

pensible 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 or improvement of the house. Conceiving too, that there must always depend more on the skill, and, management, and co-operation of all those concerned in the management of the institution, than on the virtue of specific rules and regulations.

It 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 proportion, & 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 the time occupied by it would materially interrupt the improvement of the prisoners in trade, 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, greatly to be feared and deprecated.

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

On motion by Mr. Purviance, the following message was read, assented to, and sent with the bill to the senate:

BY THE HOUSE OF DELEGATES, February 20, 1823.

*Gentlemen of the Senate*—We return you the bill, entitled, An act for the relief of Charity F. Barrer, which was rejected by your honourable body, and respectfully ask a reconsideration of the same.

By order,

J. BREWER, Clk.

The bill for the relief of Nathaniel F. Boggs, was read the second time, passed, and sent to the senate.

On motion by Mr. Keller, leave given to bring in a bill, entitled, An act for the benefit of John Carter and William Gover. Ordered, that Messrs. Keiler, Semmes and Williams, report the same.

The bill for the relief of Thomas N. Burdett, was read the second time, passed, and sent to the senate.

Mr. Allen presents a petition from negro Charles Gwinn, of Harford county, praying for a special act of insolvency; read and referred to Messrs. Allen, Chauncey and Norris.

Mr. Norris presents a petition from negro Priss, of Harford county, praying for a special act of insolvency; read and referred to Messrs. Norris, Chauncey and Allen.

On motion by Mr. Hoffman, the following message was read, assented to, and sent with the bill to the senate.

BY THE HOUSE OF DELEGATES, February 20, 1823.

*Gentlemen of the Senate*—We have reconsidered the amendments proposed by your honourable body to the bill, entitled, A further supplement to an act, entitled, An act for the more effectual collection of the county, charges in Allegany county, and propose an amendment to your amendment, by striking out the word "eight" in the tenth line of the first section, and inserting the word "five," and respectfully ask your honourable body to reconsider and pass the same as amended.—amendment proposed; strike out "eight" and insert "five."

By order,

JOHN BREWER, Clk.