

that they do not deem it necessary that any appropriations should be made at this time, from the treasury; they conceive that nothing more will be necessary, than to adopt some scheme which shall run on the credit of the institution, and enable it to obtain loans for the liquidation of its present debt, to be funded at some distant day, either from the profits of the establishment, or from appropriations out of the treasury, for the payment of such portions of the debt, as may then remain unpaid; the state, at present, only pledging its faith for the assumption of that debt at some convenient, though definite period. With this design your committee have submitted the resolution accompanying this report.

With regard to the other subjects set forth in the memorial, your committee beg leave to say, that they do not deem it expedient at this time to make any appropriation for the enlargement of the buildings of the penitentiary. The public finances would not justify such an expenditure; and however necessary it might be to perfect the design of punishment, to give separate rooms to the several convicts confined for particular offences, such an improvement would, in the opinion of your committee, be only justified when the state was in a better situation to devote its means to the accomplishment of that object. Besides, it could not at present be exactly ascertained what effect some alterations in the system, which your committee have reason to believe are likely to be made, in regard to the shortest period of confinement allowed to criminals, would have upon the number of those confined, whether, indeed, such alterations might not have the effect to lessen the number so far as to render the present building, with some improvements, sufficiently extensive.

Upon the subject of these alterations your committee would further beg leave to say, that they are of opinion that the usefulness and profitableness of the institution would be much advanced, by limiting the shortest period for which criminals should be sentenced, to three years. They look upon confinement for a shorter term as fraught with many pernicious consequences, both to the person punished and to society. Where an expectation is indulged of a speedy termination to the rigours of confinement, the criminal is very apt to feel but little of the pain of punishment, and much less of the spirit of reformation; particularly young persons and new offenders, who are brought, for the first time in their lives into a close association with the oldest and most profligate felons whose corrupt experience, and long continued habits of depravity, render them capable, and give them the inclination, to poison yet more deeply the character of their junior and less hardened companions, to an extent which precludes equal the possibility, and hope of amendment. In addition to this, it is obvious, that the criminal being employed, for the first year, in acquiring the rudiments of his trade, is for that period, at least, an actual expense to the institution, returning nothing of profit, in the way of compensation, for his support; and as the number of those convicted for the lesser offences must be considerable, the exclusion of such would promote the actual gains of the establishment, by shutting out so many unproductive hands, and would also have a very sensible influence, for the reasons assigned before, upon the improvement of the offender; this effect has been already in part very happily produced, by the laws of 1818, excluding negroes and vagrants. The only difficulty which occurs to your committee on this question, is the provision of some other mode of correction, adapted to that class. Without entering into this subject, your committee would merely suggest, that the establishment of a work house, and the infliction of corporal punishment, might readily and with little inconvenience afford a proper substitute for the penitentiary; this, however, is a subject better left to the wisdom of this honourable body, and your committee would therefore submit it without remark.

In conclusion, your committee beg leave to offer the following resolutions:

Whereas it appears by the report of the committee to whom was referred the memorial of the directors of the Maryland Penitentiary, that that institution is in debt to the amount of \$32,225 45, and that it is necessary some measure should be immediately adopted to relieve it from its present necessities, therefore

Resolved, That the directors of the said penitentiary be and they are hereby authorised to borrow a sum or sums of money not exceeding \$30,000, and that the state of Maryland is hereby obligated to pay the amount of the said loan or loans, or such part thereof, as may remain unpaid on the first day of January, in the year eighteen hundred and thirty, in six equal yearly payments, commencing on the said first day of January, in the year eighteen hundred and thirty, and paying each subsequent payment on the first day of January in every year thereafter, until the whole amount shall be paid. And further,

Resolved, That the said directors shall appropriate, yearly and every year, the profits of the said penitentiary, to the payment of the interest upon the said loan or loans, so long as the same, or any part thereof, shall remain unpaid, and the residue of said profits, if any after such payment, they shall appropriate yearly to the payment of the principal of said loan or loans, until the whole amount of said loan or loans shall be paid. And further,

Resolved, That the faith of the state is hereby pledged for the fulfilment of any contract made by the said directors in pursuance of these resolutions.

All which is respectfully submitted.

JOHN P. KENNEDY, Chairman of the Committee.

February 2d, 1821.

Which was read.

On motion by Mr. McPherson, Ordered, That Messrs. J. P. Kennedy and Key be added to the committee on the memorial of the grand jury of Frederick county, in the place of Messrs. Warfield and Davis, now absent.

On motion by Mr. T. Kennedy, Leave given to bring in a bill, entitled, An act relating to sheriffs. Ordered, That messrs. T. Kennedy, Kershner and Lecompte, report the same.

On the second reading of the resolution relative to an annual statement from the mayor and city council of Baltimore relative to the expenditures for deepening the basin thereof, and on motion by Mr. Lecompte, the following was added thereto: Resolved, That nothing in the foregoing resolution shall be construed to have the effect of creating any obligation on the legislature of Maryland to pay any deficiencies that may happen in any year between the amount received from taxes on sales at auction, and the amount expended for the purposes stated in the said resolution.

The question was then put, That the house assent to the said resolution? Resolved in the affirmative and sent to the senate.

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