

They view that mode of punishment as almost the only valuable feature in it, and the only one calculated to do away the necessity of capital punishment. The individual whose vicious conduct is such that it becomes necessary he should be cut off from all intercourse with society, is only to be reclaimed by solitary confinement on spare diet, he never should be allowed any communication with others equally hardened in guilt with himself, thereby affording them opportunities to plot and execute new crimes, as has been the case in the Maryland Penitentiary, but closely confined with only as much light as will enable him to read the bible which should be his sole companion; then there will be chance of reformation; for when deprived of all amusements and employments, reflection must and will come: then he will be forced to look into himself, reflect on the cause of his confinement, and behold 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 sound, it is the only one dictated by religion and humanity, as it affords an opportunity of repentance, and consequent preparation for an awful eternity; and does away the necessity for that bloody penal code, which has so completely failed to repress crime in England.

The above unfavorable 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 our legislators, the penitentiary system, we should not only punish and reform criminals, but that the labor 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 cause of expense, as will appear by 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 \$26,453 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 unfavorable 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 is compatible with the well being of society, a criminal code, detested 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.

Mr. Lockern delivers the following report:

The committee appointed to examine the state of the records in the chancery office, beg leave to report, That they have carefully inspected the records and papers now in that office, and find that of the proceedings which took place during the time in which S. H. Howard was register, and from that period until the appointment of the present register, many are yet unrecorded. With respect to the proceedings which have taken place during the time of the present register, it appears by the certificate of the chancellor, that the proceedings have been regularly recorded by him agreeably to the requisites of the act of 1817. Your committee are of opinion, that the titles of a very large portion of the citizens of this state, to the landed property which they hold, are jeopardised by the state in which the papers in this office now remain, and that it is an imperious duty on the part of the legislature to provide a speedy and efficient remedy, inasmuch as a neglect on the part of the legislature to exercise, on proper occasions, the superintending power with which it is entrusted by the great body of the people, over all the offices of government, may produce very dangerous consequences; they therefore recommend the adoption of the following resolutions:

*Resolved*, That the register of the chancery court be, and he is hereby directed to record, under the instruction of the chancellor, such papers relating to real estate as are in his office, and which by law should have been recorded by former registers of the said court, but have not been so recorded.

*Resolved*, That an account of the amount of the charges and expenses of so recording the said papers, which have been neglected by each of the former registers, be duly made out by the said register, and certified by the chancellor, which shall thereupon be reported by the register to the legislature of Maryland, for their further directions on this subject.

Which was read.

By order,

J. COCKEY, Jr. Clk.

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