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THE TERMS OF THE STAR

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COMMUNICATION

FROM HIS EXCELLENCY THE GOVERNOR,

To the General Assembly.

Council Chamber, Annapolis, Nov. 10, 1802.

Gentlemen,

Executive communications to the representative body are frequently indispensable, and although sanctioned by long usage, yet as they are not expresly directed by our constitution, their form has been variant with us. The following observations are therefore offered in a mode that has been preferred, as involving no responsibility but my own, and as most consonant to the spirit of that clause of the constitution which commits to the governor alone "the exercise of all other executive powers of government, where the concurrence of the council is not required, according to the laws.

Your honorable body will receive herewith the census of the United States, lately completed. This instrument discloses an augmentation of our national population in the last ten years, of more than 1,200,000 persons, on an original number of somewhat less than four millions. So rapid an advance to power and opulence, during a period of great and almost general calamity to the civilised world, furnishes a flattering and decisive proof of the value of our political institutions; but the result, as it respects this state individually, has disappointed the expectations that were raised, by the great and acknowledged increase of our commercial importance, during the same period; this census, even as corrected, gives us only an addition of 29,266 on our former number of 319,728, inclusive of the territory of Columbia, north of Patowmack. The causes which have retarded our relative progress offer an interesting object of inquiry to the legislature—there is indeed one important view arising from the document, on which I have deemed it my duty to submit the observations contained in the enclosure No. 1, intending only for the private perusal of the members; this subject will be found so intimately connected with the military preparations of the state, as to render the following information necessary, and may excuse the latitude of observation with which it is accompanied.

Happily, public opinion coincides with the principles of our constitution, resting our defence on a *national malitia*, and no doubt ought to be entertained that proper regulations may render it competent to the purpose; but if these be neglected, and the community cannot rely on its efficacy, the first eminent danger may lead them to provide some other and more dangerous resource; for they will never consider their country, their constitution or their property, their own, unless they can perceive some adequate means of defending them. A state can merit little praise, whatever may be its constitution or its laws, if it neglects its military defences, for upon these, all other political institutions must ultimately depend for their support.

Notwithstanding every exertion made by former executives, there has been no return yet made of the militia of Maryland, since its organization in 1793; after reviewing these various and inefficacious efforts, the executive council addressed a letter to each colonel, or commanding officer of a corps, in June last, enclosing blank returns, which they were requested to complete and forward.—Only six officers had complied on the 1st of this month.

The books of the council shew that the militia has been arranged into 3 grand divisions, 2 on the western and 1 on the eastern shore, under 3 major-generals; they compose 12 brigades, commanded by 12 brigadier-generals, and 50 regiments, divided into 100 battalions, exclusive of 4 extra battalions. Commissions have also issued to 26 troops of cavalry and 5 companies of artillery.

The officers of all these corps are still nearly complete; but we have no documents to ascertain the number of men enrolled: Was a judgment to be formed from the average numbers of the six returns received, the militia of Maryland might be estimated at 30,000 commissioned, non-commissioned officers and privates.

The existing disorganization of this body cannot wholly be attributed to the neglect of the state government; the militia being subject to the joint direction of congress and the states, the state laws on this subject must essentially depend on the outlines prescribed by the general government. The present combined system has been, perhaps too generally and too hastily condemned, as incapable of producing an efficiant militia; and as such, in a great measure adandoned by the public functionaries; for we have information that cannot be discredited, that the northern states, under these very laws of congress, aided by their own regulations, have long possessed a powerful and well organized militia, consisting of proportionate corps of artillery, cavalry and infantry; generally uniformed, well provided with small arms, and furnished with formidable trains of field artillery. The causes of this difference between them and the southern states, particularly Maryland, (perhaps the most defective of them all in military preparations,) merit investigation.

One cause is the want of a due execution of the laws; for a law unexecuted, is, in effect, no law at all; another, and perhaps the original cause, is, that the fundamental law of congress is better adapted to the local and moral circumstances of the northern, than of the southern states; from this source probably originated a first failure in the execution, which generally augments, in an arithmetical progression, until the law itself becomes a dead letter. The places occupied by our slaves are filled in the northern states by free persons; their militia are therefore much more compactly situated, and a company, or even a battalion, may assemble for exercise without trouble. Their duty, from this source, becomes a recreation instead of an inconvenience. In this respect they resemble the militia of our towns, where we have established excellent corps, even under the present laws. There is yet perhaps a moral difference of considerable influence. The desire of pre-eminence, natural to man, is easily gratified in a country where the conditions of master and slave are unknown, by appointments to public office; these constitute almost the only distinction that their state of society will admit of; but where those domestic relations have widely spread the distinctions of rich and poor, those of office are almost lost in that of wealth. Many opulent masters are too apt to despise the limited authority of equal laws; they refuse to sacrifice either their pride or their ease to the means of obtaining the suffrages of their fellow citizens, and then they affect to disregard command, if committed to those whom they consider as occupying inferior stations in private life; such persons generall ypreser paying moderate fines to personal attendance at musters, and the poorer citizens, disgusted by a burthen apparently unequal, are frequently disposed to follow their example, and become equally inobservant. Such general principles derived from the nature of man, although strongly counteracted by the wisdom of our constitution, and the general patriotism of our citizens, have still their silent operation; and the evils resulting would perhaps be best remedied by raising militia fines so high as to render them an object even to the wealthy; no injury can well arise from this measure, as both rich and poor might avoid them, by complying with their duty, or offering a reasonable excuse; should this be done, it might also be proper to authorise the executive to mitigate or release them in like manner as other fines; a provision operating in the nature of appeal, could not fail to be salutary; as all judiciary proceedings, particularly those of courts-martial, require some revision to protect the citizen from the abuse of power. But whether fines be raised or not, still it may be found necessary, to alter the present arrangement for their collection and appropriation; shameful abuses certainly exist with regard to both, and these would probably be more easily detected, and more effectually remedied, by rendering the sheriff's accountable for them to the levy courts; under their direction they would soon form a sufficienr county fund for the supply of colours, military music, and whatever uniforms would be found necessary to complete the *select militia*.

It is to be apprehended that obstacles arising from natural and moral causes will continue to obstruct the establishment of an efficient militia in this state, on any other principle than that of a select militia, a system which the present laws of congress fully authorise, and which has been already partially adopted by the state. By encouraging the principle of voluntary enrolment and resorting to draughts only to supply the ultimate deficiencies; by permitting the companies to recommend their own officers as high as the grade of captain, and by granting certain indulgencies and preferences to the privates, some of which will be suggested; it is probable that the present select companies, which are now apportioned by law only one to a regiment, may be speedily increased to one for each battalion; they would then constitute 104 companies, which, if complete, should amount to 7000 infantry, exclusive of officers. The present troop of horse should be filled, or the officers discontinued, and their number, if completed to 30, might be organized into three regiments of cavalry, 2 for the western and 1 for the eastern shore; the 5 companies of artillery being also augmented by 5 companies more, might form a regiment, and these united corps being placed under an appropriate number of general, staff and field officers, and properly armed and disciplined, would form a body of troops sufficiently powerful, to meet any emergency to which the state would probably be exposed.

But to carry this plan into effect, it is indispensable that the state furnish muskets, bayonets, cartridge boxes, and belts for the infantry, swords and pistols for the cavalry, field pieces and sabres for the artillery. To teach men the use of arms, without arms, is almost as hopeless an attempt, as to teach the blind the use and distinction of colours. The state possesses at present arms and accoutrements sufficient to equip the body of infantry proposed, and possibly by an arrangement with the government of the United States, an unsatisfied claim for military supplies furnished during the western insurrection, might produce swords and pistols for the cavalry.—Where soldiers have served seven years in the select militia, they might be discharged, with an honorary certificate of their services, if merited; if then enrolled in the reserve of the militia, they might rank as cadets, and be entitled as such to promotion; they might be exempted from all future draughts and tours from actual duty, except when the reserve might be called into service *en masse*; all persons also serving in the select militia, who should be deemed unable to provide uniforms, in the opinion of the levy court, might be furnished from the produce of militia fines, or such other funds as should be appropriated by law.

A defect in the present militia law, providing for the arming of the select companies, merits the attention of the legislature, as it has rendered the provision almost ineffectual; it is the clause which requires the officers to pass their own bonds, for the arms to be distributed to their companies; the officers have been unwilling to subject themselves to this risk, nor is the propriety readily perceived of rendering an officer responsible for the solvency of a private soldier, to whom he must deliver a stand of arms, whatever may be his opinion of his circumstances or principles; perhaps all that could be reasonably required of the officers, would be to take an obligation from each soldier, for the safe keeping and due return of the arms, and in the event of his discharge or quitting the corps, to use due diligence in recovering the the arms, or their value, or in default to become liable himself.

Without arms in their hands, men cannot possibly be disciplined, and although patriotism may call them to the field when roused by impending danger, yet some motive, acting more uniformly, is necessary to induce them to acquire and preserve the habits of military discipline, without which *they may be sacrificed, and their country not saved*. Many appeal to the history of our revolution to prove discipline unnecessary; but those who waded through it, will recollect the enthusiasm which embodied and disciplined our active citizens, near twelve months before the sword was drawn; and they can never forget the cruel loss of invaluable lives, and the gloomy train of misfortunes that pursued us, until dear bought experience taught us the principles of warfare. At the commencement of the revolution we were subordinate colonists, armed by despair; but in possession of independence, and such ample resources, we should be criminal towards our fellow citizens, to posterity, and to mankind, were we to risk our interests, our rights, our existence as a people; and the principles of representative government, which has here made its last stand, on the precarious dependence of sudden and unprepared exertions. A military spirit should at all times be encouraged, for of all virtues, military virtue is the most valuable to a country. Abstracted philosophers may lament that mankind continue to idolize those as heroes who have been the butchers of the human race; yet it is because they cannot separate the use from the abuse of those qualities, without which our country, and all that it contains, falls prostrate before the sword of the conqueror.

A military spirit among the militia should be fostered by government, and in aid of patriotism, which acts only occasionally, the natural pride of man and his fondness of distinction, should be resorted to as the most permanent basis of military discipline; for this purpose REVIEWS should be held as frequently, and with as much eclat, as circumstances will permit. It may be also essential to restore salaries to those brigade majors, or rather inspectors, who may be appointed to the select militia; and it is believed that no other organ of military discipline can be well substituted in place of the adjutant general, the officer already designated by law as the most active agent of the system; if he does his duty he will merit his pay, but he cannot possibly perform his duty unless he resides near the commander in chief.

The governor of the state, from the establishment of our constitution, has ever been considered, and has uniformly acted, as commander in chief of its military force. By the law of 1793, among many other duties assigned the commander in chief, he is particularly requested to review the militia. Some doubt has been suggested, whether the governor can, or how far he may, issue orders to the militia, when embodied only for the purposes of military parade, or whether he may command in person in his military capacity at reviews, consistently with the provisions of our constitution of laws. However decided a governor may be in his own judgment, yet, if he is sensible that doubts of this nature exists with others, it must necessarily confine his exertions to those exigencies that immediately involved the public safety; to give him confidence to act with energy and effect in promoting the ordinary discipline of the militia, it may perhaps be proper to render his powers so explicit as to exclude cavil. A governor might actually review the select corps, and inspect the state of their equipments, one year on the western, and the next on the eastern shore; and this measure, if properly executed, would probably tend more to excite and preserve a military spirit amongst them, than any other that could be devised. If such an arrangement should be made, it would be necessary to designate by law the number and rank of his aids, and also to revise the present law respecting courts-martial, to enable the commander in chief to call officers to account who should be found deficient in their duty.

The inclosure (No. 2,) exhibits the most correct statement that can be now procured of the ARMS, ACCOUTREMENTS and MILITARY STORES, belonging to this state; the small arms yet undistributed may be considered as fit for service, as provision has been made to repair those that were not in order. The arms, accoutrements, &c. at Frederick-town, have been removed into rooms prepared in the barracks, by which means the state saves the expence heretofore paid for an improper deposit; the allowance being already made for a reparation, in future the expence may be limited to the moderate salary of an armourer already appointed; measures authorised and directed by the act of November session, 1785. Should it be the determination of the legislature to place the arms we possess in the hands of the select militia, it would probably be gradually effected and a residuary supply, to be deposited in the different arsenals, might in time be provided for the BODY of RESERVE.—Frederick-town, secure against foreign invasion, would no doubt continue the principal depot, but as it is too remote to be used against an internal enemy, it would be prudent to keep 1500 or 2000 stands of arms at the seat of government, under the immediate disposition of the executive.

Of the FIELD ARTILLERY, the two brass six pounders at Annapolis have been repaired; a four pounder, heretofore totally neglected, has been mounted, and the three pieces are now completely fitted for field service; a shed has also been built, (on terms accommodating to the public,) near the state house, where the pieces and their entire equipments, are kept in preservation and readiness, which has also been done under the law of 1785; and an excellent artillery company of militia has also been raised and instructed in the use of these guns, by the direction of the present executive. The two brass four pounders in Baltimore are attached to captain Stoddert's company. These pieces are wholly inadequate to any effective military arrangement. A single regiment of artillery, consisting of artillery, consisting of 10 companies, commanded by a captain and two lieutenants each, would require twenty brass six pounders, and five 6½ inch howitzers, in addition to what we possess. It is not to be expected that the state would provide immediately for what may be ultimately necessary, but a small sum annually appropriated, would gradually and probably in due time effect these important objects without any sensible inconvenience.

It would certainly be prudent, even in our present circumstances, to keep constant in a state of preparation, a small quantity of fixed ammunition; it would seem necessary that at least twenty-four rounds should be delivered out with every stand of arms, which the public authority may judge proper to place in the hands of the militia, and at least an equal quantity should be reserved in the arsenals. A like provision should be made for the field artillery. These things require little more than the attention and trouble of providing them; indispensable as they are, this expence is trifling; they are hardly objects of legislative direction; they would be more properly left to the discretion of the commander in chief, whenever his authority and duties are correctly defined and understood. The powder belonging to the state is now extremely old, and unfit for any real service; it will require manufacturing. The other military stores, camp equipage, &c. are in good order, and of the kind abundantly sufficient for any probable purpose of the government.

Many of the objects presented to the legislature are necessarily connected with the *pecuniary resources* of the state, in full detail of which, as exhibited by the treasurer, has been already forwarded to your honorable body by the governor and council. On this statement it should be understood, that to the sum of £. 17,498 13 8½, (the balance remaining unappropriated on the 31st october,) may be added to the farther sum of £. 21,093 15 0 received for interest due on city loans, and the principal sum of 50,000 dollars, that became due on the 1st November; also £. 2,546 11 1 received from the eastern shore, constituting an aggregate amount of £. 41,138 19 9½ cash, now in the treasury, after providing for all demands on the state up to the first of November.

The ordinary annual income of the state should be estimated thus:

Interest and reimbursement on public stock and state loans - -	£. 23,645 17 0
Annual taxes on law proceedings, fines, forfeitures, &c. - - - -	15,000 0 0
Interest from debts due from solvent debtors, - -	2,150 0 0
	£. 40,795 17 0

The interest on the 50,000 dollars, city loan, already repaid, is of course deducted in this estimate. The product of the Patowmack canal stock is estimated at six per cent. instead of three, which has been the first year's dividend; it will more probably produce eight or ten per cent. instead of £. 6,50 0 0, which the treasurer calculates as the probable receipts for the ensuing year from the solvent debtors, comprehending a portion of the capital due, a net interest on the whole sum due is preferred, as it exhibits this interest of the state in a form of a perpetuity, instead of an annuity; it is true, that the reimbursement on the six per cent. stock, amounting annually to about 7000 dollars, is included above, although it stands on similar principles; this payment being not subject to the control of the state, she must continue to receive it, and the growing deficiency of the fund can only be supplied by equivalent investments in other productive funds.

The ordinary annual expenditure of the state, according to the items in the treasurer's account, should be estimated at not more than £. 34,464 2 5, as in his estimate for the ensuing year provision is made for two sessions of the legisla-