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Fellow citizens of the Senate
and of the House of Representatives,

The Governor of Maryland has communicated to me a "Report with sundry Resolutions, relative to appropriations of Public Land for the Purpose of Education", which have been assented to by the General Assembly of that State. These Resolutions declare "That each of the United States has an equal right to participate in the benefit of the Public Lands, the common property of the Union"; and "That the States, in whose favour Congress have not made appropriations of Land for the purposes of education, are entitled to such appropriations, as will correspond, in just proportion, with those heretofore made in favour of the other States." That measure may be adopted for carrying into effect this principle, is the object of the Resolutions. I lay before you the Report with the Resolutions. I also lay before you communications received from the Governors of New Hampshire, New Jersey and Vermont, by which you will see, that the Legislatures of these States have approved these Resolutions.

The correctness of the principle affirmed by these Resolutions seems to be satisfactorily established, and probably upon grounds of policy, the funds contemplated could not be appropriated to a wiser or better purpose, than that recommended. But altho the object shall be approved by Congress, delay must attend the accomplishment of it; and I would suggest to you the propriety of giving further attention to the subject of Education and adopting other measures in relation to it, than can proceed from any view, which you may take of these Resolutions.

No subject can be presented to your minds of greater importance than an or more general concern, than that of devising
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the best practicable means of promoting the education of the ^{great body of the} people of this state. The subject is certainly embarrassed with many difficulties, but it is of such vital interest, that it ought not to be neglected, and the difficulties, that attend it, instead of producing discouragement, should excite determined diligence and persevering exertion. The value of education is too great and too obvious to be illustrated. Upon it depends the intellectual, moral and religious character of the community. It has an inseparable connexion with the improvement and prosperity of the state, and every one, who has a right in our soil or a place in our society or is subject to our government, is interested in its diffusion among our citizens.

Upon a subject of such moment, it is matter for surprise and regret, that not even an experiment of public patronage has been made in the state. No plan for assisting to extend the benefit of education to the people has been matured by the legislature. This neglect certainly has not proceeded from indifference, but probably from an apprehension, that the state did not possess means to carry any adequate system into effect. It is true, our means are limited; never the less if judiciously applied they might effect very important purposes. According to the principles of our government, the Publick cannot and ought not to take upon itself the entire charge of any concerns, in which individuals have a direct, personal interest; the general tendency is to leave such concerns to the care of those, to whom they more immediately belong. But the legislature may give an useful direction to the attention of the community, and by assisting to combine their efforts, enable them to accomplish what without such

direction would not be thought of and without such combination would be impracticable. Universal experience proves, that if there be no legal provision with respect to education, it will, either from being undervalued or deemed unattainable, be neglected by a great portion of the population of any country; and that to induce the people generally to appreciate and seek its advantage, their minds, must be excited and the means of obtaining these advantages placed in their view. In this state, individuals have done much for the promotion of education, but they can not do all, that our condition requires, and probably the greatest difficulty is to create that permanent regard to the subject, which your countenance and encouragement would be calculated to produce.

Our counties have not been divided into school districts and we have few school houses. A division of the counties into school districts might be effected either without expense or at very trifling charge. If this division should be made, the attention of the inhabitants of the districts would, as a matter of course, be directed to the support of a school. Portions of the income of the school fund might be tendered to them upon condition, that they should raise other specified sums by contributions. To secure what would be thus offered by the Publick, the requisite contributions in many, if not in all ^{cases} instances, would be made; rivalry would arise among different districts, and it is believed, that school houses would be built and schools supported. A great purpose will be answered, if a system can be introduced, and the people, by having the subject before them, can be induced to reason concerning the importance of education and be enabled to see, that the means of it are

within their power.

The Schools, in which the Publick have an immediate interest and to which, it is with deference suggested, that your attention should be principally directed, are those, in which the rudiments of education are taught. The immense interest, which Society has in these schools, is not properly estimated. Those instructed in them easily receive the most lasting impressions. The principles, which form the characters of men and have a governing influence upon their conduct through life, whether good or bad, can frequently be traced to these sources. It is conceded, that these schools must be supported, chiefly, by voluntary contributions. It is probably best, that it should be so; for that is rarely much prized, which costs little; and it happens according to the common principle of our nature, that some, who would embrace the means of education, if attainable for a price, which they could afford, would altogether neglect them if offered as a free gift. It is submitted, that the great object of the General Assembly, in respect to the subject of promoting education, should be to excite the attention and combine the exertions of individuals; to attempt by furnishing some public funds to obtain greater voluntary contributions; and by placing the subject in the view of the different sections of the Country, to impress upon the minds of the people the principle that to provide the means of education, is an important part of their concerns.

I have on a former occasion questioned and I now submit to your consideration, whether the appropriations, which have heretofore been made of portions of the School Fund for the purposes of education are consistent with the nature and intent of that fund or calculated to produce so much good as might be effected

in a different manner? It is sufficient to recur to the act establishing this fund, [see 7. ch 105 c. 2 del 1. 1298] to be convinced, that to apply any part of it to the exclusive benefit of any description of persons, violate the intention of this law. The charitable nature of the appropriations and the benevolent views, with which they were made, command our esteem; but it is wisdom to consider, that the general purposes of education, in which the whole community ^{are} interested, demand more, than our School-Fund can afford, and that duty therefore require, that no part of it should be diverted from its legitimate object.

The Governor of Ohio has communicated to me a report of a joint committee of both Houses of the General Assembly of that State, upon the subject of certain proceedings of the Bank of the United States against officers of that State in the Circuit Court of the United States with certain resolutions recommended by this report and adopted by the General Assembly. I lay this report with these resolutions before you.

Men of all parties profess to consider the Union of these States as of the utmost importance. Reflection will convince everyone, that evils that the most extensive and calamitous must flow from a dissolution of this Union. The Union essentially depends upon the powers granted by the constitution of the United States to the General Government. To preserve the Union, the General Government must exercise the powers granted to it by the constitution, and it cannot exercise these powers without the support of the people. The position is extraordinary, that treats the General Government as alien from the States; as a foreign Government, which the State Government can constitutionally discard or out-law.

as if this Government did not exist among us with our consent and choice, for our safety and protection, and did not constitute a part of the system, which we have established for the security and preservation of our rights; or if as if the General Government within its constitutional limits were not as necessary to our welfare and as much entitled to our allegiance, as the ~~Government~~ State of Government of the State, of which we may be citizens. The opinion, which prevailed among some great and good men, at the time, when the General Government was commencing its operations, that the danger to our confederacy arose out of the too great powers of this Government, has in a great measure passed away; and it is believed, that the apprehension now, after an experience of near fifty years, entertained, is that the General Government may not be able to sustain itself against the power and ambition of the States, and the opinion deemed by many as most wise and prudent, is, that the National Government should be firmly supported in the exercise of all the powers delegated to it by the Constitution.

Of the merits of the controversy, which has occasioned this report I have no knowledge. The case seems to have been one, in which redress of alleged private injury was sought by a resort to a court of justice. But however enormous the case may be have been, the principles avowed can be applied, with equal propriety, to all cases and in every State. You will consider what powers these principles would leave to the General Government and what would be the consequence of measures ^{proposed} ~~proposed~~ upon them. With the highest respect for State rights and a fixed

determination to maintain these in their full extent, I nevertheless am satisfied, that these rights should be determined according to the forms of our government and by the authorities vested with power for that purpose; and I am persuaded, that the most effectual mode to preserve State rights is to treat with proper deference and respect the rights and powers of the National Government. That Government destroyed or reduced to insignificance, State rights and State Sovereignities could not long remain. The Motion in its commencement might appear regular and salutary; but it must terminate in ungovernable violence.

An inquiry, which peculiarly belongs to you, is, whether it be not practicable to diminish the public burdens? While on the one hand, no useful public object ought to be neglected; on the other, the public money ought to be expended only for useful public objects and this expenditure should be securely guarded. The great burden of our taxes is occasioned by appropriations to support our poor houses and to defray other county charges. The sum necessary for the support of government, when assessed, adds but very little to the mass of our taxes. I repeat a question suggested on a former occasion, whether it would not be advantageous to provide, that all the various

items of public expenditure should be published yearly for the information of the people, so as to enable them to understand the nature, character and purposes of these expenditures? Such information might have a tendency to diminish the expenditures, it would certainly be satisfactory to the people.

I recommend to your consideration the present mode of appointment to the office of Constable and I submit to your judgment, whether this mode ought not to be changed? A Court, whose business it is to administer Justice, and from whom the most exact impartiality is required ought to have no concern with this appointment, and in case of a vacancy in this Court, the selection of a Judge ought not to be liable to be influenced by the consideration, that this Court has the power of appointing to an important office. Reasons in my opinion unanswerable require, that Constables should be elected by the people.

There are many parcels of land in Sussex county, a title to which cannot be obtained unless Warrants to survey Vacant Lands can be again issued by the Recorder of Deeds and the regular proceedings had on such Warrants. I submit to you the propriety of passing an Act to this effect.

It is worthy of your consideration whether there ought not to be some further legal provision respecting the Militia. It is true, that the Act of Assembly for establishing an uniform Militia throughout this State has not been entirely repealed; but it scarcely comports with the

dignity of government and with the respect, that ought always to attend it, to say, that a Law, which no one is bound to obey, is in force. Suppose, that the importance of the Militia may have been overrated, still it may not be wise nor prudent totally to abandon the system. In the County of Newcastle, a spirit favourable to the Militia appears to prevail. Since January last Commissions have been issued for two troops of horse, two companies of Artillery and three companies of Light Infantry, in that County. By some of these I have been requested to direct the delivery of public arms for the purpose of exercise upon good security for the safe keeping and return of the arms. I have no authority to comply with such request. I suggest for your determination, whether it would not be proper to countenance and encourage a disposition to become acquainted with Militia duties by authorizing the delivery of these arms in ~~particular~~ specified cases and upon suitable terms?

By a Judgment of the High Court of Error and Appeals, it is established, that Recognisances taken in the Orphans Court for the payment of the appraised value of intestates' real estates are liens upon all the Lands of the Recognisors. It is understood, that the records of this Court have not been kept with any particular view to give notice of these Recognisances. I suggest the propriety of requiring the clerks of this Court to make a docket of these recognisances and to keep alphabetical lists

of the names of all persons entering into them, with a view that there be no may be ascertained without difficulty.

By the turning in the petition of the act for the more easy and speedy recovery of small debts, Justice of the Peace can issue attachments for debt or other demand and not execute writs of distress. By the ninth section of the act, a plaintiff can require a garnishment to the Act, a Justice is authorized to take notice to plead and the Justice is authorized to determine the case. There can be no trial by juries and there is no appeal. The last part has been decided by the Court of Common Pleas and the Justices that there would be any stay of execution, or that in case of a judgment by default, the Justice should be sworn to the truth of his return. These remarks are submitted to your consideration.

No license for any team, boat or stage has been obtained or applied for under the Act of the petition of the Act of the last session for "to establish a village in the village of New York or its vicinity and for other purposes."

Licenses made out pursuant to the Act of the last session "laying duties on licenses to retailers of foreign goods, wines and merchandises" have been put into the hands of the Clerks of the Peace in October last it appeared, that there had been paid for duties on these licenses, in Upper county five hundred and thirty nine dollars, in West county six hundred and seventy seven dollars and in Middle county eleven hundred

and seventeen dollars. Total Dollars 2363.
 G. C. Borchke is to settle the claims of this State against the United States, has reported to me, that this claim yet remains unsettled. But that a late communication from Mr. Rogers testifies to unduly the hope, that it will soon be agreed upon and equitably adjusted. I say Mr. Borchke's communication before you.

I say before you a Memorial of the Mayor, Aldermen and common Council of the City of Washington in the District of Columbia, which has been transmitted to me for their perusal.

John Collins
 Note.