

APPENDIX.

An Act declaring War between the United Kingdom of Great Britain and Ireland, and the Dependencies thereof, and the United States of America, and their Territories.

Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled, that war be, and the same is hereby declared to exist, between the united kingdom of Great Britain and Ireland, and the dependencies thereof, and the United States of America and their territories ; and that the president of the United States be, and is hereby authorised, to use the whole land and naval force of the United States, to carry the same into effect ; and to issue to private armed vessels of the United States, commissions or letters of marque and general reprisal, in such form as he shall think proper, and under the seal of the United States, against the vessels, goods and effects of the government of the said united kingdom of Great Britain and Ireland, and the subjects thereof.

JAMES MADISON.

June 18, 1812.—Approved.

Declaration of War against America—at the Court of Carlton-house, October 13, 1812—present, His Royal Highness the Prince Regent in Council.

Whereas, in consequence of information having been received of a declaration of war by the United States government against His Majesty, and of the issue of letters of marque and reprisal by the said government, against His Majesty and his subjects, an order in council, bearing date the 31st of July last, was issued, directing that American ships and goods should be brought in and detained till further orders ; and whereas His Royal Highness the Prince Regent, acting in the name and on the behalf of His Majesty, forbore at that time to direct letters of marque and reprisal to be issued against the ships, goods, and citizens of the said United States of America, under the expectation that the said government would, upon the notification of the order in council of the 23d of June last, forthwith recall and annul the said declaration of war against His Majesty, and also annul the said letters of marque and reprisal.

And whereas the said government of the United States of America, upon due notification to them of the said order in council of the 23d of June last, did not think fit to recall the said declaration of war and letters of marque and reprisal, but have proceeded to condemn, and persisted in condemning the ships and property of His Majesty's subjects as prize of war, and have refused to ratify a suspension of arms agreed upon between Lieutenant General Sir George Prevost, His Majesty's governor-general of Canada, and General Dearborn, commanding the American forces in the northern provinces of the United States, and have directed hostilities to be recommenced in that quarter.

His Royal Highness the Prince Regent, acting the name and on the behalf of His Majesty, and with the advice of His Majesty's privy council, is hereby pleased to order, and it is hereby ordered, that general reprisals be granted against the ships, goods and citizens of the United States of America, and others inhabiting within the territories thereof (save and except any vessels to which His Majesty's license has been granted, or which have been directed to be released from the embargo, and have not terminated the original voyage on which they were detained or released,) so that as well His Majesty's fleets and ships, as also all other ships and vessels that shall be commissioned by letters of marque or general reprisals, or otherwise by His Majesty's commissioners for executing the office of lord high admiral of Great Britain, shall or may lawfully seize all ships, vessels and goods belonging to the government of the United States of America, or the citizens thereof, or others inhabiting within the territories thereof, and bring the same to judgement in any of the courts of admiralty within His Majesty's dominions; and to that end His Majesty's advocate-general, with the advocate of the admiralty, are forthwith to prepare the draught; of a commission, and present the same to His Royal Highness the Prince Regent at this board, authorising the commissioners for executing the office of lord high admiral, or any person or persons by them empowered and appointed, to issue forth and grant letters of marque and reprisals to any of His Majesty's subjects, or others whom the said commissioners shall deem fitly qualified in that behalf for the apprehending, seizing and taking the ships, vessels and goods belonging to the United States of America or the citizens thereof, or others inhabiting within the countries, territories, or dominions thereof, (except as aforesaid,) and that such powers and clauses be inserted in the said commission as have been usual, and are according to former precedents ; and His Majesty's advocate-general, with the advocate of the admiralty, are also forthwith to prepare the draft of a

commission, and present the same to His Royal Highness the Prince Regent at this board, authorizing the said commissioners for executing the office of lord high admiral to will and require the high court of admiralty of Great Britain, and the lieutenant and judge of the said court, his surrogate or surrogates, as also the several courts of admiralty within His Majesty's dominions, to take cognizance of, and judicially proceed upon all and all manner of captures, seizures, prizes and reprisals of all ships and goods that are or shall be taken, and to hear and determine the same, and, according to the course of admiralty and the laws of nations, to adjudge and condemn all such ships, vessels and goods as shall belong to the government of the United States of America, or the citizens thereof, or to others inhabiting within the countries, territories, and dominions thereof, (except as aforesaid ; 1 and that such powers and clauses be inserted in the said commission as have been usual, and are according to former precedents ; and they are likewise to prepare and lay before His Royal Highness the Prince Regent, at this board, a draught of such instructions as may be proper to be sent to the courts of admiralty in his majesty's foreign governments and plantations, for their guidance herein; as also another draught of instructions for such ships as shall be commissioned for the purpose above mentioned.

his Royal Highness the Prince Regent is nevertheless pleased hereby to declare, in the name and on the behalf of His Majesty, that nothing in this order contained shall be understood to recall or affect the declaration which His Majesty's naval commander on the American station has been authorised to make to the United States of America—namely, that His Royal Highness, animated by a sincere desire to arrest the calamities of war, has authorised the said commander to sign a convention, recalling and annulling, from a day to be named, all hostile orders issued by the respective governments, with a view of restoring, without delay,

the relations of amity and commerce between His Majesty and the United States of America.

From the court of Carlton-house, the thirteenth of October, one thousand eight hundred and twelve.

(Signed.)
 CASTLEREAGH.
 N. VANSITTART.
 CHARLES LONG.
 LIVERPOOL.
 BATHURST.
 MELVILLE.
 SIDMOUTH.

New-York Convention.

At a convention of delegates from the several counties of the state of New-York, held at the capitol in the city of Albany, on the 17th and 18th days of September, 1812—

Resolved, That the doctrine of late so violently inculcated, that when war is once declared, all inquiry into its justice and expediency ought to cease, and all opposition to the men in power immediately to be abandoned, is essentially hostile to the vital principles of our republican institutions ; and if adopted, would change our present government into one of the worst species of tyranny which the ingenuity of the foes of freedom has yet contrived—a government, republican in its forms, in spirit and in practice arbitrary and despotic—that it must be obvious to the most ordinary capacity, that were such a doctrine to prevail, an administration which by its corruption or imbecility had justly forfeited the confidence of the people, would be tempted to plunge the nation into an unjust or unnecessary war, for the sole purpose of perpetuating their power, and thus building their own greatness on the ruins of their country.

Resolved, That without insisting on the inj'justice of the present war, taking solely into consideration the time and circumstances of its declaration, the condition of the country, and state of the public mind, we are constrained to consider, and feel it our duty to pronounce it a most rash, unwise, and inexpedient measure ; the adoption of which ought for ever to deprive its authors of the esteem and confidence of an enlightened people ; because, as the injuries we have received from France are at least equal in amount to those we have sustained from England, and have been attended with circumstances of still greater insult and aggravation ; if war were necessary to vindicate the honor of the country, consistency, and impartiality required that both nations should have been included in the declaration ; because if it were deemed expedient to exercise our right of selecting our adversary, prudence and common sense dictated the choice of an enemy, from whose hostility we had nothing to dread. A war with France would equally have satisfied our insulted honor, and at the same time, instead of annihilating, would have revived and extended our commerce ; and even the evils of such a contest would have been mitigated by the sublime consolation, that by our efforts we were contributing to arrest the progress of despotism in Europe, and essentially serving the great interests of freedom and humanity throughout the world ; because a republican government, depending solely for its support on the wishes and affections of the people, ought never to declare a war, into which the great body of the nation are not prepared to enter with zeal and alacrity ; as where the justice and necessity of the measure are not so apparent as to unite all parties in its support, its inevitable tendency is to augment the dissensions that have before existed, and by exasperating party violence to its utmost height, prepare the way for civil war ; because, before a war was declared it was perfectly well ascertained, that a vast majority of the people in the middle and northern states, by whom the burthen and expenses of the contest must be borne:

almost exclusively, were strongly opposed to the measure ; because we see no rational prospect of attaining, by force of arms, the object for which our rulers say we are contending ; and because the evils and distresses which the war must of necessity occasion, far overbalances any advantages we can expect to derive from it ; because the great power of England on the ocean, and the amazing resources she derives from commerce and navigation, render it evident, that we cannot compel her to respect our rights and satisfy our demands, otherwise than by a successful maritime warfare, the means of which we not only do not possess, but our rulers have obstinately refused to provide ; because the exhausted state of the treasury, occasioned by the destruction of the revenue derived from commerce, should the war continue, will render necessary a resort to loans and taxes to a vast amount—measures by which the people will be greatly burthened and oppressed, and the influence and patronage of the executive alarmingly increased ; and, finally, because of a war begun with such means as our rulers had prepared, and conducted in the mode they seem resolved to pursue, we see no grounds to hope the honorable and successful termination.

Resolved, That while we condemn the war, in the most distinct and unqualified terms, we are deeply sensible of the new duties and obligations which the change of our national relations has imposed upon us, and are fully determined in our several capacities of magistrates, soldiers and citizens, to obey with promptness and alacrity all constitutional requisitions of the proper authorities ; seeking no other redress for the evils of which we complain, than that which we confidently trust will be obtained from a change of sentiment in the people, leading to a change of men and measures.

Resolved, That we view the creation of new states out of territories not within the ancient limits of the United States as inconsistent with the spirit of the feudal corn-

pact, and calculated to destroy the weight which the old, great, and populous states ought to have in the Union, and utterly to frustrate and disappoint the great purpose for which they entered into the confederacy.

Resolved, That we consider the employment of the militia, for the purpose of offensive war, as a palpable violation of the constitution, as extremely offensive to the people, as the most expensive and the least efficient mode of conducting the war, and as a serious and alarming encroachment on the rights of the several states, which it behoves the true friends of our excellent institutions, by all lawful means, firmly to resist.

Whereas the late revocation of the British Orders in Council has removed the great and ostensible cause of the present war, and prepared the way for an immediate accommodation of all existing differences, inasmuch as, by the confession of the present secretary of state, satisfactory and honorable arrangements might easily be made, by which the abuse resulting from the impressment of our seamen, might, in future, be effectually prevented—Therefore,

Resolved, That we shall be constrained to consider the determination on the part of our rulers to continue the present war, after official notice of the revocation of the British Orders in Council, as affording conclusive evidence, that the war has been undertaken from motives entirely distinct from those which have been hitherto avowed; and for the promotion of objects wholly unconnected with the interest and honor of the American nation.

Resolved, That we contemplate with abhorrence, even the possibility of an alliance with the present emperor of France, every action of whose life has demonstrated, that the attainment, by any means, of universal empire, and the consequent extinction of every vestige

of freedom, are the sole objects of his incessant, unbounded, and remorseless ambition. His arms, with the spirit of freemen, we might openly and fearlessly encounter; but, of his secret arts, his corrupting influence, we entertain a dread we can neither conquer nor conceal. It is therefore with the utmost distrust and alarm that we regard his late professions of attachment and love to the American people, fully recollecting, that his invariable course has been, by perfidious offers of protection, by deceitful professions of friendship, to lull his intended victims into the fatal sleep of confidence and security, during which the chains of despotism are silently wound round and rivetted on them

Resolved that we are firmly attached to the union of the states, most conscientiously believing, that on its preservation, the future peace, security and independence, as well as power and grandeur of the American nation, must mainly depend; and we are therefore strengthened in our reprobation of the measures of our present rulers, from a consideration of their evident tendency to produce a dissolution of that union which we so warmly cherish.

Whereas, in the opinion of this convention, the dangers which seem to threaten the existence of the union have chiefly arisen from a course of policy, by which the interests of the commercial states have been wantonly sacrificed to local prejudices and state jealousies; and whereas our minds are irresistibly impressed with the conviction that a change of system is now demanded by the imperious law of self preservation—therefore, resolved, that to effect a purpose so desirable, but so necessary, as a change of our present rulers, the barriers of party, which separate men, differing, not in principle but in name merely, ought to be thrown down, and every obstacle removed which can prevent and impede

the full and cordial co-operation of those who are actuated by the same feelings, and entertain the same sentiments.

Resolved, That it be recommended to the friends of peace, liberty, and commerce, who are opposed to the present war, without distinction of parties, to assemble in their respective counties, wherein such meetings have not been already held, and appoint committees of correspondence and conference, who, if deemed necessary hereafter, may meet in convention, for the purpose of explaining and comparing their sentiments, and concerting a common plan of operation, having for its object the restoration of peace to our degraded and afflicted country. **JACOB MORRIS, President.**

WM. HENDERSON, Secretary.

Address of the House of Assembly to the People of Upper Canada, on the Declaration of War.

The house of assembly having nearly completed the necessary business for which they were called together, beg leave before they return home, to lift up their warning voice at this eventful crisis. The declaration of war issued against Great Britain by the United States, when first announced, appeared to be an act of such astonishing folly and desperation, as to be altogether incredible, and not only excited the greatest surprise among the inhabitants of this province, but among the great majority of our enemies themselves. So many cogent reasons from interest, affection and virtue, pleaded for an opposite policy, that the most intelligent became the most credulous. That a government professing to be the friend of man and the great supporter of his liberty and independence, should light up the torch of war against the only nation that stands between itself and destruction, exhibited a degree of infatuation or madness altogether

incomprehensible—"it cannot be," said the wiser part of our inhabitants—"the United States will never declare war against a nation which has uniformly treated them with kindness and respect, whose fleets protect their commerce, and whose armies support their freedom and independence." But the men at present ruling the states, infatuated, or, as their more enlightened countrymen say, "bribed by the tyrant of France," regardless of the best interests of their country and the feelings and affections of a great majority of their own people, have commenced hostilities against our mother country while treating their vessels with hospitality, and instead of threatening their liberties, offering the most equitable terms of accommodation.

This war, on the part of the United States, includes an alliance with the French usurper, whose dreadful policy has destroyed all that was great and good, venerable and holy on the continent of Europe. The government of this bloody tyrant penetrates into every thing—it crushes individuals as well as nations, fetters thoughts as well as motives, and delights in destroying for ever all that is fair and just in opinion and sentiment. It is evidently this tyrant who now directs the rulers of America, and they show themselves worthy disciples of such a master. Already have they seduced two provinces from Spain. They first tempted the people to rebel against their lawful government. and then they deceived and oppressed them.

They chose a time, to themselves the most inglorious, for this infamous conduct; when Spain, overwhelmed with calamities and fighting most nobly at home for liberty and every thing dear to man, was not able to send seasonable aid to her distant colonies. It is certainly not the least wonderful among the occurrences of this astonishing age, that we should find a nation descended from Englishmen, connected still by the same language and laws, by consanguinity and many similar habits, not

merely eulogizing the implacable enemy of their parent state, but joining him in the war ; and while pretending to nourish the purest principles of liberty, bowing the knee before the foe of all just and rational freedom, and supplicating his acceptance of tribute and adulation.

From this degrading picture, at which the friends of mankind and posterity will weep, we turn with joy to you, many of whom have already risked your lives for the unity of the empire—we are confident that the same spirit still animates your breasts and those of your children, that you still retain the same love for your excellent king, the same veneration for a free and happy constitution that you exhibited during the American war. You preserved your loyal principles amidst the most dreadful political divisions and most implacable hostilities ; you were not to be cajoled by those wicked and designing men who looked for private gratification in the public ruin ; you were not to be deceived by their slanders on the parent state ; you felt no hardship, no cruel oppression ; you saw no example of inhumanity and cruelty—these were imaginary evils, invented for the most wicked purposes, by those who sought for gain amidst slaughter and blood. You resisted their influence and you acted nobly ; you were not indeed successful, but the attempt covers you with glory. When we picture to ourselves the sublime prospect the world would have exhibited this day, had the population of the neighboring states preserved like you, their filial love, we should not have now beheld the continent of Europe groaning under the yoke of a sanguinary tyrant, nor his satellites in America studiously imitating his ferocious example.

It is therefore from former experience that we look to you for the same patriotic principles, principles which enabled you to face death in its most dreadful attire, principles which exalt human nature, and which have been warmly cherished by the most virtuous and re-

nowned in every age ; and surely when we are attacked by the same enemy, who once already aided by the mistaken lenity of our mother country and the misconduct of her commanders, were able to drive us from our native homes and possessions to this province, a people whose lands are manured with the blood of our friends and kinsmen, who drove our wives and children from their houses in the woods, or threw them into dungeons, and who now envy us the habitations which through the blessing of Providence, the beneficence of our parent state and our own industry, we have gained from the wilderness : we are confident that you will display the same energy, and certainly with better hopes of success. Great Britain will not now consider Americans as perverse children who may be reclaimed, but as her most malignant foes. Her commanders will not, as formerly, temporise and raise hosts of enemies by their misconduct and delays, but they will hasten to punish them with all the rigor of war.

Already have we the joy to remark, that the spirit of loyalty has burst forth in all its ancient splendor. The militia in all parts of the province have volunteered their services with acclamation, and displayed a degree of energy worthy of the British name. They do not forget the blessings and privileges which they enjoy under the protection and fostering care of the British empire, whose government is only felt in this country by acts of the purest justice, and most pleasing and efficacious benevolence. When men are called upon to defend every thing they hold precious, their wives and children, their friends and possessions, they ought to be inspired with the noblest resolutions, and they will not be easily frightened by menaces, or conquered by force. And beholding as we do, the flame of patriotism burning from one end of the Canadas to the other, we cannot but entertain the most pleasing anticipations. Our enemies have indeed said, that they can subdue this country by a proclamation ; but it is our parts to prove

to them that they are sadly mistaken ; that the population is determinately hostile, and that the few who might be otherwise inclined, will find it their safety to be faithful.

For nothing is clearer than this, that if there be any person so base and degenerate as to join the enemy after having taken the oath of allegiance, he not only forfeits his property but his life. The British government never will make peace with the American states, till full and ample indemnification has been received for all depredations committed in this country ; nor will we permit a single traitor ever to return. Let those who have come from the neighboring states consider this well, and assure themselves, that as we are eager to reward loyalty and affection for the government, so are we not slow in punishing treachery.

Innumerable attempts will be made by falsehood, to detach you from your allegiance ; for our enemies, in imitation of their European master, trust more to treachery than to force ; and they will, no doubt, make use of many of those lies, which unfortunately for the virtuous part of these states, and the peace and happiness of the world, had too much success during the American rebellion : they will tell you that they are come to give freedom—yes, the base slaves of the most contemptible faction that ever distracted the affairs of any nation—the minions of the very sycophants who lick the dust from the feet of Buonaparte, will tell you, that they are come to communicate the blessing of liberty to this province ; but you have only to look at your situation to put such hyperites to confusion.

In order to insure our prosperity and happiness, a constitution has been given us, modelled from that of our parent state ; not the hasty production of a day, but rising out of the experience of centuries. A governor standing in the place of His Majesty, a legislative coun-

ell composed of a select number of the principal inhabitants of this province, and the representatives of the people fairly chosen. In the appointment of a legislative council, a reward is presented to those who shall deserve well of the public, and a foundation laid for an influence different from that which is produced by overgrown wealth. Honors are a cheaper and more effectual mode of remunerating valor, genius and singular attachment, than any sordid or pecuniary benefit. They are such rewards as meet the feelings of the generous and noble minded, and they nourish that pure and exalted ambition which gives life and energy to public affairs, which rouse the most dignified principles of action, and extinguish that low, groveling policy which only aims at despicable gratifications.

If the real foundation of true liberty, and consequently of solid happiness, consists in being amenable only to such laws as we or our representatives ordain, then are we in possession of that liberty and that happiness, for this principle was fully recognized by our excellent constitution. Your house of assembly are truly elected by the people—consequently all have a share in the government, because all have a vote in the election of those who make the laws. If those laws are not favorable to virtue, if they are not clear and precise, we have nobody to blame but ourselves, and we have the power of altering them.

The time for which our representatives are chosen, has a view to the situation of the province as well as to the state of the public mind. The period is infinitely better than annual elections, because it gives the representatives to comprehend the business for which they are sent, and enables them to bring to maturity regulations which require information from different parts of the country.

The qualifications for becoming an elector are simple and moderate ; every person may soon possess them, who is not convicted of felony, and who has attained the legal age. Nor is any person excluded from becoming a representative, except the public teachers of religion, and such as are not subjects of the king. Is not this constitution perfect above all others' In our laws and institutions there is so much wisdom, such an anxiety to keep the moral code always in view, such an attention to our feelings, such a regard to the preservation of our rights both in person and property, such a steady abhorrence of vice, and such a strict enforcement of virtue, in as far as it can become the object of public regulation, as merits, on our part, the most steady attachment; and in putting them in force there is, if possible, more to praise than in the laws themselves. If ever impartiality in the administration of justice was attained, we certainly have attained it. There is no interference on the part of government. The true interest of the rulers as well as of the people is known to depend upon the unfettered operations of the laws. The judges and crown officers selected from an honorable and liberal profession—men whose minds are raised by their education far above all narrow and sordid views—are appointed to put the laws in force. When we behold these upright dispensers of justice without any temptation to the right or to the left, prepared by a long course of study for their awful and important functions ; when we behold them hearing with the greatest candor and most invincible patience, not merely the causes between different subjects, but those between private citizens and their sovereign, and instead of leaning to the rulers who appoint them, giving every proper facility to the prisoner, attending particularly to his defence, and even becoming his council when he errs. Shall we not feel grateful to a government which promotes and sanctions so great uprightness, and which seeks so eagerly the happiness of its people. It is not enough that we be obedient subjects to such a government as this ; we

must be active in its defence against open enemies and internal foes. Is there any person who is not conscious that he is completely master of his own conduct—that the quiet possession of his life, his person and property, and good name, are secured to him by the laws. Do we not feel that our government is able, and not merely able, but careful to protect the rights of every individual, and to allow him as much liberty as is compatible with the rights of his fellow subjects ; protecting him against all oppression, giving free scope to the exertion of his talents, and in every way contributing to his comfort and happiness. Such is a faint sketch indeed of the glorious constitution which we enjoy ; and this we are called upon to exchange for the government of the United States ; a government which has oppressed and impoverished its own people, and deprived them virtually, of all their valuable privileges. For how can liberty exist among a people where officers of state and representatives crouch to a bloody tyrant ? Be vigilant against such an enemy ; the contest is indeed awful and to be deplored ; but of the event your representatives entertain no dread.

It is not necessary for us to examine the causes aided=ged by our enemies for this unjust and unnatural war, because an address from the house of representatives of the state of Massachusetts, the most respectable in the union, proves in the most satisfactory manner, that it is wanton and unprovoked, and is the climax of the various outrages previously committed against Great Britain. In this statement they have been joined by the minority in congress, whose exposition of the secret reasons of the war, and the falsehood of those alledged by the president and his friends is unanswerable, and must hand down the promoters of this diabolical measure to the execration of posterity. Indeed the more enlightened and best informed persons in the United States, all men who love their native land and think .74' impartiality, are 7rieket the war ; and as they

form an increasing majority, we have every reason to suppose, that they will be able to hurl their opponents from power, and speedily to restore peace to their country.

Finding on their meeting that the province was actually invaded, it became immediately necessary for your representatives to give as much efficacy as possible to our natural means of defence. For this purpose, several alterations have been made in the militia laws, which being framed from a state of tranquility, were too weak in their provisions for actual war. These alterations render it easy for the commander in chief of the province to call out any part, or in case of necessity the whole militia, subject while embodied to the strictest discipline, that they may become truly formidable to the enemy.

Your representatives persuaded themselves that the great majority of their constituents were willing to make every sacrifice at such a time as this, and to endure a temporary privation of liberty, in order ultimately to secure the whole. In providing for the defence of the province, your representatives did not hesitate to enact the severest punishment against those who refuse to march against the enemy, or who endeavor by their influence to discourage and deter others. But as they apprehend more danger from the private machinations of their foes than their open attacks, it was necessary to restrain the liberty of those who were not immediately called into the field.

Trusting more to treachery than open hostility, our enemies have already spread their emissaries through the country to seduce our fellow subjects from their allegiance, by promises as false as the principles on which they are founded. A law has therefore been enacted for the speedy detection of such emissaries, and for

their condign punishment on conviction—a law which it will not be easy to escape.

In passing these different acts for the defence and preservation of the province, your representatives proceeded with all possible moderation. The exigency of the times would perhaps have justified them in adopting stronger measures ; but they were not disposed to abridge the rights and privileges of the people, any further than was absolutely necessary. It did not escape them, that placed as we are so near our enemies, bordering upon them through such an extensive line of country, connected with them by so many ties, and so many persons lately from American states settled among us, whose inclinations, though in the main good, would naturally lean against us, ordinary measures of caution were not sufficient. But trusting, on the other hand, to the well tried loyalty of the great body of the people, to assist in the execution of the laws and the detection of those doubtful characters and secret traitors, they have been induced to adopt the most lenient which a due attention to the general safety would admit.

Your representatives finished their labors with placing in the hands of his honor, the president, all the public money that they could collect, in order to contribute as much as possible to the extraordinary expence which the war renders necessary, and they have the fullest confidence that it will be most faithfully applied. Having thus endeavored, to the best of their abilities, to provide for the welfare and safety of the province, your representatives take the liberty of reminding you that the best laws are useless without the zealous co-operation of the people ; unless you are prepared to undergo the greatest privations, and to make the severest sacrifices, all that your representatives have done will be of no avail. Be ready, then, at all times, to rally round the royal standard, and let those who are not called into service assist the families of those who are

called into the field. Be quick to discern and prompt to seize upon all those who either by word or deed seek to stifle or discourage that ardent patriotism which at this moment animates all the inhabitants of this province ; let your whole attention be applied to the defence of the country and the defeat of our enemy.

Inspired with this disposition, your representatives are confident of success, for although they admit that the contest will be terrible and the hardships which you will have to suffer severe, yet the justice of our cause, and your gratitude and attachment to the illustrious nation of which you form a part, will enable you to surmount them. And let no one deceive you with vain terrors concerning the new powers with which we have armed government. The good and loyal will never perceive them, except in the greater security which they will give him ; for they are placed in the hands of his excellency General Brock, a commander no less distinguished for his valor in the field than for his justice and humanity. In his wisdom and experience, in war, your representatives have the firmest reliance ; and they rejoice that at such a crisis, a general of so great abilities, and whose private merits gain the hearts of all who know him, should, through Divine Providence, be placed at the head of this government.

Remember, when you go forth to the combat, that you fight not for yourselves alone, but for the whole world. You are defeating the most formidable conspiracy against the civilization of man that ever was contrived ; a conspiracy threatening greater barbarism and misery than followed the downfall of the Roman empire—that now you have an opportunity of proving your attachment to the parent state which contends for the relief of oppressed nations, the last pillar of true liberty, and the last refuge of oppressed humanity.

Persevere as you have begun, in your strict obedience to the laws and your attention to military discipline ; deem no sacrifice too costly which secures the enjoyment of our happy constitution ; follow, with your countrymen in Britain, the paths of virtue, and, like them, you shall triumph over all your unprincipled foes.

(Signed,)

ALLAN MAC LEAN,

Speaker.

Commons House of Assembly, August 5th, 1812.

Letter of Colonel Cass, of the Army late under the Command of Brigadier General William Hull, to the Secretary of War.

Washington, September 10th, 1812.

Sir—Having been ordered on to this place by Colonel Mc. Arthur, for the purpose of communicating to the government such particulars respecting the expedition lately commanded by Brigadier General Hull and its disastrous result, as might enable them correctly to appreciate the conduct of the officers and men, and to develop the causes which produced so foul a stain upon the national character, I have the honor to submit for your consideration the following statement :

When the forces landed in Canada, they landed with an ardent zeal and stimulated with the hope of conquest. No enemy appeared within view of us, and had an immediate and vigorous attack been made upon Malden, it would doubtless have fallen an easy victory. I knew general Hutt afterwards declared he regretted this attack had not been made, and he had every reason to believe success would have crowned his efforts. The reason given for delaying our operations was to mount our heavy cannon, and afford to the Canadian militia time and opportunity to quit an obnoxious service. In the course of two weeks, the number of their militia who

were embodied had decreased by desertion from six hundred to one thousand men : and, in the course of three weeks, the cannon were mounted, the ammunition fixed, and every preparation made for an immediate investment of the fort. At a council, at which were present all the field officers, and which was held two days before our preparations were completed, it was unanimously agreed to make an immediate attempt to accomplish the object of the expedition. If by waiting two days we could have the service of our artillery, it was agreed to wait ; if not, it was determined to go without it and attempt the place by storm. This opinion appeared to correspond with the views of the general, and the day was appointed for commencing our march. He declared to me that he considered himself pledged to lead the army to Malden. The ammunition was placed in the wagons, the cannon were embarked on board the floating batteries, and every requisite was prepared. The spirit and zeal, the ardor and animation displayed by the officers and men on learning the near accomplishment of their wishes, a sure and sacred pledge, that in the hour of trial they would not be wanting in duty to their country and themselves, in opposition to the wishes and opinions of all the officers, was adopted by the general. The plan of attacking Malden was abandoned, and instead of acting offensively, we broke up our camp, evacuated Canada, and re-crossed the river in the night, without even the shadow of an enemy to injure us. We left to the tender mercy of the enemy the miserable Canadians who had joined us, and the *protection* we afforded them was but a passport to vengeance. This fatal and unaccountable step dispirited the troops, and destroyed the little confidence which a series of timid, irresolute and indecisive measures had left in the commanding officer.

About the tenth of August, the enemy received a reinforcement of four hundred men. On the twelfth, the commanding officers of three- of the regiments t the

fourth was absent,) were informed through a medium which admitted of no doubt, that the general had stated that a capitulation would be necessary. They, on the same day, addressed to Governor Meigs of Ohio a letter, of which the following is an extract :

" Believe all the bearer will tell you. Believe it, however it may astonish you, as much as if told by one of us. Even a c is talked of by the
The bearer will fill the vacancy."

The doubtful fate of this letter rendered it necessary to use circumspection in its details, and therefore the blanks were left. The word capitulation' will fill the first and' commanding general' the other. As no enemy was near us, and as the superiority of our force was manifest, we could see no necessity for capitulating nor any propriety in alluding to it. We therefore determined in the last resort to incur the responsibility of divesting the general of his command. This plan was eventually prevented by two of the commanding officers of regiments being ordered upon detachments.

On the 13th, the British took a position opposite to Detroit, and began to throw up works. During that and the two following days, they pursued their object without interruption and established a battery for two eighteen pounders and an eight inch howitzer. About sunset on the 14th, a detachment of 350 men from the regiments commanded by Colonel M'Arthur and myself was ordered to march to the river Raisin, to escort the provisions, which had some time remained there protected by a company under the command of Captain Brush.

On Saturday, the 15th, about 1 o'clock, a flag of truce arrived from Sandwich, bearing a summons from General Brock, for the surrender of the town and fort of Dettoit, stating, he could no longer restrain the fury of the savages. To this an immediate and spirited

refusal was returned. About four o'clock their batteries began to play upon the town. The fire was returned and continued without interruption and with little effect till dark. Their shells were thrown till eleven o'clock.

At daylight, the firing recommenced ; about the same time the enemy began to land troops at the Springwells, three miles below Detroit, protected by two of their armed vessels. Between 6 and 7 o'clock, they had effected a landing and took up their line of march. They moved in a close column of platoons, twelve in front, upon the bank of the river.

The fourth regiment was stationed in the fort ; the Ohio volunteers and a part of the Michigan militia, behind some pickets, in a situation in which the whole flank of the enemy would have been exposed. The residue of the Michigan militia were in the upper part of the town to resist the incursions of the savages. Two twenty-four pounders loaded with grape shot were posted on a commanding eminence, ready to sweep the advancing column. In this situation, the superiority of our position was apparent, and our troops, in the eager expectation of victory, awaited the approach of the enemy. Not a sigh of discontent broke upon the ear ; not a look of cowardice met the eye. Every man expected a proud day for his country, and *each* was anxious that his individual exertion should contribute to the general result.

When the head of their column arrived within about five hundred yards of our line, orders were received from General Hull for the whole to retreat to the fort, and for the twenty-four pounders not to open upon the enemy. One universal burst of indignation was apparent upon the receipt of this order. Those whose conviction was the deliberate result of a dispassionate examination of passing events, saw the impropriety of crowding one thousand one hundred men into a little work, which three hundred could fully man, and into which the shot

and shells of the enemy were falling. The fort was in this manner filled; the men were directed to stick their arms, and scarcely was an opportunity afforded of moving. Shortly after, a white flag was hung out upon the walls. A British officer rode up to inquire the cause. A communication passed between the commanding generals, which ended in the capitulation submitted to you. In entering into this capitulation, the general took counsel from his own feelings only. Not an officer was consulted. Not one anticipated a surrender till he saw the white flag displayed. Even the women were indignant at so shameful a degradation of the American character, and all felt as they should have felt but he who held in his hands the reins of authority.

Our morning report had that morning made our men present, fit for duty, one thousand and sixty, without including the detachment before alluded to, and without including three hundred of the Michigan militia on duty. About dark on Saturday evening, the detachment sent to escort the provisions received orders from General Hull, to return with as much expedition as possible. About ten o'clock the next day they arrived within sight of Detroit. Fled a firing been heard, or any resistance visible, they would immediately have advanced and attacked the rear of the , enemy. The situation in which this detachment was placed, although the result of accident, was the best for annoying the enemy and cutting off his retreat that could have been selected. With his raw troops enclosed between two fires, and no hopes of succour, it is hazarding little to say that very few would have escaped.

I have been informed by Colonel Findley, who saw the return of the quarter-master-general the day after the surrender, that their whole force, of every description, white, red, and black, was one thousand and thirty. They had twenty-nine platoons, twelve in a platoon, of men dressed in uniform. Many of these

were evidently Canadian militia. The rest of their militia increased their white force to about seven hundred men. The number of the Indians could not be ascertained with any degree of precision ; not many were visible. And in the event of an attack upon the town and fort, it was a species of force which could have afforded no material advantage to the enemy.

In endeavoring to appreciate the motives and to investigate the causes which led to an event so unexpected and dishonorable, it is impossible to find any solution in the relative strength of the contending parties, or in the measures of resistance in our power. That we were far superior to the enemy.; that upon any ordinary principle of calculation we would have defeated them, the wounded and indignant feelings of every man there will testify.

A few days before the surrender, I was informed by General Hull, we had four hundred rounds of twenty-four pound shot fixed, and about one hundred thousand cartridges made. We surrendered with the fort forty barrels of powder and two thousand five hundred stand of arms.

The state of our provisions has not been generally understood. On the clay of the surrender we had fifteen days provisions of every kind on hand. Of meat there was plenty in the cormtry, and arrangements had been made for purchasing and grinding the flour It was calculated we could readily procure three months provisions independent of one hundred and fifty barrels of flour, and one thousand three hundred head of cattle which had been forwarded from the state of Ohio, which remained at the River Raisin under Captain Brush, within reach of the army,

But had we been totally destitute of provisions, our duty and our interest undoubtedly was to fight. The

enemy invited us to meet him in the field. By defeating him the whole country would have been open to us, and the object of our expedition gloriously and successfully obtained. If we had been defeated, we had nothing to do but to retreat to the fort, and make the best defence which circumstances and our situation rendered: practicable. But basely to surrender without firing a gun—tamely to submit without raising a bayonet—disgracefully to pass in review before an enemy as inferior. in the quality as in the number of his forces, were circumstances which excited feelings more easily felt than described. To see the whole of our men flushed with the hope of victory, eagerly awaiting the approaching contest, to see them afterwards dispirited, hopeless and desponding, at least five hundred shedding tears because they were not allowed to meet their country's foe, and to fight their country's battles, excited sensations which no American has ever before had cause to feel, and which, I trust in God, will never again be felt, while one man remains to defend the standard of the Union.

I am expressly authorised to state, that Colonel Me. Arthur and Colonel Findley, and Lieutenant Colonel Miller viewed this transaction in the light which I do. They know and feel that no circumstance in our situation, none in that of the enemy, can excuse a capitulation so dishonorable and unjustifiable. This, too, is the universal sentiment among the troops ; and I shall be surprised to learn that there is one man who thinks it was necessary to sheath his sword or lay down his musket.

I was informed by General Hull, tlr! morning after the capitulation, that the British forces consisted of one thousand eight hundred regulars, and that he surrendered to prevent the effusion of human blood. That he magnified their regular force nearly five fold, there can be no doubt. Whether the philanthropic reason assign-

ed by him is a sufficient justification for surrendering a fortified town, an army and a territory, is for the government to determine. Confident I am, that had the courage and conduct of the general been equal to the spirit and zeal of the troops, the event would have been as brilliant and successful as it now is disastrous and dishonorable.

Very respectfully, sir,. I have the honor to be, your most obedienl servant,

LEWIS CASS,

Col. 3d Regt. Ohio Volunteers.

The Hon. **Was. EUSTIS**,
Secretary of War.

Legislature of Maryland—The following Preamble and Resoluitims were ordered 'to be printed in the House of Delegates.

Whereas, The president of the United States called upon the executive of this state to furnish.his proportion of one I.- ndred thousand militia, by virtue of an act of congress, passed 10th April 1812 ; and it appearing to this general assembly,that the said requisition was unaccompanied with either of the exigencies provided by the constitution :—And whereas, the wise and patriotic framers of **our** constitution, having for their object the freedom, the happiness and independence of their country, thought it necessary, in order to preserve this government in its republican form, and secure the blessings of liberty to their posterity, to constitute protecting barriers against an improper or ambitious use of military power :—And whereas, offensive wars, schemes of foreign conquest, accession of territory, or national aggrandizement, are repugnant to the principles of our free institutions—Therefore,

Resolved, That it was never contemplated by the constitution, when it entrusted to the general government

the controul of the militia, in certain emergencies, that it should, by perverted interpretations, at its discretion, use that power in the absence of those emergencies, and that the calling ont of the militia of this state, by the President of the U. States, by virtue of the act aforesaid, without the existence of such emergency, is an open and dangerous innovation upon our rights and liberties.

Resolved, That the power delegated by the constitution to the general government, to raise and support armies, as well from the nature and form of the government, as from the preamble to the constitution, was intended for the defence and protection of our own territory ; and that the invasion of a foreign territory, by armies raised and supported by the general government, and garrisoning our forts with the militia, as a substitute for these armies, is holding them in service longer than any exigency existed, even if any existed at all, and an unwarrantable stretch of power, which must ultimately lead to a consolidation of these United States into a military government, if not timely and vigorously checked and resisted by all lawful and constitutional means.

Resolved, That if the general government, as a part of their policy, prefer the service of the militia to the employment of regular troops, in garrison, or any other military operations, even in the state to which they be- it is, under the constitution, bound to provide all the means necessary for their support, and that it has no power to burthen the states with any of the expenses incident to such service.

Genera Smyth's Vindication of his Conduct in the Failure of his Attempt to invade Canada.

Head Quarters, Camp near Buffalo, Dec. 3.

Gentlemen—You• letter of the 2d Dec. is before me, and I answer it in the following manner

On the 26th October, I ordered that 20 scows should be prepared for the transportation of artillery and cavalry, and put the carpenters of the army upon that duty.

By the 26th of Nov. 10 scows were completed, and by bringing some boats from Lake Ontario, above the falls of Niagara, the number was increased to 70.

I had on the 12th Nov. issued an address to the men of New York, and perhaps 300 had arrived at Buffalo. I presumed the regular troops, and the volunteers under colonels Swift and M'Clure, would furnish 2360 men for duty ; and of general Tannehill's brigade from Pennsylvania, reporting a total of 1650, as many as 412 had volunteered to cross into Canada. My orders were to " cross with 3000 men at once." I deemed myself ready to fulfill them.

Preparatory thereto, on the night of the 27th of Nov. I sent over two parties, one under lieut. colonel Boerstler, the other under Capt. King, with whom Lieut. Angus of the navy, at the head of a body of seamen, united. The first was to capture a guard and destroy a bridge about 5 miles below Fort Erie : the second party was to take and render useless the cannon of the enemy's batteries, and some pieces of light artillery. The first party failed to destroy the bridge—the second, after rendering unserviceable the light artillery, separated by misapprehension. Lieut. Angus, the seamen, and a part of the troops, returned, 'with all the boats, while Capt. King, Capt. Mangan, Capt. Spraul, Lieut. Houston and about 60 men, remained. The party thus reduced, attacked, took, and rendered unserviceable two of the enemy's batteries, captured 34 prisoners, found two boats, in which Capt. King sent his prisoners and about half this party with the other officers ; he himself remaining with 30 men, whom he would not abandon.

Orders had been given, that all the troops in the neighborhood should march, at reveillee, to the place of embarkation. A part of the detachment sent in the night returned and excited apprehensions for the residue, about 250 men under the command of Colonel Winder, suddenly put off in boats for the opposite shore; a part of the force had landed, when a force deemed superior, with one piece of artillery was discovered; a retreat was ordered, and Colonel Winder's detachment suffered a loss of six killed and nineteen wounded, besides some officers.

The general embarkation commenced as the troops arrived—but this being a first embarkation, the whole of the scows were occupied by about one third of the artillery, while about 800 regular infantry, about 200 twelve months volunteers under Colonel Swift, and about 200 of the militia who had volunteered for a few days, occupied all the boats that were ready. The troops, then embarked, moved up the stream to Black Rock, without loss—they were ordered to disembark and dine.

I had received from my commanding general an instruction in the following words—" In all important movements you will, I presume, consider it advisable to consult some of your principal officers." I deemed this equivalent to an order; and the movement important. I called for the field officers of the regulars and twelve months volunteers embarked. Colonel Porter was not found at the moment. These questions were put—is it expedient now to cross ? Is the force we have sufficient to conquer the opposite shore ?

The first question was decided in the negative by Colonels Parker, Schuyler, Winder, Lieutenant Colonels Boerstler, Coles, and Major Campbell—Colonel Swift alone gave an opinion for then crossing over. The second question was not decided. Colonels Parker,

Schuyler, Lieutenant Colonel Coles and Major Campbell were decidedly of opinion that the force was insufficient. Colonels Winder, Swift, Lieut. Colonel Boerstler and Captain Gilman, deemed the force sufficient.

I determined to postpone crossing over until more complete preparations would enable me to embark the whole force at once, the counsel prescribed by my orders. The next day was spent in such preparation, and the troops were ordered to be again at the place of embarkation at 8 o'clock on the morning of the 30th of November. On their arrival they were sent into the adjacent woods, there to build fires, and to remain until 3 o'clock A. M. on the 1st of December, when it was intended to put off two hours before daylight, so as to avoid the enemy's cannon in yassing the position which it was believed they occut)ed below, to land above Chippawa, assault that place, and if successful march through Queenston to Fort George For this expedition, the contractor was called on to furnish rations for 2500 men for four days, when it was found that he could furnish the pork but not the flour—the deputy quarter master called for 60 bbls. and got but 35

The embarkation commenced, but was delayed by circumstances, so as not to be completed until after daylight, when it was found the regular infantry, 688 men, the artillery, 177 men, Swift's volunteers, estimated at 236, companies of federal volunteers under Captains Collins, Phillips, Allison, Moore, Maher and Marshall, amounting to 276 men, commanded by Lieutenant Colonel Mc. Clure, 100 men of Colonel Dobbin's militia, and a few men in a boat with Gen. P. B. Porter, had embarked—the whole on board amounting, exclusive of officers, to 1465 men, or thereabouts; and it was two hours later than had been contemplated. There were some groups of men not yet embarked ; they were applied to, requested and ordered by the brigade major to get into their boats—they did not. The number of



these the brigade major estimated at about 150. It was probably greater. It then became a question whether it was expedient to invade Canada in open daylight, with 1500, at a point where no reinforcements could be expected for some days. I saw that the number of the regular troops was declining rapidly—I knew that on them chiefly I was to depend. I called together the officers commanding corps of the regular army. Col. Parker being sick, those present were Colonel Porter of the artillery, Col. Schuyler, Col. Winder and Lieut. Col. Coles. I put to them this question :—Shall we proceed ? They unanimously decided that we ought not. I foresaw that the volunteers who had come out for a few days, would disperse—several of them had on the evening of the 28th broke their muskets. I foresaw that the number of the regular troops would decrease, the measles and other diseases being among them ; and they were now in tents'' in the month of December. I informed the officers that the attempt to invade Canada would not be made until the army was reinforced; directed them to withdraw their troops, and cover them with huts immediately.

You say that on Saturday every obstruction was removed, and that a landing might have been effected without the loss of a single man. This proves you unacquainted with the occurrences of the day. Colonel Winder, in returning from the enemys shore in the morning, lost a tenth part of 11:s force, in killed and wounded. The enemy showed no more than 500 or 600 men, as estimated by Colonel Parker, and one piece of artillery supposed a nine pounder. That force we no doubt might have overcome, but not without logs; and that, from the great advantage the encnn would have had, might have been considerable.

To recapitulate :—My orders were to pass into Canada with 3000 men at once. On the firA day of embarkation not more than 1100 men were embarked, of whom

400, that is, half the regular infantry, were exhausted with fatigue, and want of rest. On the second embarkation, only 1500 men were embarked, and these were to have put off immediately, and to have descended the river to a point where reinforcements were not to be expected. On both days, many of the regular troops were men in bad health, who could not have stood one day's march ; who, although they were on the sick report, were turned out by their ardent officers. The affair at Queenston is a caution against relying on crowds who go to the banks of Niagara to look on a battle as on a theatrical exhibition ; who, if they are disappointed of the sights, break their muskets : or if they are without rations for a day desert. I have made to you this frank disclosure without admitting your authority to require it, under the impression that you are patriotic and candid men ; and that you will not censure me for following the cautious counsels of experience ; nor join the senseless clamor excited against me by an interested man.

I have some reason to believe that the cautious counsel given by the superior officers of my command was good. • From deserters we learn, that 2344 rations are issued daily on the frontier, on the British side. Captain King, prisoner at Fort George, writes to an officer thus : " Tell our friends to take better care of themselves than it appears I have done."

I am, gentlemen, with great respect, your most obedient,
ALEXANDER SMYTH,
Brigadier General.

FINIS.

