

that account in 1824. The Directors have since paid larger amounts than they had paid in 1824, as will appear by page 254 of the testimony. The explanation of the Board will be found on page 18 of the testimony. The discretionary power retained, in virtue of the Act of 1817, ch. 72, notwithstanding the Act of 1826, ch. 229, your Committee think extended only to the *appointment* of new officers, and did not authorize the creation of any new salaries. Under our construction of those Acts, the Directors might have appointed any number of officers that they thought proper, but in fixing their salaries they could only graduate them so as to make the whole amount for salaries not more than the sum paid in 1824. We confess that this construction is predicated upon a strict literal interpretation of the laws. We feel no hesitation in saying that an increase of the officers was necessary and that the interests, and perhaps the *safety*, of the institution required the exercise of the discretion which the Board supposed was not divested by the Act above mentioned; and if it were necessary to pass an Act confirming these proceedings, such a recommendation would be made, because we believe the proceeding to have been right in itself. But in an institution like this, dependent for a proper management of its concerns on laws passed for its benefit, and to be executed by persons having no private interest in its welfare, the Committee think that no discretion should be exercised that is not clearly granted. Nothing so attaches the confidence of the people to all our institutions as the assurance that they are managed correctly according to legal requirements; and on the other hand, nothing so much estranges their affections as the prevalence of a contrary opinion. The Board should have represented to the Legislature the necessity of additional offices and awaited their action on the subject. We recommend that this discretion be now placed with them, and feel every confidence that they will not abuse it.

Among the misapplications of the funds of the Institution may be mentioned the allowance of the Warden more than the Acts of Assembly seem to authorize. We make no charge or imputation of any kind against the Directors or Warden, because the known character of these gentlemen precludes the idea of any intention to commit a violation of the law. There appears to have been no fixed and settled mode of fixing the salary and compensation of the Warden. By reference to page 350 of the testimony, it will appear that there was no regular and uniform mode of keeping the accounts of the Warden from 1818 to 1826, when a permanent mode was adopted in favor of the present Warden. Benjamin Williams, a former keeper, was allowed \$1300 00 as salary, and \$200 00 as extra salary, and was charged on the books for all he got from the house, as household expenses. When Mr. Hyson came in as warden in 1821, he received \$1000 as salary, and no account was taken of household expenses against him; but he was allowed certain privileges, such as servants about the house, fuel, lights, slops,