

MARYLAND GAZETTE AND POLITICAL INTELLIGENCER.

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TO THE HONOURABLE THE GENERAL ASSEMBLY OF MARYLAND.

The Memorial of the Visitors and Governors of Saint John's College.

YOUR Memorialists ask leave to call your attention to a history of this Institution, and of its claims upon the State.

The war which secured to our nation its independence, had hardly terminated, and from the difficulties and distresses into which it had thrown us, the State had not recovered, when the great and enlightened men, who then ruled our councils, took steps for founding this College. In the preamble of the law for its establishment it is declared, that "institutions for the liberal education of youth in the principles of virtue, knowledge, and useful literature, are of the highest benefit to society, in order to train up and perpetuate a succession of able and honest men, for discharging the various duties and offices of life, both civil and religious, with usefulness and reputation, and that institutions of learning have accordingly been promoted and encouraged by the wisest and best regulated States." And in order to encourage "public spirited individuals" to contribute towards founding "a general seminary of learning," the legislature assured them of "legislative assistance," and "a lasting provision." In this act of Assembly it was engaged on the part of the state, that after the necessary buildings had been erected by individual contribution, the institution should not fail for the want of funds to employ and support its professors. It was enacted, "that to provide a permanent fund for the further encouragement and support of the said College on the Western Shore, the sum of £ 1750 current money, annually and forever hereafter, be given and granted as a donation by the public to the use of said College on the Western Shore, to be applied by the visitors and governors of the said College to the payment of salaries to the professors and tutors of the said college."

Such were the assurances given, and the inducements held out to individuals, in order to raise by subscription ample funds for the erection of necessary buildings. The faith of the State was pledged, and the faith of the state was, at that time, deemed to be inviolable. Your memorialists need not mention, that the contract, on the part of the individual contributors, was fulfilled. In every part of the state subscriptions were obtained, and those who were thus induced to subscribe, were afterwards compelled to perform their part of the contract. The college edifice was erected, able professors were found for the various branches of instruction, and in the year 1790 the different schools were opened.

Your memorialists will not stop here to speak of the prosperity and reputation which Saint John's College once enjoyed, or of the invaluable benefits which this, as well as others of the state, have derived from its institution; they will not state it, because all must know, that this seminary in the course of the very few years that it was permitted by the legislature to flourish, educated many youth, who have since become eminently useful to the state, and have since been called to some of its highest and most distinguished stations.

Your memorialists will not permit themselves to dwell upon the repeated abortive attempts which were made in successive legislatures to destroy this institution, by withdrawing from it the funds which the State had so solemnly pledged for its support. All may readily imagine the injurious effects produced by these efforts, and how much the usefulness of the institution was abridged. These efforts, however, were defeated, until the session of 1805, when the then legislature, alike forgetful of the faith of the State, and of the claims which seminaries of learning have upon the public, passed by a very small majority, an act withdrawing the funds from the College, which enacting clause declares shall be and remain the property of the State, subject to the appropriation of the legislature, to literary purposes, and to the dissemination of learning in the several counties of this State, and not to other or different purposes. Such was the cover attempted to be given to this flagrant breach of the pledged faith of the State. Your memorialists need not remark, that as little regard has been paid to this appropriation, as was shown in the passage of the act, for the faith of the State. The fund has not remained in the treasury; nor has it been appropriated in conformity to this act. The College has been plundered, but the state treasury has not been enriched, and the debt may serve to prove, that if a country wishes to flourish, it must build its prosperity on the foundation of justice, and must be miserably disappointed when it would owe any part of that prosperity to a violation of its faith, or a disregard of its duty.

Your memorialists persuade themselves, that it would be a waste of time now to demonstrate that this act was a violation of the engagement which the State thus deliberately and most solemnly entered with many of its citizens, and that such an act of outrage, in a private individual, no community would be willing to tolerate. It is hardly to be supposed, that any man who has a mind capable of comprehending a plain subject, would chuse to be suspect-

ed of entertaining any doubt, whether the State was bound, or could rescind and repeal its own contracts. The State proposed to make the contract with its own citizens—it urged them to make it—it would not permit its own faith to be questioned. In the same act, it declared that some it would "annually and forever hereafter" give, and pledged specific funds for the payment thereof. It would not permit its citizens to rescind or delay the performance of their part of the contract, but armed its tribunals with power to punish any breach of it; and when the citizen thus contracting, thus obliged to fulfil his part of the contract, and after having honourably fulfilled it, reposes on the public faith, "annually and forever" thereafter to contribute the necessary funds, which are to support the necessary professors, and the College in which his children, and children's children, are to be fitted for useful and honourable employment; the State violated that faith, which all believed to be inviolable, and which it is the deep and lasting concern of all to preserve inviolate.

It perhaps may be thought, that although the Legislature of 1805, which passed this law, was guilty of a violation of the public faith, yet that that faith is not at all concerned in the fate of the application which is now to be presented to the General Assembly. What has been done cannot be undone—and therefore it may be supposed, that the present Legislature, by refusing to do any thing, would not subject themselves to the reproach of having disregarded what the state owes to its character and its engagements. A moment's reflection, however, must convince every man, capable of reflecting, of the fallacy and absurdity of this notion. What was the engagement on the part of the state? To contribute annually a specific sum out of a specific fund. It is true that the Legislature of 1805, designed not only to deprive the College of one half of the donation thus secured to it for the year 1806, but to prevent the payment of any part of the donation promised in any succeeding year. But it is equally true, that it was out of the power of that Legislature to perpetuate such a design. The Legislature of each succeeding year had the power to provide that the engagement of the state should be observed, at least for that year. Is not the faith of the state pledged to pay £ 1750 for the year 1817 as much as for any other year? Is not the Legislature, now in session, at liberty to order an observance of that engagement, and bound to do, whatever it can do, to preserve the faith of the state inviolate? Could it find in the misconduct of former Legislatures an excuse for its neglect to provide for the payment of the sum of money which, by the engagement of the state, is to be paid in the course of the present year? A man disposed to discharge an obvious duty, will not be misled by the evil example of others, or suppose that because others have done wrong, he is not bound to do right. If an individual refuse to perform his contract at the time stipulated for its performance, he is guilty of a breach of faith; but whoever supposed, that because he did not perform his contract at the time stipulated, he was afterwards under no obligation to perform it? Or that if he engaged to pay annually a certain sum of money, a refusal for several years to pay it discharged him from the obligation ever afterwards to pay it? The law, it may be said, which secured this donation is repealed. True, but the repealing law is not irrevocable, and while it remains unrepealed public faith is daily violated. Those who are charged with its preservation, and feel the sacredness of the duty which they are charged, cannot stand acquitted to their consciences, while any thing is left undone, which can be done to exempt it from the reproach of infidelity. If therefore, no other consideration could be found, which ought to influence those who are the guardians of the public rights and interests, the faith of the state, so solemnly pledged to its own citizens, would imperiously demand a repeal of the law of 1805, and a restoration of the funds to the College.

Ought it to be required of your memorialists, or would it be respectful to those to whom they address themselves to shew, that what a former Legislature declared is strictly true, and that institutions of learning in which to train up and perpetuate a succession of able and honest men for discharging the various offices and duties of life, civil and religious, is necessary for the public good, and ought to receive its assistance? Surely, it cannot be necessary to prove how important it is to a state, at all times; to have able and learned men to fill the various offices of government; and without seminaries, liberally endowed; it is impossible that the youth of a state can receive that education which is to fit them for discharging, with credit to themselves, and with usefulness to the country, the various duties which the state demands of its citizens. To ask whether there ought to be seminaries of learning amply endowed, is to ask whether a state is at all interested in its own prosperity, or whether its interests and rights can be secure while the preservation of them is necessarily confided to those, who, by a most wicked and ill-judged parsimony, have not an opportunity of receiving the education which is requisite for them. The opinion, that ignorance is to be preferred

to wisdom, or that those who will be most likely to be the faithful guardians of the public rights, who have the least knowledge of them, will buy but few admirers. A state must owe its greatness, its prosperity and its happiness, in a great measure, to the learning, the integrity, and talents of those who fill its various offices, and exercise its several professions. It cannot prosper unless its citizens be enlightened, and to provide for the instruction of those, who are to be its future officers, and lawgivers, in all useful knowledge, is one of those imperious duties from which its public functionaries cannot, if they would, excuse themselves, and from which an enlightened Legislature would not chuse, if they were authorised, to be excused.

Perhaps, however, it may be said, that although the utility of public seminaries richly endowed, cannot be questioned, yet a necessity for having one such in Maryland, does not exist. In the neighbouring states, institutions of this description are to be found, and in them our youth may receive the necessary instruction to qualify them for the various departments of government. The correctness of a notion so singular may well be questioned; it has found its way into no other state in the union, and can have no claim, but that which its novelty may be supposed to give it, to be respected in Maryland. To encourage literature, to erect and endow seminaries, as well as to provide for their citizens the means of elementary instruction, is now in every part of the union a favourite employment of state legislatures. Scarcely one of them is without its own College, or obliges its citizens in order to acquire a liberal education, to exile themselves from its own bosom. Some of them have most liberally endowed more than one such institution, and Maryland can find, no where but at home, an example of a free and independent state, at war with institutions of learning, and proscribing from its limits its own youth.

With equal propriety might the state refuse to encourage the citizens to qualify themselves for the various duties of the legislative, executive, and judicial departments, because the wise policy adopted by other states has enabled them to raise up men whom we may employ in these departments! To such a policy, so ruinous to our choicest interests, and which, if adhered to, must eventually deprive us of every thing like ability in our councils, or public spirit among our citizens; every feeling, which it is the duty of the state to cherish, is opposed. A state, which justly prizes its independence, chuses not to owe to others the knowledge of its rights, or the ability to preserve them. A state which wishes its citizens to be enlightened, does not leave it to other states to provide the means of enlightening them, and compel its youth to seek abroad for what they have a right to find, but what is denied to them, at home. A state which wishes the affections of its citizens, will not be necessary to the crime of alienating those affections, or oblige its citizens to feel, that to other states their obligations are greater than to their own. A state which would not chuse to be a colony, is as reluctant to go to other states for its lawgivers, as for its laws. The singular praise of banishing its aspiring youth, is confined to Maryland. It is for the Legislature in its wisdom to say, how long it will continue to merit this praise.

We are aware, that it is the belief of some, that in the present situation of Maryland, it is more imperiously the duty of the legislature to provide for the instruction of all in the rudiments of learning. We will not dissemble our conviction, that to place within the reach of the whole community the means of instruction, is among those duties which a conscientious legislature would not chuse to leave unperformed. All have a claim upon the State—a claim which it is criminal entirely to neglect. But at the same time, it would be a most wretched policy, which while it provided for its citizens schools for their instruction in the rudiments of learning, would refuse to them an opportunity of procuring whatever further instruction the genius of the youth, as it developed itself, was found fitted to attain. Indeed it will ever be found, that one and the strongest inducement with the more illiterate part of the community, for placing their children in those elementary schools, must be derived from the knowledge that higher attainments are within their reach. The fond parent sends his child to school, not to fit him for the humble and obscure station to which his ancestors have been doomed, but in the hope, that his talents require only to be cultivated in order to fit him for, and to raise him to the most exalted stations in the government. The legislature which offers to the poor, the means of attaining the rudiments of learning, and at the same time is unwilling, by the erection and endowment of Academies and Colleges, to enable them to advance beyond the mere rudiments, insults them, while it affects to respect their claims, and when it tells them that their children ought to receive some education, at the same time proclaims that it is not for the child whose parents are not opulent to be tolling in the paths of science, or aspiring to any thing more than that scanty knowledge which is calculated as well to confine them to, as to fit them for, a life of obscurity. A legislature which would pursue such a policy, would justly subject itself to the imputation of wishing merely

to qualify its citizens to write the ballots, which they are to give to others, and at the same time of being unwilling to see its indigent youth of talents, by a cultivation of those talents, rendering themselves worthy of the honours and offices of the State. But how are county schools to be established, unless the State provide other and higher schools in which proper teachers for these schools are to be formed? These schools would be worse than useless, until such teachers can be procured for them; and whence, if you have no other schools, are they to be brought? Every body is now acquainted with the difficulty of procuring in Maryland suitable teachers. Not only our academies, but private individuals, seek for them in vain. Is it not necessary to have in our own State, places in which they also can obtain the necessary instruction? Or is it designed to force upon our schools unprincipled adventurers, who, because others cannot be found, are now of necessity employed who get employment because we are strangers to their characters, and who would flock to us because they cannot remain where they are known? In the Colleges, young men are to be qualified for instructors in the Academies, and to the latter we must look, and can only look for fit teachers for inferior schools. To propose schools, and yet take no steps to procure instructors for them, would be to delude the people, and to deprive them of all opportunity of enjoying the benefits which such a plan would profess to offer to them. Such is the legitimate conclusion of reason, and this conclusion is every where established by experience. What has been one of the different free schools which our ancestors established in the several counties? Did they answer the benevolent purposes for which they were designed, or did they not fail, and fail entirely, not so much for the want of scholars or funds, as for the want of suitable instructors? They failed, and all plans for the general diffusion of knowledge must fail, when no provision is made for raising a succession of fit instructors to be employed in the schools. In every other State in the Union, and in every foreign country in which plans for the instruction of the poor have succeeded, it has been the invariable policy to establish other schools, for the assistance of those in which the rudiments of learning are to be taught. It is then too, and then only, that the poor will be induced to send their children to these schools. They will be unwilling to benefit by a plan which allows to their children nothing more than a knowledge of reading and writing, and which tells them, that their learning is to end, as well as to commence, with its rudiments. Of little benefit to them would be that beggarly instruction which is to be acquired in childhood, and would be almost forgotten before manhood. In the public councils of the nation, are to be found many men from other States of the most obscure origin who for the elevated stations they attained were indebted to the wise and liberal plans of education which a provident policy had placed within their reach, and who, if nothing but county schools had been endowed by their native States, could never have received any education which would have fitted them for any thing but the humblest pursuits in life.

Your memorialists need not remind the legislature, that St. John's College, although it enjoyed the patronage and support of the State for so short a period, educated, entirely at its own expence, several youths of the most indigent circumstances, who have since pursued their several professions with distinguished reputation and success. If the College had done nothing more than rescue these youths from their indigence and obscurity, and qualify them for the employments, in which they afterwards engaged, the State would have been amply rewarded for its donations.

Your memorialists are happy that a fund has been provided, and is accumulating, for the general diffusion of education, which may in the course of a few years, if judiciously managed, be adequate to its destined purposes. It, in addition to this fund, suitable provision be made, in due time, for supplying these schools with fit instructors, then they may be productive of great and most essential benefit to the community. But a system which merely gives funds, and supplies no teachers, must inevitably

To Travellers

Persons travelling to Baltimore will find it much the nearest and best road by way of the Middle Ferry, formerly Holland's Ferry, which is now kept in good order, and constant attendance, by Henry Johnson and Wm. Arnold, where liquors and horse feed can be had. The road between the ferry and Baltimore has lately been straightened, and improved, and is only three miles from the ferry to Mrs. Carroll's Bridge, where it intersects the Washington turnpike road. Jan. 12, 1817.

NOTICE

A malicious lie having been industriously propagated, that I had been low as Huntingdon, in Calvert county, endeavouring to purchase corn; that I had stated, that it was for the family of Mercer's family, and that I had actually agreed with one man for barrels, but afterwards insisting that it should be delivered at the core, the bargain was broken off. I do hereby certify, that the above report is in all its parts untrue. I have not been in Calvert since July last, and then only for 36 hours, and that for a very different purpose, nor have I ever offered to purchase corn of any person in Calvert, or any where else, for nine years past.

Thomas Leitch.

West River, Jan. 6, 1817. I should not have noticed the above contemptible and groundless falsehood, had it concerned myself only; but at the desire of Mr. Leitch, whom it may be intended to injure at this time when an alarm exists from a real scarcity, I readily certify, that I never gave him, or any one else, any authority or direction to purchase corn for me, either directly or indirectly, for several years past.

John F. Mercer.

United States of America

District of Maryland, to wit: WHEREAS informations have been filed in the District Court of the said United States, for Maryland District, by Elias Glenn, Esquire, attorney for the same, against the schooner Arimondia, alias Snap Dragon, alias Mendocino, or that certain goods, wares and merchandise, of large value, to wit, of the value of four hundred dollars and upwards, were brought in said vessel from some foreign port or place to the said United States, and were unladen and delivered from said vessel, within the United States, to wit, at the District of Annapolis, without a permit being first had and obtained from the collector of said district for such unloading and delivery, and praying a condemnation of said vessel, for the use of the said United States, and also against one hundred and seventy four bales, packages and trunks, of dry goods, the property of some person or persons to the said attorney unknown, for that the said goods were imported into the said United States, to wit, into the port of Annapolis in the district aforesaid, from some foreign port or place to the said attorney unknown, in the said schooner or vessel, which vessel is the property of some person or persons to the said attorney unknown; which said goods were seized by John Rankin, Esquire, collector of the customs for the district of Annapolis aforesaid, and forfeited, and which said goods, at the time of seizure, were subject to duty, and which said duty had not been paid or secured to be paid.

And also against sundry goods, wares and merchandise, to wit—sixty pieces of check, thirty six pieces of muscades, seventy five pieces of cotton cambric, eighty nine pieces of handkerchiefs, forty two pieces of twenty five pieces of striped cotton, two pieces cotton shirting, and three dozen cotton hose, for that the said goods were imported into the said United States, to wit, the district aforesaid, from some foreign port or place to the said attorney unknown, in the said schooner or vessel, which vessel is the property of some person or persons to the said attorney unknown; and praying a condemnation of the same, and that the said goods, at the time of seizure, were subject to duty, and which said duty had not been paid or secured to be paid.

And whereas the honourable James Houston, judge of the said court, has ordered and directed Tuesday the fourth day of March next, at ten o'clock in the forenoon of same day for holding a court, at the Court House in the City of Baltimore, for said trials, agreeably to the prayer of said attorney.

Notice is hereby given, that the trial will then and there be had for the trial of the premises, and the owner or owners, and all persons who have or claim any interest therein, are hereby called to be present at the time and place aforesaid to show cause, if any they have, why a final determination should not be made. By order of the court.

Philip Moore, Clk.

Dec. 17, 1816.