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Message of the Executive,

TO THE

GENERAL ASSEMBLY OF MARYLAND.

Executive Department,
Annapolis, Dec. 30th, 1829.

Fellow-Citizens of the Senate,
And of the House of Delegates.

The Session of the General Assembly, is an event that loses nothing of its interest by repetition, but, exemplifying the excellence of the institutions under which we live, it annually calls forth all the anxious excitement natural to a free people, who watch over the public concerns, as one of their highest and most important duties.

In meeting you on this occasion, Fellow Citizens, the Executive bid you welcome to the Seat of Government, on the conclusion of a year of peace and plenty, the benefits and bounties of which claim from us all, the most ardent render of our gratitude to that great source, to whose beneficent dispensations we owe all that we enjoy.

Accountable to the Legislature for the discharge of the duties which it has thought proper to confide to the Executive, it becomes proper, in the first place, to render a full account of what we have done in relation to such trusts; and this we shall do in the order in which they were assigned.

In pursuance of a resolution of the last General Assembly, directing certain records in the Land Office of the Western Shore, to be rebound, the Executive have examined the several record books in that office, and have directed such to be bound, as appeared to them to require it for their preservation.

In compliance with the resolution requiring the Executive to contract with some competent person to make two copies of the Plot of the Public Lands, Westward of Fort-Cumberland, a contract has been made with John Duvall, Esq. Surveyor of Anne Arundel coun y, for the performance of that work, who expects to complete it during the winter.

The resolution directing the Governor to cause head and foot stones to be planted at the graves of William Price and Peter Rich, late members of the House of Delegates, with an appropriate enclosure around each, has been duly attended to, and the work properly accomplished.

The resolution directing the Executive, to give notice, by advertisement, that sealed proposals would be received by them for executing the public printing of the state, has been complied with, and the proposals received are herewith submitted.

The Executive caused the public acts designated in resolution No. 75, to be published in the Maryland Republican, immediately upon receiving notice of the passage of said resolution; and we required of the Editor to send a copy of his paper, containing the acts, to every Editor of a Newspaper, within the State. Copies of said acts, properly certified, were also forwarded to the County Court Office, in each County, and to the office of the City Court of Baltimore.

As directed by resolution of the last General Assembly, lists of the Arms distributed by the State, with the names of the persons to whom they were delivered, and of those who have, or have not, passed bonds for the same, designating each, have been transmitted to the several brigadier generals, who have been required to perform the duties enjoined by the said resolution. The several returns received from them, are herewith presented.

Conformably to the act of December Session, 1825, we now submit a statement of the whole expense incurred in the purchase of Warehouses and Lots, and in the erection of additional buildings, for the reception, inspection and storage of Tobacco in the City of Baltimore. The new building erected on the premises purchased of Cumberland Dugan, and others, was completed early in the last spring. And in March last, the Tobacco stored in Calhoun's Warehouse, which had been under rent for several years, was removed to the new building, and the rented Warehouse given up, on the first day of April. The new Warehouse is constructed of the best materials, and the work is believed to be faithfully executed.

The swords directed by a resolution of the General Assembly to be procured and presented to those distinguished officers of our Navy, Captain Ballard and Lieutenants Mayo and Cross, were received at the Council Chamber in May last. They are considered fine specimens of American Art; and the Governor had the gratification of presenting to Captain Ballard and Lieutenant Mayo, these respective memorials of their country's admiration, and of their own gallantry. Lieutenant Cross being absent from the United States, on public service, the sword to be presented to him, still remains in the Council Chamber.

In compliance with the directions of the General Assembly, we applied to the President of the United States for a deputation from the Corps of Engineers, to survey a route for a lateral canal, to connect the Chesapeake and Ohio Canal, with the Chesapeake Bay, at this city, and to ascertain whether such lateral canal can be constructed, without injury to the said Chesapeake and Ohio Canal. We also made a like application at the request of the Commissioners appointed by resolution of the General Assembly to examine and survey the route for a canal to connect the Pocomoke river, with the Sinepuxent Bay and Tangier Sound, for an engineer to aid them in the performance of that duty. But we regret that such was the previous engagements of the Engineers, as to render it impracticable for the President to comply with our requests: as appears by the replies of the Secretary of War, of which copies, and also of our applications, are herewith submitted.

We lay before you a list of the deaf and dumb that have been selected under the act of December session 1827, to be sent to the Pennsylvania Institution to be educated at the expense of the State. The law provides, that there shall be one deaf and dumb person selected from each county and from the city of Baltimore; and that in case of reports not being made from some of the counties, additional selections shall be made from the counties reporting the highest numbers, until the number of twenty shall have been selected. Under this provisio, two have been selected from each of the counties of Talbot, Caroline, and Anne Arundel, and from the city of Baltimore. The one selected from Frederick, and the only one reported from that county, we have been informed died before being sent to the institution, so that there are five yet to select, to complete the number provided for by the act of the General Assembly. The amount expended for this object within the present year, is for education $665 64; for expenses of conveying pupils to the institution $66 00.

We herewith submit, for your consideration, a communication from his excellency the late Governor of Louisiana, covering a resolution of the Legislature of that State, proposing so to amend the constitution of the United States, that the President and Vice President of the United States shall hold their offices for the term of six years, and that the President shall be ineligible afterwards. Also, a communication from his excellency the Governor of Missouri, with a report and resolution of the Legislature of that state, expressing the opinion, (in concurrence with the state of Georgia,) that the Congress of the United States has no power to appropriate monies to aid the Colonization Society; and another resolution of the said Legislature declaring it expedient 'to amend the Constitution of the United States so as to provide a uniform mode of electing the President and Vice President, throughout the several states, and to give to the people of the U. States the privilege of voting directly for the President and Vice President, without the intervention of electors; reserving to the states respectively, their due weight in relation to the said elections, as is now guaranteed to them by the Constitution of the United States, and that the election of President and Vice President, should in no case whatever, be submitted to the decision of the House of Representatives of the U. States.' Also a communication from his excellency the Governor of Mississippi, with a resolution of the Legislature of that state, 'declaring that the tariff of 1828, is contrary to the spirit of the Constitution of the United States, impolitic and oppressive in its operation on the southern states, and ought to be resisted by all constitutional means.'

These several resolutions being the expression of opinions of sister states, are entitled to respectful attention, and being upon subjects deeply interesting to the whole country, demand, and we doubt not will receive your deliberate consideration.

Since the last session of the General Assembly, the office of Register of Wills for Prince George's county became vacant by the death of Mr. Tyler. The Executive appointed Philemon Chew, Esq. to fill the vacancy.

Not required by the Constitution or any statute, to submit views of state policy or state concerns to the consideration of the General Assembly, we might forbear to intrude further on your time than has already been done in the rendition of the account given; but the examples of those who have preceded us, have established a custom, from which it would be uncourteous, and might appear arrogant in us to depart: and preferring to pursue the established course, rather than to adopt a system inconsistent with custom, or with public expectation; we submit to the two houses of the Legislature such views upon subjects connected with the interest of the state, as appear to us calculated to promote it.

Nothing has more engrossed the public attention than the improvement of our internal resources, and the facilities of intercourse, as regards commerce among ourselves, and the introduction, within our borders, of the abundant and growing products of neighbouring territories, which are there to seek a market and exportation. The tendency of this system to increase capital, to excite to industry and to enterprize, to extend trade to augment population and to promote consumption, are the obvious inducements to look to it with anxious expectation. That a diversity of opinion should have existed at first upon this subject, might reasonably have been expected. The citizens in the interior, inhabiting that portion of the state, the surface of which is superabundantly spread over with rock, hill and mountain, that oppose the greatest obstacles to intercourse, would naturally approve of a system that would remove such obstruction; whilst those who live on a smother surface, delightfully intersected by innumerable navigable waters, where almost every farm has a landing within its own precincts, from which to transport its productions by water to a market, would as naturally, at first, want faith in the utility of such costly artificial conveniences. But when further reflection brought to the view of all, that rail roads and canals were calculated, not only to identify the interests of this extensive country and strengthen the union of the states, but to be the means of drawing to our great emporium, situated in the very midst of the state, the redundant productions of the fertile west, and that the necessary result of this would be the augmentation of the wealth and prosperity of the whole state, first impressions have gradually yielded to more salutary convictions; and the Executive feel themselves authorised to believe that the sentiment in favor of internal improvement is growing among the people. The vesting the funds of the state in these undertakings created a fear, least in the ultimate failure of works in which our country had hitherto had, comparatively, but little experience, the loss might fall upon the people of the state, or in any event, that a recourse would be had to taxes to enable the state to pay up its subscription. Hitherto these fears have been groundless, and we hope will continue to be so. Upon this, however, and upon such subjects, the people have a just reliance upon their representatives, whose wisdom, fidelity and vigilance, will be, as they ought to be, sure pledges for their protection; and feeling as the representatives must do, a common interest with their constituents, successive legislatures are but successive safeguards over those and other important trusts, confided to their care.

The accompanying Reports from the respective Presidents of the Baltimore and Ohio, and the Susquehannah Rail Roads, and from the clerk of the Chesapeake and Ohio Canal company, will give you all necessary and useful information in relation to those important public enterprises.

The Executive cannot dismiss this subject without offering their congratulations to the General Assembly, and through them to their fellow citizens of Maryland, upon the completion of navigable intercourse between the Bays of Chesapeake and Delaware, by the Cross Cut Canal. This stupendous work evinces in the strongest light, the science by which it has been directed, and the energy and perseverence with which it has been executed; and it now bids fair to realize every convenience, profit and natural utility that have been anticipated.

No topic has been more frequently or more earnestly pressed upon the attention of the General Assembly, than that of public education. Such repetition is due to the importance of the subject, and an Executive can scarcely feel that it has fully discharged its duty without continuing to recommend it, until the final accomplishment of the object. A government of opinion like our own, must be directed by the sentiment of its citizens. It is presumed to be founded upon public virtue and public intelligence, and will, inevitably, be rendered ineffectual, or subjected to perpetual danger, without them.

To enlighten the public mind is the first step to chasten it, and moral sentiment can, alone, be inculcated through the medium of Education. Every freeman in the State is a constituent part of the efficient controuling sovereignty; to leave any portion of that sovereignty destitute of the necessary means usefully to discharge the duties required of it, would be an omission in the exercise of that paternal care which such a government owes to such a people. When we consider that in Maryland every citizen of competent age and residence, is endowed, as he should be, with the elective franchize, it appears to us to be the imperative duty of the Legislature, to place the means of education, within the convenient attainment of all. This the people have a right to claim at your hands, and to none can they apply with better assurance of being gratified, than to those who have been selected by their favour, to watch over their interests.

If there be danger in popular elections, as has been conceived by some, the sure correction is to be found in moral instruction. Vice cannot be corrected by law—the severity of punishment has but a momentary influence, and native flagitiousness turns from the victim of the statute; forgetful of its monitions and terrors, to indulge the dispositions of a mind pregnant with crime because unimbued with any thing that could lead to virtue. Nothing could so eminently become a beneficient legislature as to lay the foundation of general education, and moral instruction; it would be the fulfilment of the most exalted charity from man to man; it would be the highest discharge of the highest duty, and ought to hand its authors down to future ages, and next in rank of worth to the founders of the Government, as they would secure perpetuity to a work, which had been so wisely planned and nobly executed.

The progressive improvements made in the State Penitentiary are good evidence of great attention in the management of an institution which is regularly gaining upon public approbation. Nothing at present, seems to be more wanting than a proper classification of criminals in the disposition of them at night. Mingled together, as they now are, the most atrocious and hardened, with those guilty of less crimes, and more accessible to the feelings of humiliation and contrition, reformation, one of the objects of the institution, seems to be rendered almost hopeless.

The acts of criminal justice are, to protect society, by preventing a repetition of injury; to deter others by the force of example, and, as far as practicable, to reform the wicked. The exposure of those on whom an humble sense of penitence begins to operate, to the debasing association of hardened wretches, a communication with whom, would greatly tend to frustrate one of the great objects of the system is inconsistent with the beneficience which a wise government is ever desirous of intermingling with the strictest schemes of criminal punishment. The addition recently made to the building, will enable such regulations on this subject, to be carried into effect, as the Legislature in their wisdom may think fit to order. Until very recently, the State Penitentiary has been a considerable cost to the public treasury; but the expectation held out, that when completed, it would annually produce revenue, is likely to be realized, nor can it be considered in the least degree at variance with the strictest sense of justice, or of policy that those who violate the laws, the peace, and the rights of society should be restrained from such violence by the deprivation of their liberty, and made to labour for the benefit of that community, of which it was unsafe that they should be permitted to remain members, and against which they had committed the wrong. The better to fulfill this expectation, some further change may be found necessary in the present periods of confinement. The gradation of punishment to the offence committed, is a desired object, that punishment consists in confinement and regular daily labour, to which in cases of greatest atrocity, is added an extended portion of solitary confinement. Those who are sentenced for short periods are, almost uniformly an entire cost to the institution, as it generally takes some time for each individual to acquire sufficient skill in the labour to which he is subjected, to enable him to repay the cost of his keeping: in all time after that, his labour is productive to the establishment. Regarding the institution as a great public manufactory under rigid discipline, in which convicts are placed at labour as a punishment for crimes, and restrained for different periods according to their respective transgressions, from committing further injuries, by being prohibited from going at large in society, scarcely an instance would occur of any one being sentenced to the Penitentiary, where an extension of some of the shorest periods of time would become an act of injustice. No instance it is believed has ever been known, where a prisoner who merited relief has not readily found a pardon, nor is it likely in time to come, that any of those unfortunate beings, who shall be brought to a proper sense of shame, contrition and correctness of conduct before the expiration of their time of service, and to whom relief ought to be granted, will be less likely, promptly to obtain it. And until such manifestations of reformation are made, a continuance of confinement to a longer period in some instances than is now assigned, can scarcely be considered an act of severity to the prisoners, and must inevitably prove beneficial to society. Forbearing to present more specific views of this subject to the Legislature, with whom, if thought expedient, they will more properly and naturally originate, the suggestion is most respectfully made, believing it altogether consistent with the soundest policy, to perfect an institution as far as possible, which is so entirely adopted to the sentiments of the enlightened age in which we live.

The annual report required by law from the Directors is herewith submitted and affords a gratifying view of the concerns, management and future prospects of the institution.

The great reduction in the prices of agricultural products, by which the income of each individual in an agricultural community, is much diminished, causes every requisition made upon them to defray the public charges, to be sensibly felt, and demands a diligent enquiry, how far the public expenditures can be safely and usefully curtailed. The assesments for county charges, are most onerous upon the people, and as these are imposed upon each county levy, it will become necessary to examine into the condition of each to establish a general system. The officers and agents employed by Government should be reduced to the smallest number that can discharge the public duties: a greater number than this is a formidable evil. Exclusive of the increase of expense, the public business is often not so well done by many as by a few, and the patronage of the higher, and inferior branches of the government ought to be limited.

No maxim is more sound than that the fewer officers we have, the more distinct we render responsibility, and the less are the incentives to those combinations, intrigues and corruptions, which a lust for office and multiplicity of offices occasion. Where the number of county officers appointed by the Executive is left to Executive discretion; and where the number of other county officers, appointed by other tribunals, is left to the discretion of such tribunals, it is submitted to the legislature, how far it would be expedient to do away such discretion, and to limit the number in every case, by statute. An enquiry, how far it would be useful to substitute for one tribunal the two now in existence in most of the counties, in relation to the county assessments; how far greater accountability and economy could be introduced, in the support of the poor, and how far a reduction could be made in those expenses of our courts of justice, which fall upon the respective counties, would be worthy of your attention, and might produce the most salutary results. The statements annually made to the Legislature from the County Court Offices, would give much aid in this inquiry; and these, together with the general information possessed by each member, might lead to an investigation, and an improved system of things, that would facilitate the discharge of the public business and greatly reduce the burthens upon the people.

Applications are, occasionally, made to the Executive by the deputies of the chief law officer of the State, to employ auxiliary counsel, in important criminal prosecutions, to vindicate and enforce the penal statutes; and instances are not wanting where the Executive, in the exercise of its discretion, has yielded to such requests. A doubt has arisen how far this practice may be considered an interference with the official duties of the Attorney General, and, as the employment of such counsel has uniformly been a considerable charge upon the public treasury; how far it is proper to vest such general discretion in the Executive, without limit or guard. It may be necessary to lodge occasional discretion with the Executive to meet emergent cases; but cases of emergency are few, and as the exercise of all discretion is the exercise of a species of despotic power, that power ought always to be regulated with jealousy. It is salutary to prevent all clashing in the discharge of official duties, by defining the course and duties of all public officers; and the diminution of Executive patronage and discretion, is not only a great relief to that branch of the government, but may be a happy protection to the people against possible abuse.

The office of Attorney General is one of highest honor and consideration in the State.—If it has no fixed salary annexed to it, it is an office of influential patronage, and ought to be regarded as one of special responsibility; it is, certainly, a station directly leading the incumbent into the way to fame and wealth. Whether the aid to be given to the deputies appointed by the Attorney General, is to proceed from the Executive at their discretion, from whom large additional fees are always expected, or ex-officio, from the Attorney General, who is represented in the several Courts by his own deputed professional agents, is suggested as a question, not altogether unworthy of the attention of the Legislature.

The condition of the public arms in their several locations is a matter that needs the continued and vigilant enquiry of the Legislature. The public has expended a large sum of money in arms; and, exclusive of the pecuniary interest felt, these arms constitute an important and necessary appendage to the State, that should always be in the best state of preservation and readiness. Once in good order they are easily kept so, with but little cost and trouble; but if neglected, the injury and loss may be very extensive. Nothing less than frequent inspections and reports, with the continually renewed attention of the Legislature, can preserve this great interest of the State.

The Militia System of the State has become generally inoperative, as the public sense and public convenience seem to decide against it. Militia musters, as directed by law, have had little effect to make soldiers, or to instruct the citizens in military knowledge. The days slotted to them are rather injurious to the time, the labour and the morals of the community. Such is our situation in relation to all foreign powers, and such has been the precautionary wisdom of the Federal Government in erecting fortifications and defences on our maratime frontier 'that there is little danger of sudden invasion.' Enjoying a government of mild and wholesome rule, whose laws emanate from the immediate representatives of the great body of the people, who justly hold an effectual check over them; and devoted as all are to the preservation of order, and due obedience to constitutional power, the danger of such 'opposition to the laws,' as would require the interposition of the military, is, happily, not to be anticipated. Nor does there seem to be any demand for a disciplined militia, except in the possible event of 'insurrection' for which the volunteer corps that might be encouraged, in the cities and county towns, would be amply sufficient. The laws now in existence, imposing penalties for neglect of military duties, and upon those who are conscientiously scrupulous of performing such duties, having become in-operative, it is with great respect submitted, whether they ought not to be repealed, with such a substitution of volunteer corps; and such a general organization of the militia as would annually give a view of the effective force of the State, without the interposition of unnecessary and useles taxation upon the time and industry of the people.

The annual statement from the Treasurer will present to you an account of the financies of the State,—a complete view of the receipts and expenditures of the year. The department of the Treasury being entirely un-connected with the Executive, we can give no other account of its condition, than what we have received from the able officer who presides over it, and he has informed us that the deficit is not so great as it was the last year. That there should be any deficiency in the Treasury, is a matter deeply to be deplored, and is a subject that will press most importunately upon the attention of the Legislature. The public credit is invaluable and ought to be cherished and maintained with most scrupulous care.

The necessary expenditures of the government, and those appropriations which the patriotic forethought of the Legislature may have considered as essential to the great interests of the State, ought to be provided for out of permanent funds. Nor is it less necessary in further contributions of every sort, that the General Assembly should direct proper sources of revenue to be provided in time to guard against pressure upon the ordinary income, and to avert as far as practicable every thing like deficiency; to effect which a precautionary estimate of means would well precede every measure of additional appropriation. To the Legislative body exclusively, the constitution has prudently intrusted the appropriations of the public money, and most fortunately, to that branch of it whose members are annually called into existence by the renewed expression of the popular voice. This trust constitutes their chief duty, as nothing tends more to the happiness of a people than to leave them in the undisturbed enjoyment of the greatest possible portion of their yearly income, from whatever source it may be derived. Such is the distinguished character of our political and civil institutions, and such the enviable condition of our people, that they require but little law to regulate them. A multiplicity of laws is an incalculable mischief; it obscures that which ought ever to be plain, and embarrasses what the intelligence of the people ought easily to penetrate.

To preserve the simplicity of our institutions, is a deep concern; to guard them as far as possible from innovation or hurtful change, is a sacred duty. The chief objects of our care are, a prudent and wise frugality, in directing the public expenditures; a vigilant attention to every contemplated new disbursement; a rigid adherence to the system of cutting off and resisting the addition of all supernumerary or unnecessary offices; these, together with the preservation of a virtuous and enlightened judiciary, well selected, and rendered independent by the tenure of office, will afford an indestructable rampart against all the throes and convulsions that can endanger the stability of government, or the peace and welfare of society.

We have the honor to be,
Your obedient servants,
DANIEL MARTIN.

SHERIFF'S SALE.

BY virtue of a writ of venditioni exponas, issued out of Talbot county Court, and to me directed, against Thomas Banning, at the suit of Samuel Harrison, use of Edward P. Gollerthon, will be sold at Public Sale, for cash, at the residence of the said Thomas Banning, on WEDNESDAY, the 20th day of January next; between the hours of 10 o'clock, A. M. and 4 o'clock P. M. the following property, to wit: all the estate, right, title, interest and claim, of him the said Banning, of, in and to part of several tracts of land called Bannington, situate on Plane Dealing Creek, near the Royal Oak, and containing the quantity of 210 acres of Land, more or less, also 4 head of horses and 2 head of cattle, taken and will be sold to pay and satisfy the aforesaid venditioni exponas, and the interest, and costs due, and to become due thereon. Attendance given by

dec 29—4w WM. TOWNSEND, Sh'ff.

CHANCERY SALE.

NOTICE IS HEREBY GIVEN, That by virtue of a decree of the Judges of Talbot county Court, passed the second day of June last, will be exposed to sale and sold on TUESDAY the 26th day of January next, between the hours of eleven o'clock in the morning and five o'clock in the afternoon of that day, at the Court-House door in the town of Easton,

All the Real Estate

of Tench Tilghman, dec'd. or such part there of as may be necessary to satisfy and pay the debts due by the said Tench Tilghman, dec'd. as follows, viz:—A part of a Tract of Land called 'Partnership,' containing 432 acres; about 300 of which are cleared and now divided into two fields.

The arable land lies in a compact oblong body and may be divided into four fields with good Springs of water in three of them, affording an Eligible Site for improvements in the Centre, from whence the whole may be overlooked, surrounded on three sides by first quality TIMBER of almost every description produced in our forests.

Also,—A LOT OF GROUND, near the town of Easton, on the Bay-side road, opposite to Mr. Wm. Clark's Lot, containing about Three Acres of Land.

The whole will be sold on a credit of twelve months, the purchaser or purchasers giving bond with good and approved security to the Trustee, for the payment of the purchase money, within twelve months from the day of Sale, with interest thereon from the day of Sale. On the Sales being ratified by the Court, and the purchase money paid and satisfied, the lands will be conveyed by the Trustee to the purchaser or purchasers thereof.

Other particulars will be made known and attendance given by the subscriber. Persons wishing to purchase are particularly invited to view the lands which will be pointed out by

WM. H. TILGHMAN, Trustee.

dec 29 5w

New Books & Stationary,

FOR SALE AT THE STAR OFFICE, EASTON.

(lately received)—*Consisting of*

History, Geography and School Books generally,
Blank Books, full and half bound,
Letter, writing and wrapping Papers,
Ink-Powder, Slates, Slate and Led Pencils,
Quil's, Wafers, Sealing-Wax, &c. &c.

Which will be sold low for Cash.

dec 22 w

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