

[VOL. LXXVIII.]

PRINTED AND PUBLISHED BY JONAS GREEN, CHURCH-STREET, ANNAPOLIS. Price—Three Dollars per Annum.

Table with columns: WEEKLY ALMANAC, 1823—FEBRUARY, Sun, Mon, Tue, Wed, Thu, Fri, Sat.

CIRCULAR.

On the night of the 20th inst. a fire originating in a neighbouring building, consumed the house and store occupied by Messrs. S. Potter and Co. and a considerable part of their stock.

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Philadelphia Recorder.

Propose to publish a weekly newspaper, to be entitled the "PHILADELPHIA RECORDER." The object of this paper shall be the diffusion of religious intelligence.

TERMS.

The Recorder shall be published every Saturday morning, on good paper, with good type; every number to be of the size of an ordinary newspaper.

Public Sale.

By virtue of an order from the Orphans court of Anne Arundel county, the subscriber will offer at public sale, on Friday the 21st day of February next, at the late residence of Julia Gibbs, near Mount Pleasant Ferry, ONE NEGRO WOMAN & A BOY.

DISSOLUTION.

The subscribers have this day, by mutual consent, dissolved their business under the firm of D. RIDGELY & CO. All persons having claims against said concern, are requested to bring them in for adjustment, and all those indebted to it are hereby called on to come forward, and make immediate payment to David Ridgely, or John W. Claggett, who are solely authorized to settle all the transactions of said firm.

NOTICE.

All persons having claims against the late firm of WARFIELD & RIDGELY, are requested to present the same to David Ridgely for adjustment, and all those indebted to said firm, are called on to make immediate payment to David Ridgely, who is alone authorized to receive and pay away monies, and to settle all the business of said concern.

LEGISLATURE OF MARYLAND.

THE HOUSE OF DELEGATES.

Wednesday, Feb. 19.

On the second reading of the bill to alter and amend the constitution of this state, so that the governor may be elected by the people.

Resolved in the affirmative, and the bill returned to the senate.

Mr. Keller delivers the following report:

The committee appointed to enquire into the expediency and propriety of repealing the laws directing the punishment of criminals by a confinement in the penitentiary of this state, and also of abolishing the same institution, and suggesting some other mode of punishment, by authorizing the courts of law to sentence criminals to labour on public highways, or other public improvements, beg leave to report.

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hold the awful situation in which his crimes have placed him. When such reflections as these obtrude themselves on the guilty conscience, in silence and in solitude, from which there is no chance of escape, repentance and amendment will surely follow; and if this confinement be continued a sufficient length of time, the amendment will be confirmed, and then, and not till then, should the offender be again permitted to mingle with his fellow beings. However harsh this mode of punishment may seem, it is the only one dictated by religion and humanity, as it affords an opportunity of repentance, and consequent preparation for a awful eternity, and does away the necessity for that bloody penal code, which has so completely failed to repress crime in England.

The above unfavourable situation of the Penitentiary, is partly attributable to a radical defect in the organization of the institution, it must be recollected, that in this state it was calculated, by establishing the penitentiary system, we should not only punish and reform criminals, but that the labour of the prisoners might be so managed as to defray the expenses of the establishment.

But in this, as in all other respects, we have been disappointed; and find, that an establishment, which has failed to produce all the most important benefits expected from it; has also been a constant

reference to the report of the treasurer of the western shore, made to this house at its last session, by which report it appears, that the state had then expended, in establishing and supporting the penitentiary, the enormous sum of \$236,453 95; a burden certainly too oppressive to be borne by the people at a time like the present, for the support of an institution which has failed in the most important objects contemplated by its founders. But notwithstanding the present unfavourable situation of the penitentiary, originating, as your committee believe from a defective organization, they are unwilling to recommend its abolition, because, if crimes can be prevented, and vice suppressed, without resorting to severe and barbarous modes of punishment, they would not regard the expense; and they believe it to be the duty of every well regulated government to adopt, as far as compatible with the well being of society, a criminal code, defaced by as few sanguinary features as possible, and suited to the enlightened age in which we live. Being under these impressions, your committee believe that great and important changes are absolutely necessary in order to effect the contemplated objects; and regret that the subject was not presented to their consideration at an earlier period of the session, which would have enabled them to have given more attention to this important subject, and would also have given an opportunity of obtaining more information, whereby your committee would have been enabled to recommend to the consideration of this house some decisive course.

They therefore do not recommend any change at present, but earnestly hope that the subject will be taken up at an early period of the next session; and if it be found impracticable to produce such reform as will effect the contemplated purposes of the institution, that it may then be abolished.

Which was read.

Thursday, Feb. 20.

The clerk of the senate delivers the bill incorporating a company to introduce a copious supply of water into the town of Emmitsburgh, in Frederick county, endorsed "will pass." Ordered to be engrossed.

The bill to incorporate the trustees of the poor of Baltimore city and county; and the bill to authorize John M. Eldery and Hugh M. Eldery, of the city of Baltimore, to wharf out certain water lots in the city of Baltimore belonging to their respective wards, and to raise, by mortgage on said lots, monies for that purpose, endorsed "will pass with the proposed amendments;" which amendments were read, assented to, and the bill ordered to be engrossed.

On motion by Mr. Stansbury, Or-

dered. That the following letter be inserted in the Journal: Baltimore, January 28th, 1823. General T. E. Stansbury.

Sir, The Board of Directors of the Maryland Penitentiary, in reply to your communication, relative to the non-execution of the sentences of criminals at the penitentiary, so far as they prescribe solitary imprisonment, would, for the information of the committee of the legislature acting on that subject, respectfully represent—

That the subject of confinement as part of the sentence of the law, had been early investigated by the present board for their own satisfaction and justification; when it appeared, that the non-execution of that part of the sentences of the court was founded on uninterrupted usage since the establishment of the house, and considered only as authority to inflict solitary confinement to the extent prescribed in the sentences, as offences given in the institution might require; and to dispense with it so far as no such occurrences in the conduct of the prisoner would admit, or his good conduct merit an exemption from it altogether—in fine, as an affair belonging to the police of the house. On this construction, the present board might not have rested themselves in the first instance, but as uniform usage, they have felt unwilling to disturb it by the following reasons:

1st. The most powerful influence of the house over the conduct of the prisoners consists in the punishment by solitary confinement;—which of course would be weakened, if not obviated entirely by the sentences which would often comprehend as much of such confinement as the prisoners' health could well bear, and which, if added to similar police punishments also, would cripple his utility and acquirement of mechanical knowledge, to an extent undermining those leading objects of the institution.

2d. The execution of the sentences as to solitary confinement, is impracticable in the present extent and structure of the house—though the use of the cells, for similar domestic punishment, was dispensed with, an application of them seemingly indispensable to the discipline of the house. Thus twenty-two cells (the existing number) designed to receive one prisoner each, for thirty days at a time, (the period limited by law,) would amount to 264 prisoners that might be confined in a year, only one month each, and proportionably less if repeated in any instances in pursuance of the sentences—the average number confined in the institution for the last four years, being about three hundred and fifteen, renders, of course, that part of the sentences relative to solitary confinement, utterly impracticable in the present state of the buildings, for different persons, from one fifth to one twentieth of the whole sentence as variously directed by the different courts.

3d. The partial execution of the solitary confinement of the sentences is executed at night, with the higher grades of offenders, but if extended to the whole indiscriminately, and applied during the day also, would be very difficult to adjust and confound all distinction so desirable between good and bad conduct in the house, and the incitements held out for reformation.

4th. The impression seems to have prevailed at the board always, that the solitary confinements of the house were sufficiently extended to answer every purpose of the sentence, both within and without the house, while its liberal execution, though practicable, would seriously curtail its productive labour, and its capacities for that great object of the institution—the instruction of the prisoners in trades and habits of industry. The solitary confinement is strongly dreaded in the house, but it is thought not to be much felt abroad. This punishment is but lightly administered at present; yet is considered sufficient so far by the board, as it is competent to influence the police of improvement of the house. Conceiving too, that there must always depend more on the skill, and management, and cooperation of all those concerned in the management of the institution,

than on the virtue or specific rules and regulations.

If would appear, then, from these statements—

1st. That the full execution of the sentences as to solitary confinement, is mainly impracticable for want of room.

2d. That the partial execution of them, would be very difficult to produce, and seem to imply as much authority in the Board as the present modification of them.

3d. That the confinement in whole, or in part, from the Court authority alone, would take the chief instrument of discipline of the house from the hands of its officers.

4th. That this time occupied by it would materially interrupt the improvement of the prisoners in trades, and the benefits of the house derived from their labour. But how far the solitary confinement, unconditionally executed, might operate abroad as a preventive to crime, having never been tested, the board do not feel competent to determine, but would anticipate no powerful influence from it, while the disadvantages to the improvement of the prisoners, and the benefits of the house are obvious, and it would require new arrangements and resources in considerable extent to effect it. This subject, it must be acknowledged, involves a question of great delicacy and importance in the penitentiary system, and is worthy of mature consideration.

To the foregoing, we beg leave to add, that the confinement of a prisoner for one month, would cause the loss of two months labour, and in some cases four, according to the state of the respective constitutions of the prisoners, to which disadvantage ought to be added the hospital expense, where all must be sent on account of the debility caused by the confinement; and to these united disadvantages, must be added the cost of extending the hospital limits, to afford room for the great influx of patients; and to crown the whole, a due observance of the solitary confinement as enjoined, by law, would occasion, particularly in the warm months, a mortality among the convicts, ready to be feared and deprecated.

James Mosher, President pro tem. David Burke, Thomas Miller, T. Sheppard, Richard H. Jones, Daniel Conn, John Daugherty, Peter Levering, John Owen, Secretary.

Friday, February 21.

The clerk of the senate delivers the resolution for surveying the route for a canal from Baltimore to the Potomac river; the resolution in favour of William Gist, and others; John Quynn and Andrew Slicer; Thompson Randolph; John Carter; and the resolution relative to the Library Company; severally endorsed "assented to."

Also the resolution relative to the distribution of the laws and votes and proceedings, and the resolution relative to a route for a canal from Baltimore to Susquebanna, endorsed "assented to with the proposed amendments;" which were assented to.

The further supplement to an act, entitled, A supplement to an act, entitled, An act to incorporate a company for the purpose of cutting and making a canal between the river Delaware and Chesapeake Bay.

The bill for the relief of Thomas N. Burdett.

And the bill for the relief of Nathaniel Boggs, severally endorsed "will pass." Ordered to be engrossed.

Also the bill relative to trespasses square clauseum fregit and the additional supplement to an act relating to the administration of justice in this state, passed at December session 1801, chapter 74, endorsed "will not pass."

Also the bill in favour of William Wright, endorsed "will pass with the proposed amendment;" which amendment was read, assented to, and the bill ordered to be engrossed.

The bill to repeal certain parts of the act, entitled, A supplement to the act laying duties on licenses to retailers of dry goods, and for other purposes, passed at December session, 1821, chapter 246, was

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