

care of their property at the Penitentiary on Sundays would be increased, but on the contrary, when on Sunday, the 23d December, 1860, the fire took place, there was no proper or sufficient care taken; and it was owing to the gross remissness and negligence of these officers that these convicts at the Penitentiary obtained access to the work shops, and thus were able to set fire to them and reduce them to ashes.

Your memorialists further state, that the rules and regulations prescribed for the government of the Penitentiary would, if faithfully carried out on the Sunday when the fire took place, have prevented the loss which then took place, but it can be made to appear beyond all doubt that these rules and regulations were disregarded and not maintained. Your memorialists, who were not permitted to maintain a proper guard over their property, which they had done until ordered to discontinue it, have been subjected to heavy loss by the conduct, omission and negligence of the officers of this State.

Your memorialists further state, that after the heavy loss they had sustained by the fire, and under the circumstances hereinbefore mentioned, they were required to settle for the rest of the property and hire of convicts up to the 31st December, 1860, and to pay to the Directors of the Maryland Penitentiary the sum of \$1,075.59 from the payment of which they ought, as they insisted, when making said payment, and still insist, to have been excused and relieved.

Your memorialists further state, that they have been advised that if they had made an agreement with individuals, or a body corporate, liable to be sued, that they might have maintained an action at law, and recovered, under the circumstances, the amount of their loss; but that, inasmuch as no suit can be maintained against the Directors of the Maryland Penitentiary, and none against the State of Maryland, they have no redress except by application to your Honorable Body.

Your memorialists, finding that their only redress, under the circumstances in which they have been placed, must come from your Honorable Body, which has the power to grant full and adequate relief, have made this application in the hope and belief that you will cause a full and complete examination into all the circumstances of this transaction to be made, and do what is just, proper and equitable; and they therefore pray that you will make good their loss and grant full relief to them, &c.

JOHN H. DUVALL,
WILLIAM HOWARD.

June 10, 1861.