

Fellow citizens of the Senate

and of the House of Representatives,

The Secretary for the Department of War

by official communication under date of the 15th of April 1812 informed me, that he was instructed by the President of the United States, to call upon the executives of the several states, to take effectual measures, to organize arm and equip according to law and hold in readiness to march at a moments warning their respective proportions of one hundred thousand militia, officers included, by virtue of an Act of Congress passed the 10th of the same month entitled "An Act to authorize a Detachment from the Militia of the United States." This communication was therefore to require of me to take effectual measures for having one thousand of the militia of Delaware, (being her quota) detached and duly organized in Companies, Battalions, Regiments, Brigades and Divisions within the shortest period, that circumstance, would permit and as nearly as possible in the following proportions of Artillery, Cavalry and Infantry; viz - one twentieth part of Artillery, one twentieth part of Cavalry and the Residue Infantry: the communication requiring that each Corps should be properly armed and equipped for actual service.

Respect for the constitutional authorities of the United States, the high sense, which I entertain, of the honour and patriotism of this State, the prospect of approaching war rendered apparently inevitable by the long continued and increasing injustice of a foreign nation, our exposed situation in case of such emergency, and the total want of preparation in this State to meet this emergency imperiously urge me promptly and efficiently to comply with the requisition ^{thus} communicated. Without your aid compliance is impossible.

The Legislature of this State by an Act passed February 2 1811 entitled "A Supplement to an Act entitled 'An Act to establish an uniform militia throughout this State'" having enacted, that no officer, non commissioned officer or private should be subject to any fine or forfeiture by reason of non attendance or being absent on company or regimental day of meeting required by any militia laws of this State, these laws remain mere forms. Few or none of my fellow citizens will accept or hold commissions given

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The Legislature of this State by an Act passed February 2: 1811 entitled "A Supplement to an Act entitled 'An Act to establish an uniform Militia throughout this State'" having enacted, that no officer, nor commissioned officer or private should be subject to any fine or forfeiture by reason of non attendance or being absent on company or regimental day of meeting required by any militia law of this State, these laws remain mere forms. Few of our fellow citizens will accept or hold commission, giving to them the semblance of rights of command, which they know, that they cannot enforce. Few or none of our fellow citizens will

enrol themselves in companies, arm themselves, or perform military duty knowing that their neglect subjects them to no penalty and also knowing that the patriotic exertions of individuals without the countenance and aid of the legislature cannot organize the militia. The militia is in consequence disembodied: it is without organization and without arms. In this condition of the militia I cannot take effectual measures for having one thousand of the militia of the State detached and duly organized according to the requisition of the President of the United States.

Desirous that the expenses of specially convening you might be avoided, I at your last session submitted to you the propriety of an immediate amendment of our militia law; and alluding to the foreign relations of the United States, I suggested, that if your attention were not directed to the revival of these laws during that session, I might be compelled to call you together for this purpose before the close of the year; and upon receiving the above mentioned communication I imparted the subject of it to the adjutant general. This Officer ~~de faxma~~ alleged, that orders for effecting what this communication requires of me, under the existing militia law of the State could not be executed.

I therefore deemed it my indispensable duty to convene you to submit this subject to your consideration. In this State it is not a question, whether the authority of the United States, is to be respected. The State of Delaware will never hesitate to cooperate with her sister States, in defending the common rights of the nation. In all exertions to support the sovereignty and independence of our country she will ever claim to have a conspicuous part. The dignity of the State would not suffer me to issue orders, which all must know to be nugatory, trifling with the occasion. You will enable me to comply with the requisition, which has been made of me, in such manner as shall comport with the honour and patriotism of the State.

By an Act of Assembly passed January 31. 1809 entitled "An Act to authorize the Governor to purchase arms, for the use of the State", the Governor was authorized and required to purchase for the use of the State such arms and equipments - particularly mentioned in the Act - as might be necessary to arm and furnish the quota of militia required from this State, or

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Desirous that the expenses of specially convening you might be avoided, I at your last session submitted to you the propriety of an immediate amendment of our Militia laws; and alluding to the foreign relations of the United States I suggested, that if your attention were not directed to the revision of these laws during that session, I might be compelled to call you together for this purpose before the close of the year; and upon receiving the above mentioned communication I imparted the subject of it to the Adjutant General. This Officer ~~in former~~ alleged, that orders for effecting what this communication requires of me, under the existing Militia laws of the State could not be executed.

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By an Act of Assembly passed January 31. 1809 entitled "An Act to authorize the Governor to purchase arms, for the use of the State," the Governor was authorized and required to purchase for the use of the State such arms and equipments - particularly mentioned in the Act - as might be necessary to arm and furnish the quota of militia required from this State, or any part thereof, whenever the said quota or any part thereof might be called into actual service and an appropriation was made for this purpose. When this law was passed,

a quota of the militia of this State had been detached and was held in readiness to march according to a previous requisition of the President of the United States. The law authorized the purchase to arm and furnish the quota required; it authorized this purchase only when this quota or any part thereof should be called into actual service. The quota of militia, which at the time of passing this law were required from this State, were afterward discharged from service. I consider, that the arms and equipments, the purchase of which this law authorized, were for this quota of militia and that upon their discharge from service the law expired. I should not consider myself authorized, without your direction, in any event to make the purchase or use the appropriation. I would also submit to your consideration, whether such authority, as was given by this law could be adapted to the intended purpose. The quota of militia will not be considered as in actual service, until they shall be directed to take the field. This probably will not be until some emergency shall require their immediate operation. Would it then be practicable to purchase arms to enable them to meet such emergency? Would not an occasion calling the militia into actual service throw difficulties and embarrassments in the way of purchasing arms, for them either with despatch or upon advantageous terms? According to the requisition of the President of the United States, the militia required should be armed and equipped, ready to march at a moments warning. It is needless to remark, that if when the militia shall be ordered to march, it will be necessary first to purchase their arms and equipments, the requisition will not have been complied with. Beside, would it be prudent to order the militia into actual service with arms, of which they had not learned the use?

As your attention at this season will probably be confined principally to the subject, for the consideration of which you have been convened, I would submit to you the propriety of passing a law permanently and effectually to organize the militia of this State. I need not remind you of the established maxim, that a well organized militia is the proper defence of a republican government.

The history of our own country teaches us, how our freedom

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The history of our own country teaches us, how our freedom and independence were acquired; the history of the free states, which have existed before us, will teach us, how these, to be preserved, must be maintained and defended. Were our pros-

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pect of peace unlimited, would it be the part of wisdom to suffer the use of arms to be entirely neglected and forgotten. Our exposed situation in case of war need not be pointed out to you. This certainly requires, that the Militia of the State should be efficiently organized.

While the Militia Law shall remain imperfect, it will be vain to expect the disciplining of the Militia. Our fellow citizens, seeing such law to be useless will regard the duties, which it may require, as odious burdens. But if the Law be rendered efficient, so as to well organize the Militia, the performance of military duty will through custom soon become a pleasing recreation.

I doubt not, that you will give to their subject, the consideration, which they merit, and that the result of your deliberations will be such, as the honour and welfare of the state demand.

I lay before you copies of the communication received from the Secretary for the Department of War and of the Act of Congress mentioned in this communication; I also lay before you copies of an Act of Congress approved February 6. 1812 entitled "An Act authorizing the President of the United States to accept and organize certain volunteer Military Corps" - which Acts have been forwarded to me from the War Department.

Joseph Hatch

Message of
the Governor

1812

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(Copy)

War Department

April 15. 1812

His Excellency,

The Governor of the State of Delaware

Sir,

I am instructed by the President of the United States to call upon the Executives of the several States to take effectual measures to organize, arm and equip according to law and hold in readiness to march at a moment's warning their respective proportions of one hundred thousand Militia, officers included, by virtue of an Act of Congress passed the 10 instant, entitled "An Act to authorize a Detachment from the Militia of the United States.

This is therefore to require of your Excellency to take effectual measures for having one thousand of the Militia of Delaware (being her quota) detached and duly organized in Companies, Battalions, Regiments, Brigades, and Divisions within the shortest period that circumstances will permit, - and as nearly as possible in the following proportions of Artillery, Cavalry and Infantry: Viz, one twentieth part of Artillery; one twentieth part of Cavalry; and the residue Infantry. There will however be no objection on the part of the President of the United States to the admission of a proportion of Rifle men duly organized in distinct Corps and not exceeding one tenth part of the whole quota of the State, respectively.

Each Corps should be properly armed and equipped for actual service.

When the Detachment and organization shall have been effected, the respective corps will be exercised under the officers set over them, but will not remain embodied or be considered as in actual service until

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Your Excellency will please to direct that

correct Muster Rolls, and Inspection Returns be made of
the several Corps; and that copies thereof be transmitted
to this Department as early as possible. —

I have the honor to be

Sir

W^r

William Quistor

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Copy of a communication
received from the Secre-
tary for the Department
of War - dated April 15 1812

1,000/-