

The Farmington Militia



In 2021 I published an article at AlbertJayNock.org, “A Well-regulated Militia.” It includes four pages from Chapter VI of *A History of Farmington 1776-1885* by Francis Gould Butler (1812-1891) on the subject of Farmington’s military history.

Francis Gould Butler was a first cousin to Ephraim Sherman Butler, discussed in the previous chapter. Francis married Julia Wendell in 1842. But this Julia (Wendell) Butler (1815-1907) is not to be confused with Julia Wendell Butler (1837-1918) in the previous chapter. Evidently Julia, wife of Francis, was already known to the family when Francis Butler’s cousin, Ephraim Butler, named his daughter Julia Wendell Butler.

Chapter VI, which follows, begins with a description of a muster by the Farmington militia. I include those four pages here because, as recorded in *A History of Farmington*, the town’s earliest company of militia was commanded by Ezekiel Porter, my fourth-great-grandfather.

The first muster of the Farmington militia, which took place in 1799 and which is described in these pages, may be disconcerting in a

way, because it raises some doubt about the dedication and skills of Farmington’s militia members at the very beginning. But it makes clear that this is what is meant where the Second Amendment speaks of a “well-regulated militia.”

And that was the reason for publishing the article: to illuminate for the uninitiated what that amendment to the Constitution means. Here is that 2021 article from AlbertJayNock.org:

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The time is approaching when we will be compelled by an act of Congress to register our firearms.

We are continually reminded that “the right to keep and bear arms shall not be infringed.” That part, including what it means to infringe, is clear to everyone except those promulgating law in Washington, D.C. Few people, though, understand what is meant by the first part of the Second Amendment to the Constitution of the United States. Let’s begin with an account of a genuine muster of the well-regulated militia from *A History of Farmington*:

The four pages of text in these images (following the title page of the source book) give a brief illustration of the reason for the much-misunderstood Second Amendment to the United States Constitution.

A HISTORY
OF
FARMINGTON,

FRANKLIN COUNTY, MAINE,

FROM THE

EARLIEST EXPLORATIONS TO THE PRESENT TIME,

1776-1885.

BY

FRANCIS GOULD BUTLER,

MEMBER OF THE MAINE HISTORICAL SOCIETY.

Posterity delights in details.—JOHN QUINCY ADAMS.

FARMINGTON:
PRESS OF KNOWLTON, McLEARY, AND CO.

1885.

CHAPTER VI.

MILITARY HISTORY, AND THE WAR OF 1812.

Need of Military Organization.—Formation of Infantry Companies.—Appropriations for Military Equipments.—First Muster.—Petition for a Cavalry Company.—Resolutions upon the Embargo.—Organization of Artillery Company.—Rumors of War.—Hardy's Attack on Eastport.—Militia Ordered Out.—List of Farmington Men in Service.—Hartford Convention.—Its Effect in Farmington.—Peace and its Results.—Later Military History.

HARDLY was the organization of the town effected, before measures were taken to form a company of militia. As we have seen, the early settlers were men who had done service in the field, and were perfectly competent to undertake the organization and training of troops. Under the State law of that time, each town was obliged to provide its own military stores, and equip its own soldiers. Powder was very dear, costing a dollar a pound in Boston, and the taxes laid upon a town to maintain a military organization, formed no small part of the burden of taxation. Yet the training of troops, and the general muster, were almost the only diversions known. In a strictly agricultural community, without a church or a library, or even a weekly paper, with almost no communication with the outside world, the means for recreation were necessarily limited. It can hardly be a matter for surprise, that the inhabitants were eager for a company of militia, which, with its music and trainings, its treats and parades, would give them in amusement far more

than was expended in money for its maintenance. Nor was diversion the only end to be gained. The federal government was as yet hardly established. No one knew what disturbances might break out. The memory of Shay's Rebellion was still potent, and fears of Indian incursions had by no means subsided.

At the time of the incorporation of the town, the western part of Maine was included in the Eighth Division of Massachusetts Militia. The first company in Farmington, was organized Dec. 9, 1795, and was attached to the Third Regiment, Second Brigade, and Eighth Division. On that day the following officers were elected: Ezekiel Porter, captain, who was promoted to major, Jan. 20, 1796, and to lieutenant-colonel, June 19, 1798; Samuel Smith, lieutenant; William Allen, ensign. The second company was organized May 1, 1798, with the following list of commissioned officers: Hartson Cony, captain, who was promoted to adjutant, January 20, 1796; Jason D. Cony, lieutenant; John Brown, ensign. At this time considerable pride was taken in maintaining well disciplined and equipped troops. The town voted one hundred and thirty pounds for powder and military stores, at the spring town-meeting in 1797, and in October, appropriated a hundred dollars more for arms and equipments. If the new company was formed with hope of sharing in these arms and equipments, it was destined to disappointment, for the following year the vote was rescinded, and the hundred dollars appropriated to defraying town charges.

The first general muster in Farmington, was held in the fall of 1799, on Mr. Merry's interval, on the west side of the river, just below the present site of the Center Bridge. From the little that is known of this first muster, it does not seem to have been a very successful occasion. The troops, gathered from Farmington and the neighboring towns, were raw, undisciplined, poorly equipped, and possessed of very little idea of the duties of soldiers. No sooner were the companies posted in line, than one of the Farmington companies took offense at the position assigned to it, and at

a given signal mutinied, and left the field. One man alone stood firm at his post. Abiathar Green, who had served in the Revolutionary army, understood the respect which a soldier owes to his superiors, too well to indulge in such insubordination. It was proposed by some to bring the deserters back to their duty by force of arms, but the general and field-officers, after some parley, prevailed upon the company to return. Matters being finally arranged, and the manœuvres about to begin, the colonel of the regiment gave the command to form column on the right. Captain Davis, of the New Vineyard company, being somewhat deaf, inquired of his orderly-sergeant, Jonathan Look, what the order was: "New Vineyard company, right about face, dismissed," replied the waggish orderly. "Attention! New Vineyard company, right about face, dismissed," repeated the captain, in stentorian tones. With a whoop and a yell, and with full appreciation of the joke, off went the men. So much time was consumed in restoring order among these chaotic elements, that the day was well advanced, and the troops tired and disorderly, before the line could be formed for inspection, and treat served.

The third company of militia was organized May 1, 1804, when the officers elected were: Joseph Fairbanks, captain, afterwards colonel; Josiah Perham, lieutenant; Silas Perham, ensign, afterwards captain. The three companies, thus organized, were companies of infantry, and were known as the North Company, South Company, and West Company.

The North Company embraced the territory of the town on the east side of the river and north of the center of Perham road; the South Company embraced the territory south of the center of Perham road on the east side of the river and south of lot No. 11 on the west side; the West Company included the territory west of the river north of the south line of lot No. 11.

In 1807, a movement was set on foot to secure the organization of a company of cavalry in Farmington and vicinity. A petition was circulated and generally signed, and forwarded to the General Court, which read as follows:

MILITARY HISTORY.

III

To the Honorable the Senate and the Honorable the House of Representatives of the Commonwealth of Massachusetts in General Court to be convened at Boston on the third Monday of January A. D. 1808:

The petition of the subscribers, inhabitants of the towns of Farmington, Industry, New Vineyard, Strong, Temple, Wilton and New Sharon, all in the county of Kennebec and within the territorial limits of the Second Brigade and Eighth Division of the Militia of said Commonwealth, humbly shows, that in the opinion of your petitioners and they sincerely believe that a corps of cavalry raised and organized within the towns aforesaid, to be attached to the Brigade aforesaid, the center whereof to be fixed in said town of Farmington would, if granted by your honors, greatly subserve the purposes of military instruction and improvement, that the persons by law liable to do military duty in the aforesaid towns are so remotely situated from where any volunteer corps is established as to preclude them from any opportunity of improvement in the discipline of any such corps, that although three companies of cavalry are already raised and attached to the Brigade aforesaid, yet the unusual extent of territory and of numbers comprehended by said Brigade will afford ample reasons for raising and organizing the additional corps herein prayed for; that the several standing companies of Militia within the towns aforesaid considerably exceed in number respectively the number of sixty-four effective privates, and some of said companies are too numerous to render military discipline and instruction practical or considerable among themselves, to which last mentioned description of companies the greater part of your petitioners belong, which will more fully appear by copies of their several muster rolls herewith exhibited. And your petitioners desirous as well to promote what we conceive to be so salutary an object as from a decided preference for discharging our military duties in that mode hereby pledge ourselves that in the event of our establishment as a corps of cavalry as aforesaid or in the manner that in your Honors' wisdom may be deemed expedient to immediately and without delay provide, prepare and equip ourselves to do and that we will each and all of us enlist into and do military service as by law is required of members of a cavalry corps.

Your petitioners therefore pray your Honors to take the subject into your wise consideration and that the prayer herein may be granted, and as in duty bound will ever pray. (Signed):

This excerpt describes the forming of the militia in Farmington, Franklin County, Maine, which at the time was in Kennebec County, Massachusetts. They had good reason to become “well-regulated” and they were expected to use their privately-owned guns. Yes, those guns were simple black-powder muskets, long rifles, and pistols and, in the event of an invasion, those citizens would come up against the same sorts of weapons they themselves owned plus a few cannons that the invaders could drag with them. There was no standing army in the USA of 1799. And this militia, described in the *History of Farmington* and comprised of capable men of the area towns, was smart to train for battle, because the British surely did come back and invade the United States in the war of 1812.

The Constitution provides for a navy, but it specifically prohibits a standing army for a period of longer than two years. That provision has never been rescinded by any amendment. However, we have supported a standing army (and more) ever since the last time Congress made a declaration of war on June 5, 1942, now [2023] three quarters of a century longer than authorized by the Constitution since we’ve had no threat of invasion of this country in that time.

Among the powers granted to Congress in Article I, Section 8, are these: *To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years; To provide and maintain a Navy; To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions; To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress.* [Nouns were capitalized in accord with German grammar.]

Then the Second Amendment clarifies:

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Now compare this language from the Constitution to the truncated excerpt from the *History of Farmington* contained in the four pages above.

Should the United States be policing the world? Or instead, should we citizens throughout the country be training ourselves regularly in order to repel invaders? I am not proud of the politics since 1945 that have been driving us into a permanent worldwide policing role and worldwide military presence. We have been in Korea, for instance, since 1950. Could we not have trained the South Korean military in self-defense in a little over two years from the cessation of gunfire in 1953? Could we not have withdrawn our forces from that country by, say, 1955? (See the section, *A Parting Tribute*, in this book’s chapter, Woody.)

The constitutional prohibition against a standing army and the provision for a well regulated militia together clarify the meaning of the Second Amendment. (James Madison wrote: “A well regulated militia, composed of the body of the people, trained in arms, is the best most natural defense of a free country.”) In the 1700s “regulated” did not refer to bureaucratic

regulations, by the way. The founders of our republic had no idea that a new, fourth branch of government, the regulatory branch, would one day be smeared like sewage across the Constitution.

Perhaps the original intent of the militia, defending ourselves from a foreign army invading by land, has evaporated, but perhaps a new basis has cemented itself just as firmly. Perhaps the invaders we must defend against are the ubiquitous self-important regulators attempting to manipulate us as if we are puppets and remote-control robots.

But we have a standing army now...

The National Guard, a term in use since 1824, now fills the role of the constitutional militia. The Militia Act of 1903 redefined and recreated the traditional state militias as the “well-regulated militia,” that is, the National Guard. So how is it that we also maintain not just a militia (and a reserve) but also a standing army dispersed to permanent undeclared wars and other assignments around the world?

It was clear to the founders of the United States that an armed population is comprised of citizens, an unarmed population is comprised of subjects. George Washington is credited with the statement: “A free people ought not only to be armed and disciplined, but they should have sufficient arms and ammunition to maintain a status of independence from any who might attempt to abuse them, which would include their own government.”

The Second Amendment, then and now, is about defending the United States of America from forces that would destroy it, from outside or from within. Originally, every home was equipped with one or more firearms anyway — standard equipment for hunting and personal defense, and readily diverted to the purpose of defending the country. It can certainly be argued that a citizen might properly own a weapon in any class of arms that could be deployed *against* the United States, the better to employ such a weapon in the service of the militia. Indeed, until well within my lifetime, individual citizens who have wished to spend the money have owned aging cannons and Army tanks as well as other weapons comparable to what might have been deployed against this country in the past.

In the centuries that have passed since the adoption of the Second Amendment in 1791, the National Guard, better trained and better equipped, has taken over for the militia described in the *History of Farmington*. I accept that, and while I have no desire to own my own fleet of Phantom jets, I also do not intend to jeopardize my permanent right to own the firearms that I consider important to my own purposes as well as my country’s defense. No foreign dictator who dreams of ruling the United States, even now, wants to risk coming up against a fully armed population.

I was among those caught up in the modern revival of the military draft. Birthdates were drawn in 1969 for 18-to-26-year-olds to determine who would be drafted in 1970 (unless they volunteered). The younger adult population, the ones most affected by this country’s repugnant involvement in Vietnam, was almost uniformly furious. We were the ones most affected because most of the 50,441 Americans killed in that non-war came from our

ranks. And for each young pawn killed, wives, girlfriends, parents, and friends all suffered as well. Hardly had the guns cooled in Korea when Americans were inserted into Vietnam in 1955, and the United States didn't officially surrender there until 1975. (They didn't call it a surrender. The mission was accomplished, or some idiotic term like that was used.)

Aside from the uncertainty whether I would be drafted and whether the killing would ever end, I was depressed in my own way about the people in America whose emotions were being manipulated and angry as well about those doing the manipulating. The rising opposition to the non-war was highly appropriate. I was opposed to it too and for more than personal reasons. It was entirely wrong for the U.S. to be fighting someone else's war. There was no threat to this country from Vietnam, just as there had been no threat to this country from Korea in 1950. My Uncle Woody had been a pawn in that chess game, which is still being played. So it was not a matter of national defense. It was a matter of — and President Eisenhower warned against it — the military-industrial complex. It is in the best interest of top-level military leaders to have a war going on. They are best served personally with people to command and weapons to control. That's how they earn ribbons and rank. And the industries that manufacture those weapons need customers with wars to fight.

To serve these combined illegitimate interests, Congress passed the War Powers Resolution in 1973. Although the Constitution is clear in Article 1, Section 8 (11) that only Congress has the power to declare war, the War Powers Resolution, which later became an act instead of a mere resolution, bestows that power onto to the President under vague terms of scale and duration. This also permits the four branches of the federal government (legislative, executive, judicial, and regulatory — the last of the four having no basis in the Constitution) to maintain a standing military force during times of undeclared war, contrary to Article 1, Section 8 (12), which limits expenditures for a standing army to two years in the absence of a declared war. The militia mentioned in the Second Amendment and under the command of the states' governors, is intended to protect the country's borders, and that's one of the several reasons why citizens have the right to be armed. As noted, the militia was re-christened the National Guard in 1903, and in 1908 the prohibition against using the National Guard overseas was dropped.

When Congress, with the War Powers Act, renounced its responsibility to declare war in 1973, all obstacles were removed, giving the President the sole discretion to wage perpetual war around the world and subsuming the citizen militia into the nation's Constitution-prohibited standing army. This is the same power that nice guys such as Adolf Hitler, Vladimir Putin, and Kim Jong Un have enjoyed. Sadly, too, this gives the President the discretion to refrain from acting when a rapid and decisive response is needed.

With these manipulations Congress and the President believe they have made moot the need for an armed population prepared to repel invaders and thus have rendered the Second Amendment archaic and violable. The

Supreme Court has not yet agreed with that stance. And the population of responsible and informed gun owners has not capitulated to that stance either. Meanwhile, though, in the absence of invaders to repel at our borders, the military-industrial complex has made itself necessary wherever around the world a conflict flares up. All they need is to invoke the phrase, “America’s interests,” and they can intervene on behalf of one faction or another.

Voters in 1964 feared an escalation of fighting in southeast Asia, and the news media’s dishonest portrayal of Barry Goldwater, candidate for President, as a “war monger,” against the media’s fawning portrayal of President Johnson and his party as peace-loving “doves,” cost Goldwater the election. In early 1965, with Johnson newly elected, about 50,000 U.S. troops, mostly advisors, were in South Vietnam. By the end of 1966, that number had grown to 385,000 with the majority being army units and by that time, they were on the offensive.

The people stirring up emotions in 1970, though, were, just as today, ideologically aligned with the forces of totalitarianism — any form of collectivist political ideology that advances the sovereignty of supposedly-benign government over the sovereignty of free individuals. Of course America should get out of Vietnam — I knew that. In my view, we had no business being there. In the view of the communist Chinese government of Mao Tse-tung, backers of the Viet Cong and puppeteers of the North Vietnamese government, we had no business being there. But it was the Chinese and the Soviets, wishing to advance worldwide communism and promote it in America, who were motivating if not also funding the protests in this country in the 1960s and 1970s. And so, I was against the war, but I was also, if it makes sense, against the protests because of the corruption behind them.

a recent historical perspective

I suppose I am more in tune with the America of the 70+ years preceding my birth than the America of the 70+ years since I was born. While I have mastered the skills for “survival” — better to say participation — in the ever-changing society of the past few decades, we, Beth and I, have also kept up many skills familiar to our grandparents.

I’ve seen it from both perspectives. I don’t trust the present — the technology, the world order, the people in charge, the banking system, the culture of the masses, the production and distribution systems for food and other perishables, or America’s single source for all manufactured goods (China).

That something has changed in the character of our population is obvious to an older American. When I was born (1950) a home typically had one wage-earner. There was a mindset that approved of locking up the mentally ill, and more were locked up than was truly right. But some were confined that should have been, not for crimes committed but crimes assured. Courts did not coddle violent criminals. Children conformed to certain social standards called “manners” and did not dictate the tone of a

household or the spending habits of a family. Only a narrow band of entertainment and advertising was aimed at children, not the entire entertainment industry. Education was designed to impart information and promote critical thinking, not to indoctrinate compliant minions of a ruling oligarchy.

When I was five years old the Meadow Gold milkman who delivered milk to our house in Lima, Ohio, still drove a horse-drawn ice-chilled wagon drawn by the mare, Buttermilk. A man who repaired pots and pans also appeared along our street from time to time on a horse-drawn cart. Many of the country's railroad trains were still pulled by steam locomotives; 50,000 of them were still in service in this country when I was born. Our home didn't have a television or telephone, and my parents survived for months at a time without an automobile. A long gun in a closet or on the wall was no more unusual than an umbrella in a stand beside the front door. The elevator at the Montgomery Ward store had a full-time operator who delivered customers to their chosen floors. It took a nickel to get a six-ounce bottle of pop from a machine and there was a two-cent deposit on a glass pop bottle. My grandmother was still mourning my uncle's death in Korea.

It wasn't until I was ten years old that I owned my first firearm, a Marlin .22-caliber single shot rifle which I earned by selling Christmas cards in Gomer, Ohio. I told my customers what I was working toward, and they supported my objective. I still have the *Boys Life* magazine with the ad for Junior Sales Club of America, which provided the Christmas cards and the gun. It was shipped to a local hardware store in my name, and my father had to go with me and sign for it. I haven't shot anyone with it yet nor has it escaped and shot someone all by itself.

I am not nostalgic for the living conditions of those times. Perhaps, though, I miss the gentle sense of peace, security, and opportunity. Perhaps I am nostalgic for the freedom to engage in any enterprise as a teenager, from street musician to seller of homemade potholders, from apprentice gardener to newspaper carrier. I miss coins made from silver, photo albums, and a news media that barely paid attention to politicians and celebrities.

I miss heroes who were actually honored for their heroism, Sunday school, and shelves full of *National Geographic* magazines. I miss holidays that were sincerely celebrated with town ceremonies on the appropriate dates before it became *de rigueur* to shift them to the nearest Monday for people whose incomes were derived from taxes (and, yes, bank fees have become a new form of taxation with the complicity of Congress, so banks now close on those Monday holidays).

And I miss the respect that Congress once held for the American people and for the Constitution. I am not volunteering to register my firearms, but I do think that we are, at last, a conquered people.

[end of quoted article from AlbertJayNock.org]