

heirs at law, the real issue now exists, even though the States should ultimately be successful. As the objections, (if sustained,) which apply to the right of the Cities to take the legacies, cannot be extended to the States; and, as the States are next in interest to the Cities, under the will; it follows that, the heirs at law, if successful as against the Cities, must then encounter the still more formidable claims of the States. Now, the very simple deduction, from these several premises, is, would it not have been folly to have suffered the States to stand aside, and trust the vast property, involved in this controversy, to a single issue between the Cities and the heirs? I thought so; and, accordingly, I resolved to make Maryland a party to the proceedings, instituted by Louisiana. For that purpose, I employed Messrs. Elmore and King, two distinguished lawyers, resident in New Orleans; who were, already, associated with the Attorney General of Louisiana, as of Counsel for that State, in the same case. I will take this occasion to say, that, my reason for employing Counsel, resident at New Orleans, was, that the case might be the more promptly, uninterruptedly, and economically attended to. In the letter of instructions, bearing date the 21st of January, 1851, addressed by the Secretary of State, under my directions, to Messrs. Elmore and King, they are expressly advised of the policy above set forth; and instructed, as to the reasons, which have placed Maryland upon the record. They are, also, notified that, the question of compensation for their professional services would be submitted to your action; and, that, the Executive would not assume authority to enter into any contract, relative thereto. They have very generously and confidingly consented to abide by your decision. Article II., section 21, of the present Constitution, makes it necessary that services of Counsel, employed by the Governor, shall have been performed, before the Legislature can allow compensation. This case not having yet been determined by the Supreme Court of Louisiana, before which it has been carried, no appropriation, for that purpose, is now asked for. I, however, recommend the passage of a resolution, ratifying the appointment of the Counsel employed by me; and, giving the sanction of the State, in a more complete and formal manner, to the proceedings heretofore taken, by my authority. This precaution is important, upon legal grounds, which it is not advisable here to enumerate.

I have received, and herewith transmit to you, the Report of the Board of Directors of the Maryland Penitentiary. It is an unusually able and interesting document; and, deserves your careful consideration. You will find that, owing to causes therein detailed, it is shown to be impossible to sustain that Institution, solely by its own unaided resources. Its condition, (as contrasted with that of most other Prisons, in this Country,) is really prosperous; and, reflects credit upon those, who have charge of its varied and embarrassing operations. The present policy of the law, is, that,