

# MARYLAND GAZETTE.

T H U R S D A Y, N O V E M B E R 18, 1802.

Communication from his Excellency the Governor to the General Assembly.  
COUNCIL CHAMBER, ANNAPOLIS, Nov. 10, 1802.  
GENTLEMEN,

**E**XECUTIVE communications to the representative body are frequently indispensable, and although sanctioned by long usage, yet as they are not expressly 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 honourable 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 29,966 persons 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, intended 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 militia*, 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 imminent 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 efficient militia; and as such, in a great measure abandoned 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 generally prefer 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 an 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 sheriffs accountable for them to the levy courts; under their direction, they would soon form a sufficient 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 troops of horse should be filled, or the officers discontinued, and their number, if completed to 30, might be organized into 3 regiments of cavalry, 2 for the western and 1 for the eastern shore; the 5 companies of artillery being also augmented by 5 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 of 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 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