeches, State Papers, and

33. Cincinnati Advertiser and Journal, August 19, 1840, Humphrey Marshall, Jr., to Poinsett, July 14, 1840, Poinsett Papers, Historical Society of Pennsylvania; Gunderson, The Log-Cabin Campaign, 73.


35. Boston Evening Transcript, May 27, 1840.


37. Adjutant General's Report, December 30, 1843, Letterbook I, MMRO AG. Two historians have studied the Massachusetts militia during the period 1840-1861. Robert F. McGraw, in his "Minutemen of '61: The Pre-Civil War Massachusetts Militia," Civil War History, 15 (June 1969): 101-115, using only a limited number of sources, presents a wildly overoptimistic view of the condition of the Massachusetts militia during this period. More recently, Kenneth Otis McCreedy, "Palladium of Liberty," 258-266, also using very limited sources, has provided a somewhat more balanced view, though still considerably too rosy.

38. Acts and Resolves of 1844, Chapter 101. For the petitions to the legislature and the lawmakers' response, see the MSA Legislative Files, Passed, under the above
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41. Levi Lincoln to Henry K. Oliver, August 17, 1847, Document #12300/1, MSA ULF Sen; F. J. Bassett to Oliver, November 8, 1847, Document #12300/2, Ibid; William Thompson Gale to Oliver, October 29, 1847, Document #12300/3, Ibid; A. Howe to Oliver, November 4, 1847, Document #12300/5, Ibid; George H. Devereaux to Oliver, Document #12300/6, Ibid; B. Edwards to Oliver, November 2, 1847, Document #12300/7, Ibid; L. B. Walkley to Oliver, November 4, 1847, Document #12300/9, Ibid; George Hobbs to Oliver, Document #12300/10, Ibid; Robert Cowdin to Oliver, November 1, 1847, Document #12300/11, Ibid; Edwin Upton to Oliver, October 28, 1847, Document #12300/12A, Ibid; Andrew Chase to Oliver, November 13, 1847, Document #12300/13, Ibid; W. Mitchell to Oliver, October 25, 1847, Document #12300/14, Ibid; Thomas Cary to Oliver, October 29, 1847, Document #12300/19, Ibid; S. Churchill to Oliver, October 30, 1847, Document #12300/21, Ibid; John S. Tyler, Document #12300/22, Ibid.

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50. Artemas B. Muzzey, A Sermon Preached Before the Ancient and Honorable Artillery Company on their CXCIXth Anniversary, June 5, 1837, (Boston: Marden and Crawford, 1837), 4-5, 8-10, 12-14, 17-18, 24-25.
51. Otis A. Skinner, *A Discourse Preached Before the Ancient and Honorable Artillery Company, June 3, 1839, Being Their 201st Anniversary*, (Boston: Mudge and Evans, 1839), 4-7, 16-20; John S. C. Abbot, *A Discourse Preached Before the Ancient and Honorable Artillery Company, June 6, 1842, Being its 204th Anniversary*, (Boston: Isaac R. Butts, 1842), 7-9; Thomas M. Clark, *A Discourse Delivered Before the Ancient and Honorable Artillery Company, on their CCXI Anniversary*, (Boston: Eastburn's Press, 1849), 7-9. Other sermons during the period also contain such allusions.

52. *Boston Evening Transcript*, August 14, 1834.

53. Ibid, December 23, 1836, June 15, 1837, November 1, 1837; *Boston Morning Post*, August 31, 1837.


55. Report of the Joint Standing Committee on the Militia, March 24, 1836, Document #100, MSA ULF HR; Report of the Commissioners appointed to revise the Militia Laws of the Commonwealth, January 21, 1839, Document #826B/21, MSA ULF HR.


59. For efforts to increase the civilian police force, see Roger Lane, Policing the City: Boston: 1822-1885, (Cambridge: Harvard University Press, 1967), Chapters Three through Five.

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