

shall pass, alter or change from one to another or be a lien in any manner whatsoever on the estate mentioned in any deed or mortgage until the said deed or mortgage shall be enrolled and recorded as directed by the laws of this state, now in force on that subject, any law to the contrary notwithstanding, provided that this law shall not take effect until the first day of June next. And the question was put on the same being stricken out.

The yeas and nays being required, appeared as follow :

AFFIRMATIVE.

Messrs. Speaker, Dorsey, Millard, Llewellyn, Maddox, Brown, Woodward, Dalrymple, Sollars, Veems, Jenifer, Garner, Orrick, Showers, Loockerman, Nabb, Dennis, King, Sullivan, Griffith, Brazier, Travers, Culver, Carr II, Hughes, Mcconekin, Nicholson, Stevens, Moffett, A. Spence, Turnell, Forwood, Bowle, Gabby, Kershner, B. S. Forrest, Darns, Riggs, Duxal, Greenwell.—40.

NEGATIVE.

Messrs. Harris, Marriott, Stewart, Edelen, Rogerson, Martin, Semmes, J. Forrest, Riley, Hemp, Pigman, Cudler, Allen, Whiteford, Douglass, Whitely, Hardcastle, Saulsbury, Barney, Weaver.—20. Resolved in the affirmative.

The bill was then rejected.

The speaker then laid before the house the report of the commissioners of the Cecil school fund; which was read and referred to the committee appointed on that subject.

Mr Orrick delivers the following report :

The committee to whom was referred the memorial of the directors of the Maryland penitentiary, respectfully beg leave to report : That they have examined in detail the subjects submitted to their consideration, and have carefully investigated the several documents furnished for the information of the legislature, upon the condition of that institution. They find that a debt has accrued under the management of the former directors, which on the 30th November, 1819, amounted to 39,126 dollars and 25 cents. That of this debt, in the course of the last two years, was paid, the sum of 10,000 dollars from the current profits of the institution, thus reducing the amount of their debt to 29,000 dollars. That this debt grew out of circumstances beyond the control of the former directors, and from a state of things which your committee conceive must exonerate them from any charge of mismanagement. It may be traced, first, to the natural embarrassments to which a new institution is peculiarly exposed in organising and reducing to a profitable condition the labors of a large number of citizens, untaught in their trades, and forced into occupations which it was impossible to foresee would be advantageous or otherwise to the state. Secondly, To a mistaken policy which was early adopted of farming out the labor of the penitentiary, and vending its products through a city store. Thirdly, to an unavoidable want of experience in the government and management of an extensive internal police, the true character of which could only be understood by long attention and frequent experiments; and lastly, to a much more powerful cause than any yet mentioned, the sudden depression of trade, which instantaneously affected a large portion of manufacturing stock, then on hand, which had been purchased at the high prices of a period when the artificial and unnatural prosperity of our currency had communicated a deceptive value to every article of commerce. That a very laudable and assiduous zeal of the present board of directors, has been tenderly applied to relieve the institution from incumbrances imposed upon it by the unfavorable circumstances above alluded to; they have completely reformed every evil which was met their view, by introducing such wholesome amendments into the whole system, as not only to have invigorated the weakened powers of the establishment, but have also brought it to a state of productiveness, which must in a few years, under the same discipline, pay off their present debts, and render it an object of actual gain to the state; thereby even surpassing the most sanguine expectations which were entertained at its formation. Upon this subject the reports before your committee are of so satisfactory a character that they do not hesitate to believe that the situation under its present regulation, will produce a certain profit of at least six or seven thousand dollars per annum.

Your committee however conceive it necessary that some immediate provision should be made for the liquidation of the present debt, as a considerable portion of it has been incurred as far back as the year 1816, and now exists under circumstances, which makes its payment a subject affecting the character and reputation of the state. Indeed your committee conceive it to be a demand of impetuous justice, that the creditors of this institution should have every security given to them for a speedy adjustment of their debts, which a legislative pledge could communicate. It is essential also, in another point of view; the credit of the establishment has received a severe shock from its former embarrassments, and the effect of this has been to deprive the present board of directors the necessary means for supporting the institution, except those derived from the actual cash in their possession, and the assurances of their personal responsibility. Your committee need not say that they consider this a difficulty which calls for an immediate remedy. It is but common justice to those individuals, that every facility should be afforded them to extricate themselves from such an unpleasant predicament. The propriety of this measure, further recommended by the consideration that the penitentiary system is at present brought to that degree of perfection, which enables the state to maintain its criminals not only without positive loss, but even with actual gain to itself. Public policy demands that the penal sanctions of the laws should be rigidly enforced even at heavy cost; and this has been in almost every government a subject of great expense. That it can be maintained in Maryland, without burdening the people, is a circumstance which must render the penitentiary a favorite institution, and present its claims to the state, with very high pretensions to indulgent consideration.