

the subject, than to those who have had, from time to time, the charge of the institution,—though we cannot hold them excusable for not reporting the fact to the Legislature, that appropriate cells might be erected or the law modified to suit the buildings of the Penitentiary. When the building, called the “West Wing” shall have been altered, as we have heretofore suggested, that kind of punishment can be inflicted without any difficulty.

We consider that justice to the authorities of the penitentiary requires some notice of the allegation that “one of the executive committee was concerned in the factory from which cotton yarn is procured.” The testimony on the subject is on pp. 387 to 400, and we ask for it a particular consideration. The committee express no opinion upon the question *whether any contract between Mr. Gray and the institution, was violated by him or the Executive Committee*, because they have not been able to discover any neglect of duty to the house, or corrupt motive on the part of the Executive Committee, in this matter. If either of these were apparent to your committee they would not hesitate to make the proper recommendation to the Executive. They appear to have acted throughout with a regard to the interests of the Penitentiary, and we cannot impute any improper design to them. We forbear expressing any opinion on the question raised between the parties, that we may not prejudge a point which they may think proper to agitate in another place. If any injury has resulted to the Penitentiary or to Mr. Gray, by any breach of contract, they have their respective remedies, by resort to the courts of the State. Any opinion expressed by the committee could not quiet the dispute. When decided, that judgment should put the question at rest forever. In this proceeding, as in all others touching the commercial operations of the house, the executive committee appear to have had no sinister motive—a desire for its prosperity seems to have always influenced their conduct. Waiving the question about the contract with Mr. Gray, for the reasons assigned, we feel no hesitation in saying that the Executive Committee succeeded fully in disproving the charge of any interest in the factory of Gambrell and Carroll; and that the affirmative testimony afterwards offered did not affect the opinion to which the negative proof of Mr. Proud, had conducted their minds. The charge was a very serious one, and if true the party implicated ought to be removed from his trust. But we take pleasure in saying, that in our opinion the members of that committee must stand acquitted after an examination of the evidence.

On pages 388, 393, 400, it will appear that questions were asked of Mr. Owens and Mr. Gray, touching a proposition said to have been made by the Warden to Mr. Gray. Information was received by the committee that such was the fact, and hence the reason for putting the inquiry. This accusation of an attempt by any of the authorities of the house to tamper with, or influence the action of a witness who had been summoned before the committee, should not have been made