any other than the 5th and 6th volumes.

It would seem proper that the same authorities and persons should receive the whole work. We therefore recommend the subject to your consideration with a view to such further provision as may be necessary for that purpose.

Agreeably to the directions of the general assembly, we transmitted to his excellency the governor of Virginia, the preamble and resolution No. 82, relative to the dividing line and boundary between that state and this. And we embraced the occasion to say to his excellency, that "the legislature of Maryland have repeatedly manifested an anxious desire for the amicable adjustment and definitive settlement of the aforesaid boundary line; and as the provision now made for that purpose, will, if concurred in by Virginia, insure the accomplishment of that interesting object, in a manner so impartial that it cannot fail to be satisfactory, we indulge the hope that your excellency, participating, as it is not doubted that you do, in the desire to terminate the uncertainty so long existing upon this subject, will submit the resolutions to the favourable consideration of the legislature of Virginia at their next session." And we submit, herewith, a copy of governor Tyler's letter in reply; by which you will perceive that his excellency received our communication in the most friendly spirit; and that he considers the propositions contained in the resolution "as well calculated to bring the subject to a close."

The legislature of Virginia being now in session, and the resolution having been submitted to their consideration by governor Tyler, we may, it is believed, confidently calculate upon provision being made to meet our proposition, and that a speedy and final settlement of the line will follow.

We have purchased ten copies of Strickland's Reports on Canals, Rail Roads, &c. as directed by the resolution No. 92. and caused them to be distributed as provided for. It is a most valuable work The information it contains will be found of great importance at the present interesting period, in aid of the spirit of internal improvement that so generally pervades the country, and so laudably animates the people of Maryland.

As required by the resolution No 93, we caused the ceiling of the Senate chamber and of the House of Delegates, to be carefully examined, and being found very much injured and unsafe, we had the old plastering entirely removed, the work done anew, and the chambers put in complete order.

We also employed Mr. Jeremiah L. Boyd to make such repairs to the dome of the State House as might be found necessary for its preservation. This work is in progress, but so much more has been found necessary than was anticipated, that it is not yet completed.

To carry into effect the very laudable object of the general assembly provided for by the resolution No 95, relative to a digest, &c. of the laws, we appointed the honourable John Buchanan, chief judge of the high court of appeals, and Thomas J Bullitt, Esq. to perform the duties prescribed by the resolution. Mr. Bullitt having declined the undertaking, we appointed Reverdy Johnson, Esq. in his place.

We esteem the contemplated work as of very high importance, and believe that its able execution will confer great benefit upon the people of the state. These considerations induce us to select gentlemen every way qualified to perform it in the best manner; and whose distinguished reputations will impart confidence in, and give authority to, the result of their labours.

By virtue of the resolution, No 119 we appointed Frisby Tilghman, Thomas Emory and Benedict I. Semmes, Esquires, a committee to investigate the state and condition of the Penitentiary; to examine into the accounts and general police of that institution; and to recommend such amendments in the Penitentiary law, as they may consider necessary and proper," &c. And we, herewith, submit to you their report, which, in our opinion, does them great credit, and is entitled to your very deliberate consideration. We also submit, herewith, the annual report from the directors, exhibiting the state and condition of the institution and all its concerns on the 1st instant, which shews that they are managed with great prudence and propriety, and that the institution is in as prosperous a state, as under its present organization, could be expected.

That the penitentiary system, as ours is at present organized, has failed in a great degree as a means of reformation, both here and elsewhere, is undeniable. Notwithstanding which, every effort should be made to perfect it, and to ascertain whether our disappointed hopes have proceeded from any defect in the arrangement of those establishments, or from the settled depravity of human nature—defying the institutions of man and to be operated on by the force of religion only. The system itself, is a benevolent one. Let us then make the experiment of solitary confinement, as recommended in the report of the committee, and which has been resorted to by some of our sister states with sanguine hopes of success. Solitary confinement at night, after a day of silence and labour, is most painful to those without mental resources; more especially when the mind is destitute of the recollection of any actions but those of wickedness.

Should the legislature approve of the experiment being made, a sufficient number of small cells could be provided, by means to be derived from the penitentiary itself.

We would further recommend to the general assembly the propriety of so amending the law, as to increase the punishment in all cases of second convictions, and that some other punishment than confinement in the penitentiary be provided for a third, and every other subsequent offence.

By virtue of the act, entitled, "A supplement to the act, entitled, An act to establish state warehouses for the inspection of tobacco in the city of Baltimore," which authorised and directed us 'to contract upon the best terms for building a fire proof warehouse or houses for the inspection of tobacco in the city of Baltimore, or to purchase, and build the same, whichever we, in our opinion, should deem most conducive to the public convenience and interest,' &c. we caused notice to be given of the provisions of the said act, and invited proposals for the sale of warehouses and suitable lots on which to erect them. And having received sundry proposals, both for the sale of warehouses and of vacant lots; upon deliberate consideration, we on the 17th day of June last, determined to accept the offers of Williams & O'Donnel, Cumberland Dugan, and Moses Sheppard herewith submitted. Williams & O'Donnell and Moses Sheppard have complied with their respective contracts, and conveyed the property offered by them to the state but Mr. Dugan has declined to fulfil the contract for the property offered by him. We submit for your consideration the correspondence that has passed between Mr. Dugan and us relative thereto, that you may have a full understanding of the whole subject, and determine whether the contract shall be abandoned, or legal proceedings instituted against Mr. Dugan to enforce his compliance—no hope being left of settling the business any other way.

Under the act making it our duty 'on or before the first day of August next, (now last) to procure and deliver to the levy courts of each of the several counties in this state, a standard of each of the several kinds of weights and measures, used at the custom house in the city of Baltimore,' we applied to the collector of the customs in that city, for information on the subject, and a list of all the weights and measures used in his office. And having obtained from that attentive officer the information and list asked for, we consulted with a gentleman of experience in such matters, to whom he referred us, and have employed a workman in the proper materials, to manufacture the several weights and measures required, who has been several months engaged in that business, and we are informed will not have them ready for delivery at an earlier period than the month of February next; hence it will be seen, that to comply with the law as to time, was impracticable. When the weights and measures shall be obtained, we will cause them to be delivered as directed, without delay.

We have not yet procured an entire & complete set of the manuscript or printed votes and proceedings of the several conventions, held antecedently to the formation of the State Government, and each branch of the Legislature,' as authorised and requested by law. Mr. Jonas Green of this place, was supposed to be in possession of such a set, which it was understood could be obtained for the State.—But upon examination, it was found that he had none of the former, and that several volumes were wanting to complete his set of the latter. Mr. Green has offered us his set as it is, but we have declined purchasing it, until we can ascertain whether we can obtain 'an entire and complete set,' or that part in which his is deficient.

We were gratified to find that the legislature has turned its attention towards perfecting the early Records of the State so indispensably necessary to its correct history. Nothing is more gratifying or useful to a people than a thorough knowledge of the transactions of their ancestors; and we would respectfully recommend to the General Assembly, to persevere in the attainment and preservation of the means by which this desirable information may be acquired; in which we shall with pleasure cordially co-operate.

We caused the act entitled 'An act to provide for the public instruction of youth in primary schools, throughout this state,' & also the several acts providing for alterations or amendments of the constitution, to be published in such and so many newspapers as we deemed necessary, to give to the people of every part of the state, information of their important provisions, and an opportunity to exercise, understandingly, the veto upon the first named act, which was reserved to them; and the influence in the final determination upon the others, to which they are constitutionally and justly entitled.

We are not apprised of the whole result of the votes of the people upon the primary school system, presented for their consideration. We have understood, however, and believe that it has been approved and adopted by a large majority of the counties; whilst it is known that it has been rejected by some of them. It is believed that little or no difference of opinion exists among the people, as to the value and importance of education, or the propriety and more especial necessity of a general diffusion of the blessings and advantages of its first and most generally useful branches, by means of primary schools. Coming, as you do, so recently from amongst your constituents, who have just had the whole subject under their special consideration, you must, it is presumed, be fully acquainted with their sentiments and wishes in relation to it, and we, therefore, deem it unnecessary to trouble you with any of our views and opinions upon this interesting topic, further than to express our ardent hope that you may be able to perfect such a system as will be generally acceptable to the people, and promote the intellectual and moral improvement of the rising generation: and thereby conduce to the strength, energy and durability of our free institutions; which are based upon the virtue and intelligence of the community.

Before we take leave of the subject of education, we must beg to be permitted to call the attention of the legislature to the situation of St. John's College, located immediately under their eye, (in a healthy country and amidst a polished society,) which is beginning again to rank among the best seminaries of the country; having at this time five Professorships, (one having been added during the present year, of Mathematics, Civil Engineering and Military Tactics,) all of which are filled by gentlemen of high standing and character. There are many circumstances connected with the history of this institution—the Alma Mater of many of the most distinguished men which Maryland has produced—that make a strong appeal to the bounty of the legislature. And although its present condition is prosperous, compared with what it has of late been, yet it has not so entirely recovered from its former depression, but that legislative aid to enable the trustees to extend its philosophical apparatus, and increase its library, would be very acceptable, and no doubt highly beneficial.

Of the alterations and amendments of the constitution, proposed by the act providing for the election of the governor by the people, and for abolishing the council it does not become us to express any opinion. It was necessary to enable you to consummate them that the act should be published for the information of the people 'at least three months' before the last election of delegates. No provision was made by law for the fulfilment of this constitutional requirement; but we deemed it our duty to cause the necessary publication to be made; and it was accordingly done, as we have before stated. You therefore, posses the power if, in your wisdom and judgement, enlightend by the opinions and wishes of your constituents, you deem it advisable to confirm and adopt the aforesaid alterations and amendments as parts of the constitution.

We submit for your consideration, copies of a correspondence between the Clerk of the Council, by our direction, and the Attorney General, by which you will be informed, that no legal provision exists for requiring or receiving bonds from the lottery commissioners for the faithful performance of their duty;—that there are such various provisions relative to the bonding of other officers as to make it difficult to determine what the laws really are;—and that the abolition of the clause, formerly existing in the constitution, which required a property qualification in persons to be elected or appointed to office, did not dispense with such qualification required by act of assembly; and that such a qualification is now required by an existing act.

And we embrace this occasion to invite your attention to a complaint which is often made of great difficulty and perplexity in ascertaining the existing operative provisions of our laws. It appears to us that the difficulty we have mentioned, arises principally, if not entirely, from a system or custom which seems to have long prevailed in our legislation of inserting as a concluding section of most of our acts of assembly, a provision, in general terms, repealing all pre-existing repugnant or inconsistent laws; under which, some of the most abstruse legal questions arise in the ascertainment and determination of what pre-existing provisions are thus repealed, or whether certain acts or parts of acts are, or are not, left in force.

Such large sums of money pass through the hands of the lottery commissioners, that however much reliance ought to, and may justly be placed in their integrity, yet prudence unquestionably dictates that they should be required to give bond, with ample security, for its faithful application. We recommend this subject to your attention, and respectfully suggest the propriety of a general revision of all the laws relative to the bonding of officers; the passage of a new law upon the subject, embracing all necessary provisions in one act, and the total repeal of all the present complicated laws on that subject.

It is manifestly desirable, that the laws should be certain, plain, and easily ascertained and understood: And it is believed that the abandonment of the practice we have mentioned, and upon the passage of all subsequent laws, repealing specifically such, or such parts of the then existing, as may be either inconsistent with, or rendered unnecessary thereby, would conduce to that object.

We see no necessity for requiring a property qualification to be possessed by tobacco inspectors, nor, indeed ought such qualification to be required, to constitute eligibility to any office. And it being expunged from the constitution, we recommend that it be dispensed with entirely.

Congress having lately turned its attention to the organization and discipline of the militia, in a manner that induces us to look forward for the happiest results to its exertions, will cause us, at this time, to refrain from extending our remarks upon that interesting subject. The adjutant general was enabled on the 27th day of February last, to make a return of the militia of this state to the adjutant general of the United States, for the first time since 1811: making the whole number, according to the last previous returns to him, 40,091. This we consider, 10,000 short of the actual number of the militia of the state; and the returns of November last, are nearly as defective, although we took every step within our reach to have them full and complete.

We would suggest to the legislature the propriety of enacting some efficient provisions for enforcing the enrollment of the militia—rendered indispensably necessary, as well for the purpose of war, as to enable us to receive our full quota of arms from the United States, under the act of congress, providing for arming the whole body of the militia.

The state of our financial concerns will be laid before you by the treasurer of the western shore, in conformity with the requisitions of the law on that subject. The sum remaining in the treasury, on the first day of the present month, (the end of our fiscal year,) is very nearly the same as at the end of the last year, although payments to a considerable amount have been made for other purposes than the ordinary current demands of the year.

In the course of the summer we caused further examination to be made into the accounts of expenditures during the late war, and obtained an allowance and payment by the United States, of $10,424 49 cents on account of principal, and $4,980 59 cents interest on that sum, making together $15,405 8 cents. A considerable balance yet remains unliquidated for want of vouchers.

The foreign relations of the country, and many other important concerns, deeply interesting to the people of Maryland, in common with those of our sister states, being committed by the Constitution of the United States to the superintendence and management of the national authority; and having full confidence in the ability, experience, patriotism & integrity of the distinguished statesmen, to whom that authority is confided, we shall not step from our limited sphere of action, to examine minutely into those general concerns.

We have the gratification of knowing, generally, that we are in the enjoyment of peace with all the world, and of civil and religious liberty, in the fullest extent—with all the powers of government emanating from the people, "the only regenerate source"—and all the public functionaries amenable to them, for the exercise of their delegated trusts;—with an abundance of the necessaries and comforts of human life and enjoyment generally diffused through all ranks of society;—and with all the great interests of the country, cherished and protected with an exclusive view to the national prosperity and general welfare. And whilst our hearts are warmed with gratitude to Almighty God for those various blessings, the mind, on an occasion like the present, naturally and unavoidably reverts to the recent most astonishing occurrence of the death, on the fiftieth anniversary of our national existence, of the two great Apostles of Liberty, most distinguished in the Declaration of our Independence;—the one as its author, and the other as its most efficient advocate. On the last National Jubilee, Jefferson and Adams both paid the great debt of nature, and whilst a grateful people were assembled round the festive board, and in the fullness of their hearts, pouring out their feelings of admiration of these great benefactors, and their revolutionary compatriots, they passed from their labours, to appear "before the judge of all the earth," and we humbly trust that their sentence was "well done good and faithful servants—enter thou into the joys of thy Lord."

With our most sincere wishes that the result of your deliberations may redound to your own honour, and promote the substantial interests and permanent welfare of your constituents, and with an assurance of our cordial co-operation in all measures calculated to promote those ends.

We have the honor to be with the highest consideration, your obedient servants.

JOSEPH KENT.

LEGISLATURE OF MARYLAND.

HOUSE OF DELEGATES.

MONDAY, January 1.

On motion of Mr. Edward Hughes, the committee of Grievances and courts of Justice were instructed to enquire into the operation of the laws of last session authorising the sentence of negroes &c to transportation for a limited period, and whether it would not operate generally as a sentence for life, &c.

Mr. Teackle proposed an order for printing 300 copies of the correspondence of the treasurer of the western shore, with the accounting officers of the general government, relative to the states claims for expenditures during the late war; and that a select committee to consist of three members, be appointed by the speaker to urge upon congress the equitable adjustment of said claim. The order was adopted.

Mr. Bennett's resolution respecting the claim of this state, for a fair and equitable portion of public land of the United States for the purposes of education, was agreed to.

Leave granted to report Bills.

Mr. Stricker—to provide for the printing and publishing of the laws of this state.

Bills Reported.

Mr. Goldsborough—for the removal and prevention of obstructions in the navigation of the rivers Transquakin and Chickamacomico.

Mr. Bennett—to abolish imprisonment for debt.

TUESDAY, Jan. 2.

Internal Improvement.

The committee on Internal Improvement in pursuance of an order of enquiry, yesterday passed by the house of delegates beg leave to report the following resolution;

Whereas, the government of the United States have authorised and effected a survey of different routes from the city of Baltimore to the city of Philadelphia for the transportation of the great Northern mail; and whereas, it is likely that the said government will subscribe for stock in some one of the several road companies that have undertaken to open and perfect respectively, different roads between Baltimore city and Philadelphia, therefore resolved that should the government of the United States become a subscriber in any such company as aforesaid, the state of Maryland hereby pledges its faith to become a subscriber likewise to the amount of dollars for stock in such company.

A report was received from the treasurer in compliance with an order of the house of the 27th ult. respecting the bounty lands, claimed by the soldiers of the Maryland line—ordered to be printed, as was also the treasurer's report of the pension roll.

WEDNESDAY, Jan. 3.

Mr. Done presented a petition from the levy court of Somerset county, to have their acts confirmed.

Leave to Report Bills

Mr. Harlan, for the revaluation of real and personal property in Cecil county;—

Mr. Done, to alter the time of holding county courts in Somerset and Worcester counties.

Mr. Wright, to repeal the act of 1824, exempting servants of overseers of roads in Dorchester county, from doing duty on said roads.

Bills Reported

Mr. Brooke, repealing the act of 1824, chap. 171, for preventing the unlawful exportation of negroes and mulattoes, and to alter and amend the laws respecting runaways.

Mr. Ridgaway reported a bill for confirming the act of last session altering the constitution so that the Governor may be elected by the people, and to abolish the council.

Mr. S. R. Smith reported a bill for the benefit of Mary Hall, of Worcester county, which was read a second time by special order, and passed.

Reports were received from the judges of elections of Kent county, on the number of votes for and against Primary Schools, and from the clerk of Washington county, relative to the attendance of judges.

Elections.

Mr. Sappington, from the committee of elections, made a report going to confirm the seats of all the attending members, except one, of which they say—

"Your committee beg leave further to report, that they have received a communication from two of the delegates from Dorchester county, relative to a constitutional disability to hold a seat in this house, on the part of Samuel Rawley, Esq. a delegate elect and returned from said county; your committee beg that the said communication which accompanies this report, may be read as part of said report, and that your honorable body may take such order thereon as may be deemed most proper and expedient.

DECEMBER 29th, 1826.

To the chairman of the committee of Elections.

The undersigned; delegates to the general assembly from Dorchester county, beg leave most respectfully to report that their colleague, Samuel S. Rawley, Esq. a delegate elect and returned to this house, comes here under a constitutional disability to take a seat by reason of having previous to and since his election, exercised the functions of a regularly ordained and licensed Minister of the Gospel in the Methodist Episcopal Church. For the purpose of having definite decision on the subject, whereby it may be finally put to rest in this, and similar cases, we merely suggest the propriety of the committee of elections enquiring into, and reporting on his case. We have the honour to be, &c.

BRICE I GOLDSBOROUGH.
MARTIN W. WRIGHT,

The report was recommitted to the same committee, with instructions to examine particularly into the subject, and if necessary, to send for persons and papers, and to report the result.

A report was received from the treasurer in compliance with the order of the 28th ult. "of the amount of revenue received in 1826, from each of the several officers of the state, under the provision of the act, to tax certain officers"—ordered to be printed.

Committee on engrossed Bills.—Messrs. Banning, Goldsborough, E. Hughes, Sappington, Crabb, Done and Dennis, on the part of the house of delegates.

Messrs. Marriott, Whitely, Sewell, Harrison and Nelson, on the part of the senate.

Brigade Inspector.

Mr. Crabb offered the following order, which was adopted.

Ordered, That the committee on the militia, enquire into the expediency of allowing pecuniary compensation to the Brigade Inspectors, and report thereon, to this house.

County Records.

On motion of Mr Banning, ordered, that the committee of grievances and courts of justice, enquire of the several judges of the county courts, whether the records in their several clerks' offices have been completed, pursuant to the act of 1817, chap 119.

[Mr Banning, on the second reading of the order made a few very pertinent and forcible remarks on the importance of this subject, and referred to some authorities showing the neglect of conforming to directions given thereupon.]

THURSDAY, Jan. 4.

Mr. Turner proposed a resolution that the committee of claims place on the journal of accounts all postage due on letters sent from members of the general assembly to citizens of the state.

Mr. Teackle offered a substitute, limiting the resolution to postage on communications on public business. The resolution and substitute on motion of Mr. Thomas, were both referred to the 1st of April next.

Leave to report Bills.

Mr. Chapman submitted an order, calling upon the county clerks and registers, &c. to return upon oath, the amount of fees, &c. which may have accrued, and also, which have been received by them for the years 1824, 1825 and 1826.

Mr. Done proposed to add to the order 'and also report the amount of deductions from said fees for commissions and insolvencies in those years,' which being adopted by the mover, the order passed as amended.

Mr. Chapman proposed the following:

Ordered, that the sheriffs and collectors of the several counties in this state, report forthwith to this house the amount of fees placed in their hands for collection by the respective clerks and registers, in the years 1825 and 6.

Mr. Peach proposed the following,

Ordered, that the committee of ways and means, report to this house, whether it is not just and expedient that the sheriffs and collectors be allowed a compensation for making their reports, in pursuance of an order the house this day passed, imposing a new duty upon them.

FRIDAY, Jan. 5.

Stephen Reyner, Esq. a delegate from Talbot county, who we understand had been detained from the seat of government by indisposition, appeared, was qualified & took his seat.

In consequence of the indisposition of John Brewer Esq. chief clerk, the house proceeded to the election of a chief clerk, *pro. tem.* when Gideon Pearce Esq. assistant clerk was unanimously elected, who immediately qualified accordingly.

Mr. Peach then moved that the house proceed to the appointment of an assistant clerk, *pro. tem.*

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