

By the 43d section of the act of 1809, ch. 138, the directors, or inspectors, as they were then called, and the Warden or principal keeper, were required to "take an oath or affirmation, as the case may be, that he will not receive, either directly or indirectly, at any time during his acting as such, any profits arising on any agency or contract for the supply or victualling of said Penitentiary." But by the act of December session, 1832 ch. 209, this restriction was removed in regard to directors, and they were authorized to contract, equally, with others, provided public notice in all the daily papers of the city of Baltimore, be first given, during one week previous.

The law of 1809, we deeply regret to say, has not been faithfully observed in this respect. It appears from the testimony, (see pages 23, 46, 62, 85, 101, 110, 133, 151, 186, 221, &c.) that directors have, on many occasions, previous to the act of 1832, supplied prohibited articles to the Penitentiary, and that the Warden or keeper, in regard to which officer the law is still in force, has also supplied provision to the institution.

The manner too in which the act of 1832, ch 209, has been carried out, has but illy secured the advantages to the public or the institution, which were expected from it. The contract for supplying the beef until last year, has been given to a member of the Board of Directors who had indeed held it for several years previous to the law of 1832, and he was in the habit, in making his proposal, to name a certain price, and add "or as much lower as any other person in whom you have confidence." (See page 51.) The admission of such a proposal necessarily shut out all competition, for the proposal of any other could only have had the effect of reducing the price, but never could have secured the contract. The impression too being made that it was useless to contend with a director, deterred others from making proposals. (See testimony pp. 211, 213, 214.)

No contract, however, is now held by any director for the supplies of any kind, (see page 24,) and as no action on the subject can now be supposed to have a personal application, we recommend that so much of the law of 1832, as allows directors to supply articles or provisions of any kind to the Penitentiary be repealed, and that all directors and officers be prohibited from selling to or purchasing from the institution any article whatever. Similar laws prevail at the North, and their propriety is almost self evident.

A strange disregard of the positive injunctions of the law, is found in the failure or neglect of the proper officers of the institution, to observe the requisitions of the sentences of the courts, which requires the convicts to be confined, during a portion of their term of punishment, in solitary cells. It is admitted, on all sides that this part of the law has never been properly carried into affect. The want of proper cells in which the convicts could labor in solitude, has been the principal reason for not executing the law, and the fault, therefore, seems rather chargeable to a defect in the legislation on