material to complete the system of our laws, upon the principles of the constitution. In the judicial department I pray you particularly to consider the incompetency of the number of the judges of the supreme court to the performance of the duties annually required in the forty-two counties of the state. The abolition of the high court of errors and appeals renders, indeed, an augmentation of the number indispensable, in order to secure a satisfactory revisionary power; without which (contrary to the soundest maxims of jurisprudence) the errors of the first judgment, pronounced by a single tribunal, will exist without remedy or control. Every attempt to insure an impartial trial by jury, in civil as well as in criminal cases, merits approbation; —but permit me to suggest, that the chance of the wheel (which operates advantageously in that respect) must frequently produce a pannel of jurors, whose previous education and pursuits may not have qualified them to investigate and decide the complicated questions that arise; especially in a great commercial city.—If therefore, with the means for ensuring impartiality, you can combine the means to ensure a competency of knowledge, as well as of integrity for the various duties to be performed, your system will be at once efficient and meritorious.

In connection with the administration of justice, you will, naturally, be led to examine the state and operation of our criminal code, and although I am not aware of any radical defect either in the theory, or the practice, it is time perhaps to enquire, and to ascertain, whether punishments have been duly apportioned to crimes; and whether even the necessity to punish may not be relieved, in a salutary degree, by employing additional instruments of precaution and prevention. An encrease of petty offences in the city and county of Philadelphia may be ascribed to the encrease of a particular description of the population; comprising not only the idle and the dissolute of our own state, but the fugitive and the depraved of other states. The inconvenience and the danger require an early and a certain corrective; but in its application, care will be taken, I am persuaded, to maintain the public police, without violating the rights of humanity.

May I not here be allowed, without incurring the imputation of a personal motive, to remind the legislative guardians of the reputation, as well as the lives and fortunes of our fellow-citizens, that libelling (gross and malignant libelling) has become the crying sin of the nation and the times! It is not the licentiousness of a single press; nor the machinations of a particular party; to which, in the faithful execution of my office, the legislative attention is thus directed. The crime is to me the same, whoever may be the criminal and whoever may be the victim. But it is the general prostitution of the liberty of the press; the overwhelming torrent of political dissention, the indiscriminate demolition of public characters; and the barbarous inroads upon the peace and happiness of private individuals; which constitute in my mind a subject of the highest concern to yourselves and to your posterity.—The fatal consequences of this public malady begin already to appear. The press has lost its use as an instructor and a censor. Citizens of the same community are pledged to mutual hatred and persecution. All respect for the magistracy and the law is falling into derision. Good and wise men will soon abandon the field of public service. And with a fatality not uncommon in the history of nations, the avowed friends of a free representative government are arming its real enemies with weapons for destruction.

The evil, gentlemen, is obvious and afflicting; but where shall we seek the antidote and the cure? The most zealous advocates of a free press have always thought that to preserve its liberty its licentiousness must be restrained. The law provides perhaps sufficiently for the punishment of a convicted libeller; but the inadequacy of that species of reparation to the feelings and fame of the injured individual, and even the opportunities to escape conviction, are points on which the law is still susceptible of great and constitutional amendment. I would, therefore, venture to suggest, that every printer who assails the character of a citizen should be compelled, if required, to publish the defence; that every printer and editor of a newspaper, or other periodical work, should register his name in some public office of the proper county, to be evidence of the fact of publication, upon trials at law; and that whenever a grand jury shall present a press, as a public nuisance, the printer and the editor should be bound in a recognizance with sureties for their future good behavior, and the court authorized to suppress it for a limited time. But after all it cannot be denied, that the only effectual remedy must be supplied by the good sense and virtue of the community; since the crime of libelling, like the crime of duelling, will for ever depend for its indulgence and its impunity upon public taste and public opinion. Your predecessors, indeed, lately enacted a law for the more effectual prevention and punishment of duels: But reflecting, that duels are among the natural and usual effects of libels, you, gentlemen, will, I am confident, be solicitous to discredit and suppress the cause of such complicated mischief by the influence of your example and advice, as well as by the exercise of your legitimate authority.

In contemplating those objects of public improvement, which require the aid and sanction of the government, the general condition of our roads, especially on the Laurel Hill, and on the north-west sides of the river Ohio, our waters and canals, will merit particular favor & attention. A patriotic and laudable enterprize has led, in this direction to the disbursment of a great mass of private wealth; but it is reasonable as well as politic, that a competent contribution should be made, by the ample resources of the commonwealth, to avert from several important undertakings the danger of failure & disappointment. The projected canals between the bays of Delaware and Chesapeake, and at the rapids of the river Ohio, claim pre-eminently the pecuniary succor of Pennsylvania, Kentucky, Maryland and Delaware; & they are indeed national objects, which would well deserve the patronage of the Union.

The number, discipline and equipment of the militia are such as to do honor to the freemen, who compose it, and to the government by which it was organized and directed. An addition of 20,000 stand of muskets, and 25 brass field pieces has been recently made to the arms and ordnance of the state; but a further appropriation will be necessary to furnish cartouch-boxes, & other accoutrements. Permit me also, to remind you that the accumulation of arms, ordnance and military stores, renders it expedient to provide more effectualy for their security and preservation.

Gentlemen of the House of Representatives.

The official reports of the comptroller and register, will exhibit a comprehensive view of our finances in the result of which, you will perceive that the ordinary revenue of the state is sufficient to defray the ordinary expences. But it has been a favorite object in my communications to your predecessors, to prevail on them to raise, by a moderate tax, a specific fund for the expences of government, leaving the annual income of our stock for the advancement of works of public utility & the endowment of seminaries of education. A renewal of the suggestion will not be disagreeable to a general assembly, in whose attachment to the principles of republicanism, in whose exertions for the diffusion of knowledge I repose an implicit confidence, and at a time when the general prosperity seems to invite it.

Gentlemen of the Senate and
Gentlemen of the House of Representatives.

We meet for the performances of an arduous and important duty. The purity of your motives, and the rectitude of your conduct will, I am persuaded, justify the confidence that is reposed in you—As to myself, I have ever felt the best disposition of heart and of head to repay the obligations, which I owe to my country, for its kindness, during a long and active life. It cannot however, be presumed, that I have not erred in judgement, on former occasions, nor do the infirmities of age diminish the probability of future errors. Let me therefore be speak a candid interpretation of my words & my actions: &, if a difference of opinion should arise between us upon public affairs, let us both lament it as a misfortune; but let neither impute it as a crime.

THOMAS M'KEAN.

Lancaster, Dec. 4th, 1806

W. S. NICHOLS,

HAS for sale a compleat assortment of Seasonable GOODS, consisting of the best superfine London cloths and cassimeres, bennets, velvets, and cords, silk moleskin and other fancy waistcoating. A compleat assortment of Manchestry best Colerain 4 4ths and 7 8th irish linens, long lawns, cambric muslins and dimities, London laces, umbrellas, calicoes and chintzes, Trafalgar patterns, a large assortment of flannels, silk, cotton, lambs wool and worsted hosiery, well assorted, together with a compleat assortment of woollens and many fancy goods, which he offers for sale. As he contemplates making this his permanent place of residence, on such terms as will induce THOSE who purchase ONCE to give him their custom hereafter.

George Town, Dec. 12—3w

Notice is hereby given to non-resident proprietors of Land in the state of Ohio; That the subscriber will act as agent, for those of them, who may think proper to consign their business to him, either in disposing of their lands, or in the payment of their taxes. His terms will be ten per cent. He will attend to the payment of taxes, in any of the districts in the state; and forward to the proprietors the collector's receipt; and will from time to time, give them information of the alterations (if any) which may be made in the law levying a state tax. Those who may wish to employ him, will as early as possible, forward a particular list of their lands on which they wish the taxes paid. Those who wish to have their lands disposed of, will forward their instructions, &c. a Letter of Attorney duly executed. Postage to be paid by employers. From the attention he is determined to give, he flatters himself "he shall be able to render considerable satisfaction to his employers."

THOMAS SCOTT.

Chilicothe, Ross Cy. Ohio, Dec. 12—6w

Columbian Library.

THE Shareholders in the Columbian Library will take notice, that the Directors have ordered an annual payment of FOUR DOLLARS on each share to be paid on or before the 1st day of January next, at the Library Room.

DAVID WILEY, Secretary.

George Town. Dec. 12—w Jan

Will be sold at Public Sale, on Saturday 13th December, at the Centre Market, Two MILCH COWS.

The terms of sale cash.

N. L. QUEEN, Auct.

Dec. 26—1t

WASHINGTON CITY.

FRIDAY, DECEMBER 12.

Extract of a letter from Gibraltar, dated 10 Sept. 1806.

The Portuguese have captured five sail of Barbary cruizers, one Algerine (the schooner presented to the Dey by the U. S.) on board of which were forty of their own people, two Tunisians and two Tripolitans, one of whom was admiral Lisle.

WE present, in our preceding columns, the speech of *Thomas M'Kean*, governor of Pennsylvania. From considerations, conclusive on our mind, we have abstained from mingling in most of the collisions excited by state politics. We should, however, be criminally indifferent, were we to withhold, on this occasion, the most marked expression of censure at the unprecedented propositions of the governor to enslave the press. The subject can in no respect be considered local. It is one in which every man is interested; and all who are sensible of its value should make a common cause in holding up to reprobation, as well as resisting such dangerous principles. Never can it be too deeply regretted that a man, elevated to the highest office in a great and respectable state, and eminently constituted the guardian of the rights of its citizens, should have been the first to recommend a measure, that, if carried into effect, could not fail to prove fatal to liberty. Even the national character is implicated by such a proposition, emanating from such a source.

The following performance was long since prepared for publication. But the writer thought it best to wait for a favorable period before he submitted it to the public eye. That period has now arrived. The Chief Magistrate, animated by the purest patriotism and the noblest, because the most comprehensive benevolence, has invited the attention of the legislature to a subject of all others the most important. Under his banners, the writer of this performance is proud to enlist.

On the interposition of the Federal government on the subject of Education.

I approach this subject with awe. When I consider its magnitude and difficulty, the infinite good of which it may be the instrument, or the infinite evil it may produce, according to its direction, I feel almost afraid of touching it, or of trusting to my own powers. But when, on the other hand, I reflect on the theory of a republican government, and discern its permanency to be entirely dependent on the intelligence of the people, I feel that ardent zeal which every genuine American, every sincere patriot, every cordial republican ought to feel, to use my slender talents to accomplish that on which our national happiness and the reform of a universe may depend.

But one bar instantaneously opposes itself to my progress. I may ask, but how shall I command the attention of those on whose decision every thing rests? They are differently engaged. I may say to the waves of party, "subside into silence." But the very uproar they occasion would disqualify them, even were they endowed with intelligence, from hearing my council. Still I will make the attempt. The origination of every object, be it great or trifling, must be with some one; and, under the friendly shade of an anonymous address, I may hope to avoid the charge of arrogance or folly.

The first point worthy of solution is, "Whether education is at present sufficiently attended to?"—

It is believed that this enquiry admits of but one answer. No one, sensible of the importance of the subject, will say that it is.

The next question is, "whether it is likely soon to be sufficiently attended to by the states or the people?"

If this question can be answered affirmatively, it will be granted that it would be unwise, because unnecessary for the general government to interfere. For no principle can be more true in itself, or more correctly applicable to the condition of the American nation, than that the people should exclusively do whatever it is in their power individually to perform; and that the states should accomplish, to the exclusion of the general government, whatever they can do which is not within the power of individuals.

Let us then, in relation to this point, examine the power in the first place of the people individually, and then that of the states.

The required object is to educate the whole community; the poor no less than the rich. To what precise point the education of every member of society should extend may and does admit of contrariety of sentiment. But there is only one opinion as to the extension to a certain degree. It is allowed on all hands that it should extend to reading, writing and arithmetic.

Education may be viewed in two lights. Its effects conduce to the well being of the person educated; they also conduce to the welfare of society of which he forms a part. These effects are inseparable; but they admit of distinct consideration. Were the welfare of the individual separable from that of the community to which he belongs, he might be permitted to act for himself without being subjected to the control, or requiring the assistance of society. But, inasmuch as he forms a constituent member of society, and there exists a mutual relation of interest between them, it becomes the duty of society to provide for those *essential* wants of the individual to which he himself is incompetent. It cannot be denied that a certain portion of knowledge, or rather the capacity of acquiring it, is *essential* under a republican government.

Knowledge, like most objects of acquisition, requires a certain pecuniary ability to obtain it. This ability is unfortunately wanting to a large portion of the American people; and the want, so far from diminishing with time, will inevitably increase with our growth. For every one will agree that property is now more equally divided than it is likely to be at any future day.

How can this inability be overcome? It can only be overcome in two ways; either by the individual contributions of the rich towards the education of the poor; or by the interposition of government.

With respect to the first mode of overcoming the evil, it may be replied, that he who relies upon it will be woefully deceived, all human experience having demonstrated that the rich are more intent on their own aggrandisement and sensual enjoyment, than solicitous to relieve the wants of the poor.

But grant that a disposition liberally to provide for the education of the poor exist in the breasts of the rich; still may it be asked, would it be correct or honorable to render the poor dependent for the attainment of a necessary portion of knowledge, required imperiously by the state of our society, on the rich whose measure of liberality might be variously and humiliatingly dispensed? in other words, would it be advisable that the spirit of youth should receive that as a favor which it has reason to demand as a right?

From these considerations, it may be affirmed that individual effort and individual liberality, would be totally incompetent. Certain it is that they have hitherto proved so. And if they have proved incompetent even in the purity of our youth, is there the least probability that they will become competent in the corrupted progress of age?

We are next invited by our subject to enquire into the competency of the states. This depends upon two circumstances, ability and inclination. It is to be hoped that there exists in the states the inclination to encourage learning. But does the ability exist? And of what avail can the one be without the other? To a certain extent the ability certainly does exist. But the degrees in which it exists in the several states are extremely different; and it is not one of the least evils attending the successful agency of the states that where the most is required to be done, there for the most part exists the smallest pecuniary capacity. It would therefore, appear from this consideration to be the peculiar duty of a government, circumstanced as the general government, to overcome by appropriate regulations evils in particular states arising in a great measure from the organisation of the government itself. It cannot be denied that the resources of the union are not only actually greater than those of the states, but may hereafter absorb almost every source of taxation. Where, therefore, the permanent and constitutional ability exists, should also reside the power of exercising it.

But let us appeal, if we would judge correctly, to experience, in preference to abstract reasoning. This will shew us that the states are unwilling to encounter the expence of educating their citizens generally. They invariably possess the power, their constitutions for the most part enjoin general education as a duty; but they want resource. What they have not done, it is to be feared they will not hereafter do. Fortified by long usage it is too probable that they will rather endure the habitual inconvenience resulting from a want of education, than encounter the adoption of decided measures, productive of new and heavy taxes.

If this reasoning be correct and these facts true, there is no prospect of education on a liberal and comprehensive scale being extended, either under the auspices of individual patronage or that of the states, to the citizens generally.

If such shall be the inference of a sound judgment, the only remaining object of enquiry is, whether it is most advisable that education should continue in its present depressed and unpromising condition, or whether the government of the United States should endeavor by a wise and enlarged system to rescue it from its degradation, and carry it to the elevated point its importance merits, and the welfare of society requires. The solution of this interesting enquiry will depend upon the relative good and evil attached to each alternative.

With regard to the present state of education it is so bad, and so entirely incommensurate to the claims of a people, possessed of greater resource, and called to the exercise of greater rights, than any other people under heaven, that it is not probable a single voice can be found to sanction it on account of its *positive* good qualities. There are however, probably many, who, from the views they have taken of the subject, may think it a less evil than the adoption of the best system of education under the direction of the general government. So sensible are they of the injuries inflicted on mankind by the improper, and often oppressive interference of government in the pursuits of individuals, that they are hostile to any interposition whatever, or to all interposition not imperiously required by uncontrollable circumstances. There is so much truth in this principle, that it is entitled to great respect. The motives of those who embrace it are undoubtedly pure, and the inferences they draw are to a certain extent perfectly correct.

Were the question under consideration simply, whether any government should have the absolute and uncontrolled direction of education, it is acknowledged that it ought to be answered in the negative. For it is a mournful truth, verified by universal experience, that the best things, in improper hands, have been converted into the most fatal instruments of human misery. To unite the care of education with the discharge of ordinary political duties, by placing both in the same hands, would be most probably to act over again the disgraceful tragedies occasioned by a union of church and state. So far, therefore, as such a union might be contemplated, it is allowed that patriotism and wisdom should arrest the fatal act. Fortunately, however, there are other measures which may be pursued, without such a union on the one hand, or a dereliction of the main object on the other.

These measures will now be stated. The writer is perfectly aware that his plan, in its outlines or subordinate features, is not the only one which might be beneficially adopted. It being, however, necessary for the correct developement of his sentiments to exhibit the principal features of his plan, he does it with a respectful deference for the opinions of the legislators of the union, and without any narrow partiality to his own ideas.

Before the exposition of the plan, it is necessary concisely to notice a point of primary importance. It is doubted by many intelligent citizens, whether the government of the United States can interfere in the management of education. So far as relates to the view now taken of the subject, it is unnecessary to decide this point. It may, however, be remarked that a doubt, in its practical effects, would be probably equivalent to a denial of the power.

To avoid, therefore, all embarrassments, in the commencement as well as the progress of the measures, which may be taken, it is proposed in the first place to amend the constitution.

Let the constitution be amended, so as to provide,

1. That a certain tax, specified as to kind, or limited as to degree, or both, shall be permanently imposed and collected by the general government, for the purposes of education.

2. That a convention for the general superintendance of education, shall be formed in the following manner:

To be composed of members equal to one half the existing number of senators and representatives in Congress, which members shall be elected every seven years. The legislature of every state in joint meeting shall choose one member. The remaining members, according to the number of representatives of each state, shall be elected as follows—The citizens of each state shall choose a number of electors in the ratio of three electors for every member of the convention to be chosen in said state, who shall choose the members of the convention.

3. The convention shall assemble at the seat of government three months after the election of the members by electors. It shall have power to establish universities, colleges and schools, to found and endow libraries, to establish boards agricultural, mechanical and commercial, and to institute societies of every description for the advancement of knowledge; it shall have the exclusive direction of the proceeds of the aforesaid tax; it shall not continue in session more than six months after its meeting, when it shall be entirely dissolved.

It is believed that this Plan, while it would produce the greatest benefits, would be free from every well founded objection that has been, or can be urged against a general system of education.

Its greatest effect would be to concentrate national resource, without giving to the general or state governments a power, as susceptible in their hands of abuse, as of use. The convention, emanating from the state legislatures, and from the people, would be an organ of the public will entirely free from governmental control, and incapable of being made the political instrument of party. This is the strongest objection made to an investiture of this power in any political body. By this system it is entirely overcome. The general government would possess no power over the convention; it would only discharge the ministerial duty, constitutionally enjoined, of collecting money and applying it according to the directions of the convention.

In a republican government, it is believed, however variant from some respectable opinions, that a direct election of all representatives, invested with *ordinary political* authority, by the people, without any intermediate agency, is the best principle that can be adopted. But when the objects to be attained are so essentially different as those connected with education, it is believed that it is wise to collect the public opinion by intermediate agents. The propriety of a different mode in these two cases arises from the different degrees of information possessed by the people. It may be affirmed that they are well informed on political points, and sufficiently acquainted with their political interests, to make an immediate choice of *political* organs. While on the other hand, it must be acknowledged that they possess inferior information, and feel a feebler interest, on points of literature and science, and their inability, of consequence, to appreciate correctly the talents of learned men, disqualifies them from making a judicious choice. But they are perfectly competent to