

by allotted to Cecil county, and the city of Baltimore, notice thereof shall be given by the said levy courts respectively, to the president and directors of the Susquehanna bridge company aforesaid, and that such sums so assessed shall not be levied and raised until the said president and directors shall have paid into the hands of the commissioners aforesaid, a sum equal to that assessed as aforesaid on Cecil county; and the said commissioners, on receiving the said payment, shall forthwith give notice thereof to the said levy courts, whereupon the sums of money assessed as aforesaid on Cecil county, and the city of Baltimore, shall forthwith be levied, collected and applied to the purposes of this act." Resolved in the affirmative.

The bill being read throughout the question was put, Shall the bill as amended pass? The yeas and nays being required appeared as follow:

AFFIRMATIVE—Mr. President, Messrs. Cresap, Emerson, Harper, Hughlett, Magruder, Parnham, —7.

NEGATIVE.—Messrs. Carmichael, Gale, Taney.—3.

Determined in the affirmative.

The senate resumed the consideration of the unfinished business of Saturday, being the bill to amend and reduce into one system the laws to direct descents; the same being gone through was ordered to be printed as amended.

The clerk of the house of delegates delivers a resolution in favour of John Glanville; a bill, entitled, An act to incorporate the Medical Society of Baltimore; which were read the first time and laid on the table. And returns a bill for the benefit of Samuel Jones, endorsed "will pass." Ordered to be engrossed.

Mr. Parnham from the committee reports a bill, entitled, An act to restrain the evil practices of constables; which was read the first time and laid on the table.

The senate adjourns until to morrow morning 10 o'clock.

TUESDAY, January 30, 1821.

The senate met. Present the same members as on yesterday. The proceedings of yesterday were read. The bill to lay out and open a road from the Conowingo bridge, in Cecil county, to the Pennsylvania line, was sent to the house of delegates.

Mr. Harper from the committee reports a bill, entitled, An act relating to bail in civil cases; which was read the first time and laid on the table.

Mr. Maxcy from the committee submits the following report and resolutions:

The committee to whom was referred so much of the governor's message, as relates to education and public instruction, beg leave to report—

That they concur with his excellency in believing education, and a general diffusion of knowledge, in a government constituted like ours, to be of great importance, and that "in proportion as the structure of a government gives weight to public opinion, it is essential that public opinion should be enlightened." Your committee consider our government as emphatically a government of opinion. A general diffusion of knowledge, which is essential to its right administration, cannot be effected, unless the people are educated. No high degree of civilization, of moral power and dignity, or of intellectual excellence; no superiority in science, in literature, or in liberal and useful arts, which constitutes the noblest national supremacy, can be attained without the aid of seminaries of learning. The establishment of literary institutions, then, of all grades, from the common school, up to the university, becomes the first duty of the legislature of a free people.

Your committee are well aware of the difficulty, in the present embarrassed state of our pecuniary concerns, of providing the means of making education general. They are fully sensible, that, at this time, large appropriations out of the public treasury, for this purpose, all-important as it is, cannot be expected. They deem it therefore their duty to recall to your notice a report and certain resolutions, presented to the senate at the last session by a committee of a like nature with the present, which has been referred to your committee, as a part of the unfinished business. The object of those resolutions was to call the attention of congress, and the legislatures of the several states, to the public lands, as a fund, from which appropriations for the purposes of education may with justice be claimed, not only by Maryland, but all the original states, and three of the new ones.

One thirty sixth part of all the states and territories, (except Kentucky,) whose waters fall into the Mississippi and the Gulf of Mexico, has been appropriated by congress, wherever the Indian title has been extinguished, and provisions made for further appropriations, according to the same ratio, wherever the Indian title may hereafter be extinguished, for the support of common schools, and other large appropriations have been made for the support of seminaries of a higher grade. Your committee are of opinion, that the states, for whose benefit no such appropriations have been made, are entitled to ask them of congress, not as a matter of favour, but of justice. That this may more fully appear, especially as the right of those states to an equal participation, with the states, formed out of the public lands, in all the benefits derived from them, has been doubted, your committee have deemed it proper to take a cursory view of the manner, in which they have been acquired.

Before the war of the revolution, and indeed for some years after it, several of the states possessed, within their nominal limits, extensive tracts of waste and unsettled lands. These states were all, at that epoch, regal, and not proprietary provinces, and the crown, either directly or through the medium of officers, whose authority had been prescribed or assented to by the crown, was in the habit of granting those lands. The right of disposing of them was claimed and exercised by the crown in some form or other. They might therefore, with strict propriety, be called the property of the crown.

A question arose soon after the declaration of independence, whether those lands should belong to the United States, or to the individual states, within whose nominal limits they were situated.

However that question might be decided, no doubt could be entertained, that the property and jurisdiction of the soil were acquired by the common sword, purse and blood, of all the states, united in a common effort. Justice, therefore, demanded that, considered in the light of property, the vacant lands should be sold to defray the expenses, incurred in the contest, by which they were obtained; and the sur-