FROM THE BALTIMORE AMERICAN.

The resolutions offered to the General Assembly of Maryland, by a federal member of the House of Delegates, and published in a subsequent column, abound in novelties and heresies of the most pernicious tendency. The preamble asserts that the call made by the President upon the Executive of Maryland to order into the national service a portion of our militia "was unaccompanied with either of the exigencies provided by the constitution." The provision of the federal constitution on this subject explicitly vests in the general government the power to call forth the militia "to execute the laws of the Union, suppress insurrection and repel invasion." Under this provision Congress passed a law authorising the President to call out the militia on the occurrence of either of these exigencies, or in case of *imminent danger* of invasion. War was declared: the enemy resided on our very borders: they could at any moment invade us, and subject our people to incessant depredations. No man can doubt that we were and are now "in imminent anger of invasion."—We have been actually invaded. A whole Territory has been wrested from us, and is occupied by the enemy to this day. The disastrous event demonstrates the reality of the opinion, upon which the President founded his call for small portions of the militia to be stationed at specified places for defence, "that the country was in imminent danger of invasion." He was therefore fully justified, it was his sacred & bounden duty, to make the call; and those States which disobeyed it have violated the solemn obligations, the sworn fidelity they owed to government; they have violated the sacred instrument of our Union, of our national defence and our national power. They have practised upon "a novel and unfortunate exposition of the provisions of the constitution," which, we awfully apprehend, may one day lead to a subversion of the Union. "It is obvious that if the authority of the U. States to call into service and command the militia for the public defence, can be thus frustrated, even in a state of declared war, and of course under apprehensions of invasion preceding war, they are not one nation for the purpose most of all requiring it; and the public safety may have no other resources than in those large and permanent military establishments which are forbidden by the principles of our free government, and against the necessity of which the militia were meant to be a constitutional bulwark."

The preamble in question, in the asseveration that neither of the exigencies provided by the constitution for calling out the militia existed, has violated the fact. Not only was the country in "imminent danger of invasion;" but the declaration of war was a law of the Union, and of course the President possessed a right to order out the militia to execute that law, as far at least as it concerned the public defence. Thus it appears that two of the exigencies accompanied the call made by the general government.

But the preamble contains an accusation against the government, of having engaged in an *offensive* war for the purpose of foreign conquest. The war is strictly a defensive one, & was not waged on our part until the enemy had been committing the most injurious and humiliating hostilities upon us for several years. It is true that the war is very *offensive* to the British, and to their "friends in Congress" and elsewhere; it is no doubt offensive to the mover of the resolutions under consideration; but it is not an offensive war, according to the usual acceptance of the term. As to foreign conquests, it is as plain as the light of day that a strictly defensive contest authorises and requires us to injure the enemy at every possible and vulnerable point. The conquest of Canada, if it can be effected, is demanded by every principle of common sense, is justified by the invariable usage of nations, and is requisite to ensure a successful, beneficial and glorious issue to the war. It betrays either extreme stupidity or profligate knavery in any American, to say that because England has injured us principally on the ocean, we must confine our defensive or offensive operations against her to that element. The object of the war to affect her interests to such an extent as to induce her to respect our rights, and to do us justice. The mode of attaining that object cannot be limited to the seas.

The first resolution denominates the call of the President for the militia "an open and a dangerous innovation upon our rights and liberties." What was the end proposed by the President? It was to defend the nation, to secure its safety, its rights and liberties, its very firesides and altars. The resolution is therefore absurd; because it stigmatizes that measure, which was to protect our rights and liberties, as a "dangerous innovation" upon those inestimable blessings.

The second resolution, if it has any meaning, seems to assume the extraordinary position, that the regular army, and not the militia, was intended by the constitution for the defence of our own Territory. We have always supposed that the militia constituted the grand bulwark of our home defence, and that the power of the general government to raise armies was given to enable it to repel foreign aggressions by carrying on military operations wherever a foreign enemy could be molested or injured.—If the regular army cannot be employed out of our own limits; if we must rely upon it, and not upon the militia, for the defence of our country, then was the general government instituted in vain, and our dearest rights & liberties are to become the sport of standing armies in time of peace! From such pernicious doctrines may Heaven speedily deliver us!

It is evident that the resolutions have grown out of a spirit of opposition to the government and that they were intended to aid the Executives of other States in embarrassing the belligerent operations of the nation, and to disarm the government, for the purpose of producing a failure & a cessation of the contest with England. We trust that the patriotic people of this State will never suffer the "counteracting spirit of federalism," manifested in these resolutions, thus to defeat the war.

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The following preamble and resolutions have been laid on the table of the House of Delegates of this State, and ordered to be printed That they will pass that branch of the Legislature there is little doubt, but relying with confidence on the good sense and patriotism of the Senate, we can venture to predict that they will meet with the prompt and decided rejection in that body which they merit.

[*Md Rep.*

## PREAMBLE & RESOLUTIONS

"*Whereas*, The President of the United States called upon the late Executive of this State to furnish his proportion of one hundred 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, to secure the blessings of liberty to their posterity, to constitute protecting barriers against an improper or ambitious use of the 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 control 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 out the militia of this State, by the President of 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 militia, as a substitute for those 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 belong, 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 expences incident to such service."

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## INDIAN WAR.

*Louisville. (Kent'y) Dec. 8.*

To the politeness of col. Richard Taylor of Frankfort, we are indebted for the following particulars of the army under the command of maj. general Samuel Hopkins.

The army (1,200) reached the Prophet's town on the 20th or 21st, and destroyed the town which had been rebuilt—also a Potawatamie & Winebago town, the whole number of houses destroyed about two hundred and twenty, together with about three miles of fencing burned. The next day col. Miller went out with a small party to reconnitre and about 7 miles east of the Prophet's town they heard Indians and supposed they were in council—they there discovered two horses & brought them in with them—the day after four consisting of Le Plant the interpreter, Dr. Guest, Lt. Tibbles and Isaac Dunn went out on a scouting party, fell in with a party of Indians and in the conflict Dunn fell—the other three escaped unhurt. The following day sixty or (sixty two) brave men headed by col. Miller went out for the purpose of burying Dunn, whom they found mangled in a most horrid manner, and while there, an Indian mounted on a very fleet horse was descried, (which no doubt was sent out by the Indians in order to decoy the party) was pursued until the party were surprised by a body of Indians that had been in ambush, the ground a head unfavorable, being a perfect swamp, our men though so inferior in numbers fought through those savages and made good their retreat with the loss of sixteen men killed and three wounded. Of the killed were eleven rangers of capt. Bacher's company. Kentuckians, Murray & Edwards of Nelson county, Ensign Mars of Jefferson county, Mr. Webb of Shelby county, and Saml. Rose a volunteer from Jefferson county, and Lt Little severely wounded a Mr. Shannon, and Mr. Dubois slightly wounded.

The army the day afterwards, interred the dead and found an encampment where they supposed 300 Indians had been and confirmed by a squaw who had been taken by col. Millers party.

Captain Taylor left the army 50 miles above fort Harrison on Saturday week with the wounded and was engaged all that day in cutting through the ice. The army generally distressed for want of winter clothing; but well provided as to provisions, liquor excepted.

The squaw states (says capt. Taylor) Tecumseh with the party he had in Canada were at Missiscinawa fortifying and erecting a garrison.

It is a source of deep regret with us that, our duty compels us to detail the foregoing melancholy account from Gen. Hopkins's army—it is the more painful as many of the unfortunate sufferers were well known to us, and in their fall, we can truly say, society has met a severe loss. Mr. Isaac Dunn was a young lawyer of promising talents from Bardstown whose ardor in pursuit of glory, unfortunately for himself and those who afterwards suffered in the discharge of their duty to a fallen brother soldier, has benefitted their country but little on this occasion, and tho' it is far from us to throw the slightest shade of censure on the expedition, or those who conducted it, we cannot but remark with astonishment, that 62 no doubt of our bravest and best men should be permitted to be entrapped by a savage foe, whilst the balance of the army were idle, or perhaps uselessly employed. Lieuts. Murray & Edwards, of Nelson county, were young men of talents and worth, whose country must feel their loss. Mr. Webb, of Shelby county, was an elderly man, much respected, & has no doubt left a numerous connection to lament his untimly death Ensign James Mars, of this county, was a young man of undoubted courage and much respected, who, in the attempt to serve his country and revenge the death of a beloved brother (who was killed at the memorable battle of Tippacanoe last fall) has added a fresh pang to the affliction of his aged parents.

## WASHINGTON CITY Dec 24.

*Copy of a despatch from Brigadier General Smyth to Major General Dearborn, transmitted to the Secretary at War.*

*Camp, near Buffaloe, Dec. 4 1812.*

SIR,

The troops under my command having been ordered to hut themselves for the winter, it becomes my duty to report to you the proceedings had here since I took the command on this frontier.

On or about the 26th of 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 November, ten scows were completed; and by bringing boats from Lake Ontario, the number was increased to seventy.

I had issued an address to the men of New York, and perhaps 300 volunteers had arrived at Buffaloe. I presumed that the regular troops, and the volunteers under Cols Swift and M'Clure would furnish 2 300 men for duty; and of Gen. Tannehill's brigade, reporting a total of 1650, as many as 413 had volunteered to cross into Canada. I deemed myself ready to 'cross with 3000 men at *once*,' according to your orders.

Preparatory thereto, on the night of the 27th of November, I sent over two parties, one under Lieut. Col. Boerstler the other under Capt King, with whom Lieut. Angus of the Navy, at the head of a body of seamen, united. The first mentioned party was to capture a guard and destroy a bridge about five miles below Fort Erie; the second party were to take and render useless the cannon of the enemy's batteries, and some pieces of light artillery The first party made some prisoners, but failed to destroy the bridge; the second party, after rendering unserviceable the light artillery, separated by some misapprehension. Lieut. Angus, the seamen, and a part of the troops returned with all the boats; while capt King, capt Morgan, capt Sproul, lieut Houston, and about 60 men remained. Capt King, notwithstanding, with those under his command, advanced to the enemy's batteries, attacked and took two of them in succession, rendered unserviceable the cannon, and took a number of prisoners. In descending the Niagara some distance, two boats were found on board of which capt King sent his prisoners, all his officers, and half his men. His high sense of honor would not allow him to quit the remainder. He was captured with them

Orders had been given that all the troops in the neighborhood, should march, at reveille, to the place of embarkation. A part of the detachment sent in the night, having returned and excited apprehensions for the residue, about 250 men, under col Winder, put off in boats for the opposite shore; a part of their force had landed when a force with a piece of artillery appeared A retreat was ordered; and colonel Winder's detachment suffered a loss of six killed and twenty wounded, of whom six were officers.

The general embarkation commenced as the troops arrived; but this being the first time the troops had embarked, the whole of the scows were occupied by about one third part of the artillery, while about 800 regular infantry, something upwards of 200 twelve months volunteers and perhaps 200 of those militia who had volunteered their services for a few days, occupied all the boats that were ready The troops then embarked, moved up the stream to Black Rock without sustaining loss from the enemy's fire. It was now the afternoon, and they were ordered to disembark and dine.

The enemy shewed a force estimated at 5 or 600 men, drawn up in a field at some distance from the river; and had one piece of artillery, said to be a 9-pounder, ready to fire on our troops.

There remained unembarked, a part of the artillery; a few cavalry; the volunteers under col. M'Clure, amounting on that day to 340 men; a detachment from gen. Tannehill's brigade (number unknown and little relied on)* There were also sundry crowds who might, perhaps have followed the army—if it was successful.

Recollecting your instructions "to cross with 3000 men *at once*," and to consult some of my principal officers in 'all important movements,' I called for the field officers of the regular and twelve months volunteers embarked. Col Porter not being found at the moment, capt. Gibson was called as the next senior officer of artillery

These questions were put:—*Is it expedient* NOW *to cross over? Is the force we have sufficient to conquer the opposite coast?*

The first question was decided in the negative by cols Parker, Schuyler, Winder, lieut. cols Boerstler and Coles and major Campbell. Col Swift of volunteers *alone* gave an opinion for *then* crossing over.

The second question was not decided.—Col. Parker, col Schuyler, lieut. col Coles, and major Campbell were decidedly of opinion that the force was insufficient. Colonel Winder, col Swift, lieut. col. Boerstler and captain Gibson, deemed the force sufficient.

I determined to postpone crossing over untill more complete preparation would enable me to embark the whole force *at once*, according to your instructions. The next day was spent in such preparations, and the troops were ordered to be again at the place of embarkation at 8 o'clock on the morning of the 30th November On their arrival they were sent into the adjacent woods, there to build fires and remain until 3 o'clock in the morning of the first of December; when it was intended to put off two hours before day light, so as to avoid the fire of the enemy's cannon in passing the position which it was believed they occupied below, to land above Chippeway, assault that place, and if successful, march through Queen'stown for Fort George The contractor was called on to furnish rations for 2500 men for four days, when it was found he could furnish the pork, but not the flour. Sixty barrels were required, and only thirty five furnished.

The embarkation commenced, but was delayed by circumstances so as not to be completed until after day light, when it was found that the regular infantry 688 men, the artillery. 177 men, col Swift's volunteers, about 230, six companies of federal volunteers, amounting to 276 men, about 100 militia of col Dobbin's regiment and a few men in a boat, with Mr. P B Porter, contractors agent, who was to pilot the enterprize, had embarked; the whole on board without the commissioned officers, being about 1500 men, or thereabouts; and it was now two hours later than the time fixed on for setting out. There were some groups of men not yet embarked; they were applied to requested and urged by the brigade major to get into the boats; they did not—He estimated their number at 150. It was probably greater

It then became a question whether it was expedient to invade Canada in open day light, with 1500 men, 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, col 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 25th broke their muskets, because they had not seen a battle I foresaw that the number of the regular troops would decrease; the measles had affected them generally; the consequent use of fresh meat had produced dyssenteries 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—and directed them to withdraw their troops and cover them with huts immediately.

The volunteers and neighbouring people were dissatisfied, and it has been in the power of the contractors agent to excite some clamor against the course pursued. He finds the contract a losing one at this time, and would wish to see the army in Canada, that he might not be bound to supply it.

I am sorry the situation of the force under my command had not been such as to make the propriety of a forward movement obvious to all Circumstanced as we were, have tho't it my duty to follow the cautious counsels of experience, and not by participation, to add another to the list of our defeats

You will perceive my motives by my letter of the 30th October, wherein I said, "I would cross in 3 days, if I had the means.—Without them, it would be injustice to the nation, and myself to attempt it. *I must not be defeated.*"

Allow me to recommend to your attention, and that of the Secretary of War, Captain William King, of the 15th infantry, as an officer of the first class. His dauntless bravery, refined mind, high sense of honor, and ambition to distinguish himself, render him a fit subject for promotion; and he is, perhaps, the best disciplinarian in the army.

I have the honor to be,
With perfect respect, sir,
Your most obedient,
ALEXANDER SMYTH,
*Brigadier General.*

*Major Gen. Dearborn*

*Six hundred of Gen. Tannehill's brigade deserted in twenty four hours A Court Martial of this brigade have fined a man *twelve and a half* cents for the crime of desertion!*

## LATEST FRENCH NEWS.

NEW YORK, DEC. 21.

By the Dick, from Bordeaux, we have French papers to the 4th ultimo. They contain the French Bulletins to No 33, the last of which is dated at Moscow, October 9. It states that the advanced guard of the Grand Army was posted 20 leagues from Moscow; that the Russian army was quartered upon Kolonga; that skirmishes took place daily, in which the French were victorious; that the Duke of Elchingen, with his division was at Boghordock; and that Murats division was at Troitsa. It also states, that the able Russian General, Prince Bagration, had died of his wounds; and that the inhabitants of Moscow were returning to their homes; and that Napoleon was in good health, & doing all he he could to make them comfortable.

On this news the Evening Post observes, "it will be recollected, that Bonaparte entered Moscow on the 15th of September; from the above mentioned Bulletin, it appears, that on the 9th of October he remained in the same situation, having done nothing more towards the conquest of Russia. This is certainly against him; and if he is obliged to remain there thro' the winter, altho' he may be in "good health," he will be indisposed before spring."

We learn verbally, that Massena was still at Bayonne, waiting for reinforcements; and the French troops in Spain and Portugal suffering for the necessaries of life.

It was reported in France, that the Emperor had sent for Mr. Barlow to meet him at Wilna.

The report of the death of Prince Bagration was not believed in France.

It will be seen under the Boston marine head that the British brig of war Plumper was wrecked in the gale of the 5th inst. on Point Lapro.

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## LATEST FROM ENGLAND.

PHILADELPHIA, DEC. 21.

Arrived cartel ship George Washington, capt. Warrenton, in 50 days from Liverpool. To the politeness of Mr. Guire, a passenger, the Editor of the Freeman's Journal is indebted for London papers to the 27th, and Liverpool papers to the 28th Oct, inclusive.

The ministerial party has completely succeeded in the recent elections in England, and was said, that as America had declared war, it should be a war of extermination, and that either her or Great Britain must fall.

A proclamation was issued by the Prince Regent in Council, declaring all English sailors traitors, who are found on board American vessels.

We are also informed, that a Proclamation had been issued declaring THAT ALL BRITISH SUBJECTS NATURALIZED IN THE U. STATES, WHO WERE FOUND IN ARMS AGAINST ENGLAND SHOULD BE CONSIDERED AS TRAITORS AND SUFFER DEATH. This Proclamation is not to be found in the papers in our possession and if issued at all, must be in the papers of the 22d, 23d or 24th of October, which are missing from our file. But we are inclined to believe that the report has originated in mistake from the circumstance of the Proclamation respecting the sailors mentioned above.

The Russian fleet was to be sent to England for safety, and preparations were making at Portsmouth for its arrival.

One of the oldest & most respectable houses in London, in the Danish trade, has failed

The last accounts from the north stated, that three several Russian armies had got into Bonaparte's rear, and his retreat was cut off. Smolentko was again in possession of the Russians. Prince Bagration had died of the wounds he received in the battle of Moska. [Doubted.]

Burgus still held out against Lord Wellington.

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## VIRGINIA LEGISLATURE.

HOUSE OF DELEGATES.

*Tuesday, Dec. 15.*

On motion of Mr Lee (of Norfolk borough) accoaded by Mr Mercer,

The following Preamble and Resolutions, being twice read were on the question put thereupon, *unanimously* adopted by the House.

Whereas the General Assembly of Virginia entertains a just sense of the Utility of the American Navy, as a shield of Commerce, an instrument of War, and a Bond of that Happy Union which encircles the good people of these states, and constitutes them One People; and whereas, it is not more the duty of the Congress of the United States to reward the illustrious actions of the citizens of the United States in general, than it is the duty of the several State Governments to honor by special distinctions the patriotic deeds of their respective citizens. Be it therefore unanimously resolved, that the General Assembly of this Commonwealth holds in high estimation the valor and intrepidity displayed by Commodore *Decatur*, his officers and crew, in the late Gallant Victory obtained by the United States' Frigate *United States*, over his Britannic Majesty's frigate the *Macedonian*.

And be it, further, unanimously resolved, that the Governor of this Commonwealth be, and he is hereby requested to present, along with the thanks of the General Assembly, in the name of this Commonwealth, to Commodore *Stephen Decatur*, and to Lieuts. *Wm H. Allen* and *John C. Nicholson*, appropriate swords, commemorative of the late gallant exploits of themselves and their brave compatriots, of the frigate *United States*

Resolved unanimously, that the General Assembly tender their most sincere and affectionate condolement to the friends and relatives of those gallant souls who resisted, while vindicating the rights of their country