

innate debtor no longer punished because he has been overtaken by misfortune, his fortunes destroyed by circumstances over which he had no control, his prospects blighted by the dispensations of an all-wise Providence, and the very punishment which the law prescribes incapacitating him from a fulfilment of those contracts, which the law thereby seeks to perform. All which is respectfully submitted.
 By order, I. HINES, Clk.

Which was read.

On motion by Mr. Nicholson, the following order was read: Ordered, That after the 15th inst. no leave will be granted for the introduction into this house of bills of a general character.

Mr. Williams moved to strike out the word "a general" to insert "any?"

Mr. Peach moved to refer the same to the first of June next? Resolved in the affirmative.

Mr. Lantz presents a petition from William Lamar, of Allegany county, praying that he may be authorised to inclose certain premises in the town of Cumberland; referred to Messrs. Lantz, M. Mahon and Hoffman.

On motion by Mr. M. Mahon, the following message was read, assented to, and sent to the senate:
 BY THE HOUSE OF DELEGATES, Feb. 15, 1825.

Gentlemen of the Senate,

We regret that the bill passed by us for the release of James M. Intire, a convict prisoner in the gaol of Allegany county, has been rejected in your honourable body; and we now return it to you, in the hope that, when his case shall be presented to you in its proper aspect, and clothed with those circumstances which do not and which could not appear upon the face of the bill, you will find it one which can only be relieved by legislative interposition; one which demands relief, and one to which you may extend relief without, in any degree interfering with the pardoning power which resides with the executive.

The petitioner, James M. Intire, was properly and rightfully convicted at the last term of Allegany county court, of having charged and received illegal fees as a constable within that county, and upon conviction was fined in the sum of fifty dollars to the state, the fine to the informer having been previously released. This fine, M. Intire was, and is, and ever must be, unable to pay during confinement, and he has languished in prison since the month of October last, useless to himself, to his family, and to the community, whilst his ability to pay, instead of increasing, has decreased, if decrease it could. As the fine imposed upon him was not one ascertained by the discretion of the court, but a certain fine attached to the commission of the offence by the law of 1820, the governor and council do not possess the power of remitting the fine, unless the case of the offender be stated in writing by the court imposing the fine, and be accompanied by a recommendation for its remission by some judge of the court. For the purpose of obtaining this statement and recommendation, application was made to the judges of Allegany county court, but, although they seemed to be fully aware of the inutility of a longer confinement of M. Intire, whether with a view to its effects upon himself, or to the payment of the fine, and although fully sensible that he would only hang as a burthen upon the county, they yet withheld the statement and recommendation, because they did not regard themselves as at liberty to listen to arguments of expediency, or to give way to any considerations but those of the sheer merits of his case. Unfortunately for him, his case was found without merit, and in a great degree without any palliating circumstances, and hence the doors of mercy from this quarter are closed against him.

His case then, is one which does not come within the range of the pardoning power of the executive, a power which only tempers the harshness of the law, arising from its generality, to the mitigating circumstances of each case. It is not contended that the punishment inflicted upon M. Intire was unmerited, or that his case has any ameliorating circumstances about it. Relief from it is asked for reasons which do not in any degree impugn the righteousness of his sentence. Relief from it is asked from a regard to the wants of a numerous family, and to the murmurs of a county upon whom he now hangs for support. All punishment ought either to have a tendency to reform the offender himself, or to operate by example upon others, and when it cannot effect one of these objects, it ought to be discontinued. In this instance M. Intire has already suffered severely. His confinement of four months is more than equivalent to the fine, for the nonpayment of which he was committed. He is now unemployed, receiving his support from others, and thus becoming inured to habits which will daily render him more and more useless. In the mean time, Allegany county prefers her claim for relief. She protests against the longer continuance of a punishment which by its rigour, instead of ameliorating, will only harden the offender; which will be attended with no ultimate benefit to the state, and which will only have the effect of charging her with the perpetual support of the offender himself, and it may be, of some of his family. These reasons will, we hope, induce you to reconsider and pass this bill.

By order,

JOHN BREWER, Clk.

Mr. Kilgour obtained leave to bring in a bill, entitled, An act to compensate jurors for services therein mentioned. Ordered, That Messrs. Kilgour, Merrick and Tingle, report the same.

Mr. Ireland obtained leave to bring in a bill, entitled, An act supplementary to an act passed at Nov. session 1797, entitled, An act to establish and regulate a market at Bridge-Town, in Kent county, and for other purposes therein mentioned. Ordered, That Messrs. Ireland, M. Clean and Harris, report the same.

The resolution relative to the portrait of Major General Lafayette, was read the second time.

Mr. Thomas moved to add "Provided the cost does not exceed 100 dollars."

Mr. Travers moved to refer the whole to the first of June next? Resolved in the affirmative.

The house resumed the consideration of the supplement to the act relative to public inspection warehouses in the city of Baltimore. The question was put on the motion of reference made yesterday.

The yeas and nays being required appeared as follow:

Affirmative—Messrs. Kilgour, Ireland, Hodges, Shower, Worthington, Price, Turner, Bennett, Lloyd, Reyner, Dennis, Jones, Steele, Sullivan, Eccleston, Travers, Thomas, Henderson, Ewing, Grubb, Wootton, Nicholson, Wright, Williams, Parker, Hooper, Cromwell, Hope, Norris, Jarrett, Montgomery, Barwick, Brown, Bowles, Fouke, White, Merrick, Beall, Hoffman, M. Mahon, Lantz, Klipsune—12.