

The oath prescribed for the benefit of Insolvent Debtors, or to swear him, he or them to the Schedule, as aforesaid, (as the case may be) and to direct the Clerk to make an entry of the same upon his minutes, which shall exempt the body or bodies of such Debtor or debtors from imprisonment for debt, in all the cases where notice may have been given to the Creditors which notices shall be filed with the Clerk of said Court. *Provided nevertheless*, That if any Creditor or Creditors shall suggest, any fraud or concealment of any property, money or effects, it shall be the duty of the Court to direct an issue to be made up and tried by a Jury at the first Term before such Debtor or Debtors are sworn. *Provided further*, That if either of the parties shall be unprepared for the trial of such issue, the Court may continue the same under the same rules and regulations by which suits at law are now continued; and if the said Jury shall find that there is any fraud or concealment, or if said Debtor or Debtors shall fail or refuse to answer upon oath, or if said Debtor or Debtors shall fail to make it appear to the Court that he she or they have given the necessary notice to the Creditor or Creditors at whose instance he she or they may have been arrested, then and in that case the said Debtor or Debtors shall be deemed in the custody of the Sheriff, and the Court shall adjudge that he, she or they be imprisoned until a full and fair disclosure of all the property, money or effects, be made by said Debtor or Debtors, and until he, she or they have given the necessary notice as aforesaid, to be judged of by said Court.

*Be it further enacted*, That when any debtor or debtors taken upon any capias ad satisfaciendum as aforesaid, shall be desirous to render a full and fair schedule of his her or their property and effects, he she or they shall file the same with the Clerk of the County Court at least ten days before the signing of the Court at which he proposes to avail himself of the benefit of this act; and that upon his being permitted to swear to the said schedule, the same proceedings shall be had thereon as may be now had on schedules filed under the laws now in force.

*Be it further enacted*, That no person shall be imprisoned for debt upon any capias ad satisfaciendum who will comply with the requisites of this act, except in cases of fraud or concealment hereinbefore mentioned, any law usage or custom to the contrary notwithstanding.

*Be it further enacted*, That all laws and clauses of laws, coming within the meaning and purview of this act, be and the same are hereby repealed.

#### ARMY OF THE UNITED STATES.

Report of the Secretary of War on the Military Peace Establishment.

WAR DEPARTMENT,  
DECEMBER 12, 1820.

Sir: In obedience to a resolution of the House of Representatives of the 11th of May last, "directing that the Secretary of War report to this House at the commencement of the next session, a plan for the reduction of the army to six thousand non-commissioned officers, musicians and privates, and preserving such parts of the corps of engineers as, in his opinion, without regard to that number, may be for the public interest to retain; and, also, what saving of the public revenue will be produced by such arrangement of the army as he may propose in conformity with this resolution." I have the honor to make the following report.

I deem it my duty, before a plan is presented in detail for reducing the army, as proposed in the resolution, to state briefly the general principles on which it is conceived our military peace establishment ought to be organized. It will be readily admitted, that the organization of the army ought to have reference to the objects for which it is maintained, and ought to be such as may be best calculated to effect such objects; as it must be obvious on the slightest reflection, that on considerations connected therewith ought to depend not only its numbers, but also its principles on which it ought to be formed.

ing posts on our inland frontier, to keep in check our savage neighbors, and to protect our newly formed and feeble settlements in that quarter. These are, doubtless, important objects, but are by no means so essential as those which relate immediately and solely to a state of war; and, though, not to be neglected wholly, ought not to have any decided influence in the organization of our peace establishment. Without, therefore, making any further remark on this part of the enquiry, I will proceed to consider the other class, on which, as it comprises the great & leading inducements to maintain in this country a regular army in peace, the prominent feature of its organization ought to depend.

However remote our situation from the great powers of the world, and how pacific our policy, we are notwithstanding, liable to be involved in war; and, to resist with success its calamities and dangers, a standing army in peace, in the present improved state of the military science, is an indispensable preparation.

The opposite opinion cannot be adopted without putting to hazard the independence and safety of our country. I am aware that the militia is considered, and in many respects justly, as the great national force; but, to render them effective, every experienced officer must acknowledge, that they require the aid of regular troops. Supported by a suitable corps of trained artilleryists and by a small and well disciplined body of infantry, they may be safely relied on to garrison our forts and to act in the field as light troops. In these services their zeal, courage, and habit of using fire arms, would be of very great importance, and would have their full effect. To rely on them beyond this; to suppose our militia capable of meeting in the open field the regular troops of Europe, would be to resist the most obvious truth, and the whole of our experience as a nation.

War is an art, to obtain perfection in which much time and experience, particularly for the officers, are necessary. It is true, that men of great military genius occasionally appear, who, though without experience, may, when an army is already organized and disciplined lead it to victory; yet I know of no instance under circumstances nearly equal, in which the greatest talents have been able, with irregular and undisciplined troops, to meet with success those that were regularly trained. Genius, without much experience, may command, but it cannot go much further. It cannot at once organize and discipline an army, and give it that military tone and habit which only, in the midst of imminent danger, can enable it to perform the most complex evolutions with precision and promptitude.

Those qualities, which essentially distinguish an army from an equal assemblage of untrained individuals, can only be acquired by the instruction of experienced officers. If they, particularly the company and regimental officers, are inexperienced the army must remain undisciplined, in which case the genius, and even the experience, of the commander will be of little avail. The great and leading objects then of a military skill and experience; so that at all times the country may have at its command a body of officers, sufficiently numerous, and well instructed in every branch of duty, both of the line and staff, and the organization of the army ought to be such as to enable the government, at the commencement of hostilities, to obtain a regular force adequate to the emergencies of the country, properly organized and prepared for actual service. It is thus only that we can be in the condition to meet the first shocks of hostilities with unyielding firmness, and to press on an enemy while our resources are yet exhausted.

But if, on the other hand, disregarding the sound dictates of reason and unexperience, we should in peace neglect our military establishment, we must with a powerful and skilful enemy, be exposed to the most distressing calamities. Not all the zeal, courage, and patriotism of our militia, unsupported by regularly trained and disciplined troops, can avert them. Without such troops, the two or three first campaigns would be worse than lost. The honor of our arms would be tarnished, and the resources of the country uselessly lavished; for, in proportion to the want of efficiency, and a proper organization, must, in actual service, be our military expenditures.—When taught, by sad experience, we would be compelled to make redoubled efforts, with exhausted means, to regain those very advantages which were lost for the want of experience and skill. In addition to the immense expenditure which would then be necessary, exceeding manifold, what would have been sufficient to put our peace establishment on a respectable footing, a crisis would be then brought on of the most dangerous character. If our liberty should ever be endangered by the military power gaining the ascendancy, it will be from the necessity of making those mighty and irregular efforts to retrieve our affairs, after a series of disasters, caused by the want of adequate military knowledge; just as, in our physical system, a state of the most dangerous excitement and paroxysm follows that of the greatest debility and prostration.

To avoid these dangerous consequences, and to prepare the country to meet a state of war, particularly at its commencement, with honor and safety much must depend on the organization of our military peace establishment; and I have, accordingly, in the plan about to be proposed, for the reduction of the army, directed my attention mainly to that point, believing it to be of the greatest importance.

To give such an organization, the leading principles in its formation ought to be, that, at the commencement of hostilities, there should be nothing either to new-model or to create. The only difference, consequently, between the peace and the war formation of the army, ought to be in the increased magnitude of the latter, and the only change, in passing from the former to the latter, should consist in giving to it the augmentation which will then be necessary.

It is thus, and thus only the dangerous transition from peace to war may be made without confusion or disorder; and the weakness and danger, which otherwise would be inevitable, be avoided. Two consequences result from this principle. First, the organization of the staff in a peace establishment ought to be such, that every branch of it, should be completely formed, with such extension as the number of troops and posts occupied may render necessary; and, secondly, that the organization of the line ought as far as practicable, to be such that, in passing from the peace to the war formation, the force may be sufficiently augmented without adding new regiments of battalions; thus raising the war, on the basis of the peace establishment, instead of creating a new army to be added to the old, as at the commencement of the late war. The next principle to be observed, is, the organization ought to be such as to induce in time of peace, citizens of adequate talents and respectability of character to enter and remain in the military service of the country, so that the government may have officers at its command, who, to the requisite experience, would add the public confidence.

The correctness of this principle can scarcely be doubted, for, surely if it is worth having an army at all, it is worth having it well commanded.

These are the general principles upon which I propose to form the organization of the army as proposed to be reduced under the resolution. By reference to table A. and B. which contain the proposed and present organization, it will be seen that the principal difference between them is on the reduction of the rank and file. The present organization of the staff, with its branches is retained, with slight alterations. The principle changes in it are, in that of the commissary general of purchases, and the judge-advocate, by which it is intended that they should conform more exactly to the principles on which the other branches are now formed. It is believed that the true principle of its organization, is that every distinct branch of the staff should terminate in a chief, to be stationed, at least in peace near the seat of government, and to be made responsible for its condition. It is thus that the government may at all times obtain correct knowledge of the condition of the army in every particular, and be enabled to introduce method, order, and economy, in its disbursements. It is, at present, with slight exceptions, thus organized, and the beneficial effects of it have already been strikingly exemplified by experience.

Since the passage of the act of the 14th of April 1818, which gave the present organization to the staff, the expense of the army has been greatly reduced, while, at the same time, the various articles supplied have been improved in quality, and the punctuality, with which they have been issued; and while the movements of the army have, at least for the present, been rendered more expensive by occupying the distant frontier posts at the mouth of the St. Peter's and at the Council Bluffs. By a statement from the adjutant and inspector-general, and the books of the second auditor, marked C, containing the army disbursements from 1818 to 1820 inclusive, it appears that the expense of the army in 1818, the year in which the present organization commenced, amounted to three millions seven hundred and forty-eight thousand four hundred and forty-five dollars and one cent, while the amount of warrants issued for current disbursements to the first of November this year has amounted only to two millions six hundred and sixteen thousand five hundred and twenty-six dollars and eleven cents, and the disbursements of the whole year will, probably, not exceed two millions seven hundred thousand dollars. In the year 1818, the aggregate average number of the military establishment, including the cadets, amounted to eight thousand one hundred and ninety-nine, and that of this year, to nine thousand six hundred and eleven. It is admitted that, during the same period, a considerable reduction has taken place in many of the articles which constitute the supplies of the army, the effect of which has been to reduce its expense; but, on examination, it will appear that the diminution on this account, is much less than

what on the first impression might be supposed. Many of the more considerable items, which constitute the expenses of the army, are fixed by law, and do not fluctuate with the change of prices, such as the pay of the officers and men, the subsistence of the former, and the allowance to them for servants, forage, transportation of baggage, &c. All of the items estimated for, by the paymaster general, excepting clothing for servants, which is of so small amount, partake of this character; to which, if we add those in the quartermaster general's estimates, which, although the price of some of them have in the period under consideration been reduced, yet that has been at least balanced in the increased expenditure of that department for the two last years, by the extension and increased number of the military posts; it will result, that the reduction in the expense of the army by the diminution of prices, is substantially confined to the clothing, medical, and subsistence departments. Some pains have been taken to ascertain this diminution, in the various articles supplied by them, and it has resulted in the belief, that the average of those supplied by the clothing and medical departments were, in the year 1818, about seven per cent. higher than in this; and in the subsistence about forty per cent. With these data, it is ascertained, that the expense of the army this year, and allowing for the expenditure of the five months war in 1818, to amount two millions, seven hundred and ninety-nine thousand and forty-eight dollars and fifty-five cents. This sum, deducted from three millions seven hundred and forty-eight thousand four hundred and forty-five dollars and one cent, the expense of the army in 1818, gives for the actual saving, after allowing for the diminution of prices, the sum of nine hundred and fifty-seven thousand three hundred and fifty-six cents, which has been effected through the organization of the present staff, by enabling the department to superintend, in its minute details, as well the various disbursements of the army, as the measures taken to prevent the waste of public property.—The amount of saving may appear to be very great, but it is confidently believed, that it cannot be materially reduced by any just mode of calculation of which the subject is susceptible.

As great as this result is, it is only in war that the benefits of a proper organization of the staff can be fully realized. With a complete organization, and experienced officers, trained in time of peace to an exact and punctual discharge of their duty, the saving in war, (not to insist on an increased energy and success in our military movements) would be of incalculable advantage to the country.—The number of deputies and assistants in each branch, ought to be regulated by the exigency of the service, and this must obviously depend much more on the number of posts than on the number of troops, and as no material change can, consistently with the public interest, be made as to the posts, under the proposed reduction, little diminution can be made in the number of subordinate officers belonging to the staff.

It is also proposed to retain the two major and four brigadier generals. Although it is not probable that there will be concentrated, in time of peace, at any one point, a force equal to the command of a single major or even a brigadier general, yet it is conceived that it is important to the service that they should be retained. As two regiments, with a proper proportion of artillery and light troops constitute, in one service, one brigade, and two brigades a division, the command of a major general, the number of regiments and battalions, under the proposed organization, thus gives a command equal to that of two major and four brigadier generals.—But a more weighty, and, in my opinion, decisive reason, why they should be retained, may be found in the principles already stated, that the organization of the peace establishment ought to be such as to induce persons of talent and respectability to enter and continue in the military service. To give to the officers of the army the necessary skill and acquirements, the military academy is an invaluable part of our establishment; but that alone will be inadequate. For this purpose, respectability of rank and compensation must be given to the officers of the army, in due proportion to the other pursuits of life.—Every prudent individual, in selecting his course of life, must be governed, making some allowance for natural disposition, essentially by the rewards which attend the various pursuits open to him. Under our free institutions, every one is left free to make his selection; and most of the pursuits of life, followed with industry and skill, lead to opulence and respectability. The profession of arms, in the well established state of things which exists among us has no reward but what is attached to it by law; and if that should be inferior to other professions, it would be idle to suppose individuals, possessed of the necessary talents and character, would be induced to enter it. A mere sense of duty ought not, and cannot, be safely relied on. It supposes that individuals would be actuated by a stronger sense of duty towards the gov-

ernment than the latter towards them. If we may judge from experience, it would seem that the army, even with these important commands, which from their rank and compensation, must operate strongly on those who have a military inclination, does not present inducements to remain in it, stronger than, or even as strong as, those of most of the other respectable pursuits of life.

The number of resignations have been very great, of which many are among the most valuable officers. Should the number of generals be reduced, the motive for entering or continuing in the service must also be greatly reduced; for, like the high prizes in a lottery, though they can be obtained by a few only, yet they operate on all those who advance; so those important stations which they occupy and with those the best qualified to serve their country, the principal motive to enter or remain in the army. To retain them is, in fact, the cheapest mode of commanding such talents; for, to pursue the metaphor, if the high prizes were distributed among all of the tickets, there would be but few adventurers; so, if the compensation attached to the general officers were distributed proportionably among the other officers, the inducement which the army now holds out for a military profession, to individuals of suitable character, would be almost wholly lost. If the generals were reduced to one major and two brigadiers, the saving would not exceed \$1,432 annually, which, distributed among the officers in proportion to their pay, would give to a lieutenant but \$25.59 additional pay, and to a captain \$30.87 annually, a sum too inconsiderable to have much effect.

I will proceed next to make a few remarks on that portion of the organization which proposes to reduce the rank and file, without a correspondent reduction of the battalions and regiments. By a reference to statement A, it will be seen that it is proposed to add the rifle regiment to those of the infantry, and unite the ordnance and light and heavy artillery into one corps of artillery, which, when thus blended, to form nine regiments of infantry, and five battalions of artillery, from the latter of which the corps of ordnance is to be taken, to consist of one colonel, one lieutenant colonel, two majors, seven captains, and as many lieutenants as the President may judge necessary. This organization will require all the officers of the line of the present army to be retained.

No position connected with the organization of the peace establishment is susceptible of being more rigidly proved, than that the proportion of its officers to the rank and file, ought to be greater than in a war establishment. It results, immediately from a position, the truth of which cannot be fairly doubted, and which I have attempted to illustrate in the preliminary remarks, that the leading object of a regular army in time of peace ought to be, to enable the country to meet, with honor and safety, particularly at the commencement of war, the dangers incident to that state; to elicit this object, as far as practicable, the peace organization ought, as has been shown, to be such, that in passing to a state of war, there should be nothing either to new-model or to create; and that the difference between that and the war organization ought to be supply in the greater magnitude of the latter. The application of this principle has governed in that portion of the formation of the proposed military establishment now under consideration. The companies, both of the artillery and infantry, are proposed to be reduced to their minimum peace formation, the former to consist of sixty-four privates and non-commissioned officers, and the latter of thirty-seven, which will give to the aggregate of both corps, thus formed, six thousand three hundred and sixteen non-commissioned officers, musicians, and privates. Without adding a single officer, or a single company, they may be augmented, should a just precaution, growing out of our foreign relations, render it necessary, to 11,538; and, pending hostilities, by adding 288 officers, the two corps on the maximum of the war formation, may be raised to the respectable force of 4,545 of the artillery, and 14,000 of the infantry, making in the aggregate, 19,035 officers, non-commissioned officers, and privates. The war organization thus raised on the peace establishment, will bring into effective operation the whole of the experience and skill of the latter, which, with attention, would in a short period, be communicated to the new recruits; and the officers recently appointed, so as to constitute a well disciplined force. Should the organization of full companies, on the contrary, be adopted for the peace establishment, this process could be carried to a very limited extent. Six thousand men so organized, can be augmented on the full war establishment only to 6,113 by doubling the battalions. Any additional force, beyond that must be obtained by adding new regiments and battalions, with all the disadvantage of inexperience, in the officers and men, without the means of immediate instruction. This was the fatal error at the commencement of the late war, which cost the country so much treasure and