

is charged and is made responsible for the police of the institution—he is the superior officer of the deputy keepers, and these latter act as checks upon each other, and being independent of the appointment of the Warden, are not sufficiently under his control, to fear his authority, whilst they are bound to obey, and in performing their own duty are necessarily made cognizant of the manner in which the Warden performs his. A defect in this important department is found in not having a second officer (who receives his appointment of the Warden.) To take the Warden's place during his absence. Such an officer is found at the Auburn prison, and we propose that the appointment of one should now be authorized for the Maryland prison. We have embraced such a provision in the bill herewith reported.

There are two very material defects in the composition of the Board of Directors. The first and most important is the union, in the persons of the Executive Committee, of Legislative and Executive functions, by which they are enabled to sit at the Board, to vote on their own acts, and, by their presence, to control its action on all matters relating to themselves.

The original laws, providing for the perfect equality of the several directors, and giving to no one more than another, any personal interest in the decisions of the Board, or the rules it might pass for the regulation of the institution, were based upon just principles of governmental science, and their acquirement that alternate committees of the directors should represent the Board in the intervals between its meetings, exercising a supervision over all the officers, was well calculated, not only to secure the enforcement of the regulations prescribed, but to bring the directors individually acquainted with the whole economy of the institution entrusted to their care. Their visits being periodical, and their terms of service alternate and limited in duration, the service required of each member was inconsiderable in extent, and the performance of such duty, as being indispensable to the acquisition of a proper knowledge of their general duties, it would seem to us, ought to be cheerfully assumed and properly discharged by persons, accepting appointments upon such conditions, from the authorities of the State.

But since the appointment of the Executive Committee, the attendance of the Monthly Committees, appears from all the testimony we have taken on that point, to have been almost wholly neglected, and in great part, it appears that this neglect is owing to the fact that the Executive Committee are presumed to be in daily attendance, and being Directors, the visits of the other members of the Board are improperly supposed to be unnecessary—[See Testimony of Directors on this part, page 15—of the Warden, page 42—of Dr. Bond, sr., page 39—of Th. Sheppard, page 81—of Dr. Stewart, page 95—of Wm. Jenkins, page 98,—of Dr. Baxley, pp. 104, 5—of James McEvoy, the late Clerk, page 143 ]