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REPORT
OF THE
COMMITTEE
OF THE
General Assembly,
AT THEIR
SPECIAL SESSION,
August 25, 1812.
ON THAT PART OF
His Excellency the Governour's Speech,
WHICH RELATES TO HIS
CORRESPONDENCE
WITH THE
SECRETARY OF WAR, &c.

NEW-HAVEN,
PRINTED BY WALTER & STEELE.

1812.

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REPORT
OF THE
COMMITTEE
TO THE
General Assembly, &c.

To the Honourable General Assembly now in Session.

THE Committee appointed to take into consideration, that part of his Excellency the Governour's Message, which relates to his correspondence with the Secretary of War and Major General Dearborn—respectfully report:—

That their attention has been devoted to the important subject committed to them, with all that care and deliberation, which its magnitude demands, and which his Excellency the Governour solicits, to the end that “if any errors have been committed, they may at this time, be corrected.”

The Committee consider it as of the highest importance, that no ground should be taken, on this

subject, but that which is strictly constitutional, and that, being taken, it should be maintained at every hazard.

The documents and correspondence which are the subject of consideration being already in the hands of every member of the Legislature, it becomes unnecessary to state their contents. The Committee would refer to those documents. Under a law authorizing a detachment of Militia, to be called into the service of the United States, "*in all the exigencies provided by the Constitution,*" the quota of this State has been demanded "*to repel invasion.*" Invasion is the only exigency which is claimed to have occurred; and the only evidence of invasion, which has been furnished, or which is pretended to exist, is to be found in the letter of the Secretary of War, to his Honour Lieutenant Governour Smith, dated July 14, 1812; unless indeed, it is to be found in the evidence there referred to, *viz.* the Declaration of War against Great Britain, which had prior to that time, been officially communicated to his Excellency the Governour. This appears to be the sole evidence relied upon to justify the demand of the militia; and the Secretary of War appears, by his letter above referred to, to be surprized that any other evidence should be required.

From this letter, as well as from the whole proceedings which have taken place, it is very apparent, that the claim set up, by the administration of the government of the United States, is, that when a war has been declared to exist, between this, and any foreign country, the Militia of the several states are liable to be demanded, by the Administration of the Government of the United States, to be called into the service of the United States, to enter their forts, and there remain, upon the presumption, that the enemy *may* invade the place or places, which they are ordered to garrison and defend. And that for this purpose they may be ordered to any part of the United States; for it will be remarked that no pretension is set up, that any more, or greater danger of invasion exists, at New-London or New-Haven, than exists in any other place on the sea coast.

It is true that the Secretary of War, after expressing his surprize that any other evidence should be required of imminent danger of invasion, after the Declaration of War had been promulgated and officially communicated, does say, "that I am instructed by the President to state to you that such danger actually exists." No *place* is pointed out, as in more danger of such invasion, than any other. It all rests upon the danger apprehended, from the state of war.

If this claim is well founded, it will follow, that there is no *constitutional* objection, to the Militia remaining in the service of the United States, during the continuance of the war. For, although the act of Congress under which they are now called to serve, limits the period of service to six months, yet by the Constitution, the United States have surely a right to the services of the Militia, during the existence of the invasion, until it is effectually repelled. Upon the principle, that a state of war necessarily implies a state of invasion, or that imminent danger of invasion which the Militia are obliged to meet and repel, congress *may* pass a law, by which their services shall be required, during the continuance of the invasion, or, in other words, during the continuance of the war.

The war, in which this country is now unhappily engaged, has been declared by our own government. Not because the country is invaded, or threatened with invasion, but to seek redress and indemnification for injuries and wrongs of which we complain, by *invasion* and *conquest* of the territories of the enemy. It is not a *defensive*, but *offensive* war.

At the time when the demand was made for the Militia, the war had been recently declared; it was not then even known to the nation against which it was declared. The invasion then existing, or danger of invasion then expected, must be presumed to last, as long as the war shall last.—It may be presumed to increase. Invasion

of the territory of the enemy may be expected, when known, to produce retaliation. If then the Militia can be constitutionally required, to man the garrisons of the United States, they may continue to be so required, as long as the danger continues to exist; and so become, for all the purposes of carrying on the war, within the United States, standing troops of the United States. And a declaration of war made by the administration of the government of the United States, and announced to the Governours of the States, will substantially convert the Militia of the States into such troops. Before it is agreed that the States have ceded such a power to the United States, the question ought to be examined with much attention.

On the fullest deliberation, your committee are not able to discover, that the Constitution of the United States justifies this claim.

The people of this State were among the first to adopt that Constitution—They have been among the most prompt to satisfy all its lawful demands, and to give facility to its fair operations—they have enjoyed the benefits resulting from the union of the States; they have loved, and still love, and cherish *that* union, and will deeply regret, if any events shall occur to alienate their affection from it. They have a deep interest in its preservation, and are still disposed to yield a willing and prompt obedience to all the legitimate requirements of the Constitution of the United States.

But it must not be forgotten, that the State of Connecticut is a FREE, SOVEREIGN and INDEPENDENT State; that the United States are a *Confederacy* of States; that we are a confederated, and not a consolidated Republic. The Governour of this State is under as high and solemn obligations, “*to maintain the lawful rights and privileges thereof, as a sovereign, free and independent State,*” as he is “*to support the Constitution of the United States,*” and the obligation to sup-

port the latter, imposes an additional obligation to support the former. The building cannot stand, if the pillars, upon which it rests, are impaired or destroyed. The same Constitution, which delegates powers to the General Government, inhibits the exercise of powers, not delegated, and reserves those powers to the States respectively. The power to use the Militia "to execute the Laws, suppress insurrections and repel invasions," is granted to the General Government. All other power over them is reserved to the States. And to add to their security, on the all important subject of their Militia, the power of appointing their officers is *expressly* reserved. If then the administration of the General Government demand the Militia, when neither of the exigencies provided for by the Constitution have occurred, or to be used *for purposes* not contemplated by that Instrument, it would be not only the height of injustice to the Militia, to be ordered into the service of the United States, to do such duty, but a violation of the Constitution and Laws of this State, and of the United States. Once employed in the service of the United States, the Militia would become subject to the articles of War, and exposed to be punished with Death, if they should leave a service, which by the Constitution of their Country, they are not bound to perform.

From an attentive consideration of the Constitution and Laws of the United States, it is evident to the Committee, that the Militia of the several States are to be employed by the United States, for the purpose only of performing special services, in cases where no other military force could be conveniently had, or properly exercised; and when those services are performed, they are to return to their several homes. The Committee cannot believe, that it was ever intended that they should be liable, on demand of the President upon the Governour of the State, to be ordered into the service of the United States, to assist in carrying on an offensive War. They can only be so employed, under an Act of the Legislature of the State, authorizing it. On the

expediency of passing such a Law, or adopting any measures which the war may render necessary, the Committee do not consider it, as within their commission to decide.

If Congress, or the President of the United States shall apply to this State, to furnish troops to assist in carrying on the War, the request will doubtless meet with the attention which it will merit.

The Committee will only take the liberty to remark, that, should the manner in which the War is waged, or prosecuted, induce the enemy to retaliate, by an actual invasion of any portion of our territory, or should we be threatened with invasion, or attack from any enemies, the Militia will always be prompt and zealous, to defend their Country.

The Government of this State, as it ever has been, so it will continue to be, ready to comply with all constitutional requisitions of the General Government. Faithful to itself and posterity, it will be faithful to the United States.

The Committee, on a full view, and deliberate consideration of the subject referred to them, are of opinion, that the conduct of his Excellency the Governour, regarding the same, has been regulated by a strict regard to the rights and interests of this State and the militia thereof, as well as the Constitution of the United States, and ought to be approved; for which, the Committee have prepared a Resolve, which is herewith presented.

All which is respectfully submitted.

General Assembly, Special Session, }

August, 1812. }

(Signed per order.) CALVIN GODDARD.

In the House of Representatives, the foregoing Report is accepted and approved.

Attest, CHARLES DENISON, *Clerk.*

Concurred, in the Upper House.

Attest, THOMAS DAY, *Secretary.*

RESOLVED, That the conduct of His Excellency the Governour, in refusing to order the Militia of this State into the service of the United States, on the requisition of the Secretary of War and Major-General Dearborn, meets with the entire approbation of this Assembly.

General Assembly, Special Session, }
 August, 1812. }

Passed in the House of Representatives.

Attest, CHARLES DENISON, *Clerk.*

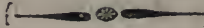
Concurred in the Upper House.

Attest, THOMAS DAY, *Secretary.*

DECLARATION

OF THE

GENERAL ASSEMBLY,

At their Special Session, August 25, 1812.

THE Legislature of the State of Connecticut, convened to consult the welfare, and provide for the defence of the state, at this interesting and eventful period, avail themselves of the opportunity thus afforded to declare and resolve,

That while some of their sister States offer assurances of their unqualified approbation of the measures of the General Government, in respect to our foreign relations, we confidently trust that the motives which influence us to declare what we believe to be the deliberate and solemn sense of the people of this State, on the question of the war, will be justly appreciated.

The people of this State view the war as unnecessary.

Without pretending to an exclusive or superior love of country to what is common to their fellow citizens, or arrogating a pre-eminence in those virtues which adorn our history, they yield to none in attachment to the Un-

ion or veneration of the Constitution. The union, cemented by the blood of the American people, is endeared to our best affections, and prized as an invaluable legacy bequeathed to us and our posterity by the founders of our empire.

The people of this State were among the first to adopt the Constitution. Having shared largely in its blessings, and confidently trusting, that under the guardianship of the people, and of the States, it will be found competent to the objects of its institution, in all the various vicissitudes of our affairs, they will be the last to abandon the high hopes it affords of the future prosperity and glory of our country.

These sentiments of attachment to the Union, and to the Constitution, are believed to be common to the American people, and those who express and disseminate distrusts of their fidelity to both or either, we cannot regard as the most discreet of their friends.

Unfortunately our country is now involved in that awful conflict which has desolated the fairest portion of Europe. Between the belligerents Great Britain is selected for our enemy. We are not the apologists of the wrongs of foreign nations—we enquire not as to the comparative demerits of their respective decrees or orders. We will never deliberate on the choice of a foreign master. The aggressions of both nations ought to have been met at the outset by a system of defensive protection commensurate to our means, and adapted to the crisis. Other counsels prevailed, and that system of commercial restrictions, which before had distressed the people of Europe, was extended to our country. We became parties to the continental system of the French Emperor. Whatever its pressure may have been elsewhere, on our citizens it has operated with intolerable severity and hardship.

In the midst of these sufferings, war is declared, and that nation of the two is selected as a foe, which is capable of inflicting the greatest injury. In this selection we view with the deepest solicitude, a tendency to entangle us in an alliance with a nation which has subverted every Republic in Europe, and whose connections, wherever formed, have been fatal to civil liberty.

Of the operation of her decrees on the American commerce, it is not necessary here to remark. The repeal of them, promulgated in this country since the declaration of war, virtually declares that the American government was not to be trusted. Insult is thus added to injury.

Should a continuance of this war exclude our sea-faring and mercantile citizens from the use of the ocean, and our invaluable institutions be sacrificed by an alliance with France, the measure of our degradation and wretchedness would be full.

War, always calamitous, in this case portentous of great evils, enacted against a nation powerful in her armies, and without a rival on the ocean, cannot be viewed by us but with the deepest regret. A nation without fleets, without armies, with an impoverished treasury, with a frontier by sea and land extending many hundred miles, feebly defended, waging a war, hath not "*first counted the cost.*"

By the Constitution of the United States, the power of declaring war is vested in congress. They have declared war against Great-Britain. However much this measure is regretted, the General Assembly, ever regardful of their duty to the general government, will perform all their obligations resulting from this act. With this view they have at this session provided for the more effectual organization of the military force of the state, and a supply of the munitions of war. These will be employed, should the public exigencies require it, in defence

of this state and of our sister states, in compliance with the constitution; and it is not to be doubted but that the citizens of this state will be found, at the constitutional call of their country, among the foremost in its defence.

To the United States is delegated the power, to call forth the Militia to execute the laws, to suppress insurrection, and repel invasion. To the States respectively is reserved the entire controul of the Militia; except in the cases specified. In this view of that important provision of the Constitution; the Legislature fully accord with the decision of His Excellency the Governour in refusing to comply with the requisition of the General Government for a portion of the Militia. While it is to be regretted that any difference of opinion on that subject should have arisen, the conduct of the Chief Magistrate of this State, in maintaining its immunities and privileges, meets our cordial approbation. The Legislature also entertain no doubt that the Militia of the State will, under the direction of the Captain General, be ever ready to perform their duty to the State and nation in peace or war. They are aware that in a protracted war, the burden upon the militia may become almost insupportable, as a spirit of acquisition and extension of territory appears to influence the councils of the nation, which may require the employment the whole regular forces of the United States in foreign conquest, and leave our maritime frontier defenceless, or to be protected solely by the militia of the states.

At this period of anxiety among all classes of citizens, we learn with pleasure, that a prominent cause of the war is removed by a late measure of the British Cabinet. The revocation of the Orders in Council, it is hoped, will be met by a sincere spirit of conciliation on the part of our administration, and speedily restore to our nation the blessings of a solid and honourable peace.

In the event of the continuance of the war, the Legislature rely on the people of Connecticut, looking to

HIM who holds the destinies of empires in His hands, for aid, to maintain those institutions which their venerable ancestors established, and to preserve inviolate those invaluable privileges which their Fathers acquired, and which are consecrated by their blood.

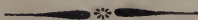
Passed in the House of Representatives.

Attest, CHARLES DENISON, *Clerk.*

Concurred in the Upper House.

Attest, THOMAS DAY, *Secretary.*

General Assembly, }
August, 1812. }



At a General Assembly of the State of Connecticut, holden at New-Haven, in said State, by special order of his Excellency the Governour, on the fourth Tuesday of August, A. D. 1812.

RESOLVED, That the conduct of his Excellency the Governour, in convening the General Assembly, at this interesting crisis, is approved as a measure founded in wisdom, prudence, and a regard to the best interests of the State.

A true copy of record,

Examined by

THOMAS DAY, *Secretary.*



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