

as a canon of republican faith, and to the will of the people of the congressional district of the state of Maryland represented by me, I shall ever most cheerfully bow with submission—or I will surrender unto my constituents, the trusts placed by them to my keeping, that the charge may be confided to some other person, who can with less violence to the independence of his own sentiments, represent those of the district.

But I consider it to be a sacred duty which the representative of the people owes to the people, a solemn obligation which the people themselves owe to their own power and sovereignty, to guard this right of instruction from all "attempts" which bodies of men delegated by the people for the discharge of certain purposes, and certain duties limited in their nature, and by the compact government expressed and defined, may offer in violation of its authority. If the right of instruction over the peoples representatives in congress, is conceded to the legislature of Maryland, the right of instruction by the people is violated and impaired, as the concession necessarily acknowledged an authority in the legislature, paramount to the authority of the people, by which the voice and will of the people may be trammelled or controled.

The powers and duties of the Legislature of Maryland, are all by the constitution of that state, defined, limited, and expressed—and the legislation of that enlightened body, within the scope and limits of those powers, is binding upon the citizens of that state as a rule of conduct prescribed by the supreme power of the government for the direction of all—but the assumption of any authority by force of legislative enactment beyond their long established and well known constitutional landmarks, would be an "attempt" according to the conviction of my mind, to subject our citizens "to a jurisdiction foreign to our constitution" and unknown to "our laws," and therefore "dangerous to the rights and liberties of a free people," and if quietly submitted to by the people may become the means whereby the "ends of government" may be abused, perverted and destroyed. Entertaining as I do, for the legislature of Maryland the highest respect, and feeling for many of its members the sincerest personal friendship, I have held it but respectful to them, and due to the people whose servant I am, thus concisely to express my views and opinions of this legislative procedure of our native state. I have furthermore deemed it my duty to make this exposition, because I have apprehended the whole procedure to be susceptible of many equivocal constructions and dubious significations—and because, if necessary, I have held myself ready solemnly to protest against any interference by the legislature of Maryland with the rights of my constituents, as an usurpation alike disrespectful to them, and to me as their representative. I have though too much respect for the patriotism and intelligence of that honorable and enlightened body, to make this last and painful resort at all necessary or proper. But I have determined to give to the preamble and resolution above mentioned that construction only—by which, alone, according to the conceptions of my understanding, the legislature can be justified or excused to the people, viz. *as the simple expression of the opinions and feelings of certain individuals of the legislature of Maryland* possessing under the bill of rights, the constitution and laws of the state, no greater privileges than one common to me and every other citizen, *and nothing more.*

With great respect, I am
Washington, Jan. 8, 1824.

WILLIAM HAYWARD, Jr.

WASHINGTON, January 8, 1824.

SIR—I have had the pleasure of receiving your letter and the preamble and resolutions of the legislature of Maryland, on the subject of a congressional caucus—they will have my most respectful consideration. It is a high gratification to me to find from these resolutions that the General Assembly of Maryland "disapprove and will discountenance any congressional caucus nomination of President and Vice President of the United States."

I have the honor to be, very respectfully your obt. servt.

HENRY R. WARFIELD.

His Excellency, the Governor of Maryland.
Which were read.

Mr. Pitt delivers the following report:

The committee appointed on the part of the house of delegates to inspect the penitentiary and report the situation of that institution, beg leave to submit the following as the result of their investigation:

In the discharge of the duties assigned them, your committee encountered the difficulties always attendant upon a scrutiny of the administration of public institutions. However zealous they may have been to perform faithfully the functions entrusted to them, and however anxious to disclose to the legislature the real condition of the Penitentiary, they have to lament that the information to be derived from an actual inspection of the institution, is vague and unsatisfactory, and that the knowledge of its internal administration to be acquired by an examination of its officers, is interested, and consequently deceptive. After an examination however of the various reports and documents connected with the subject, and a candid and deliberate review of all the information they have obtained from sources private and official, they are enabled to present to the legislature the following view of the true situation of the Penitentiary.

There are more than three hundred convicts in the Penitentiary, engaged in various mechanic arts, none of which, sawing and smithing excepted, are calculated to operate as a punishment upon persons who had lived before their confinement in habits of indolence and vice. Their employments are chiefly of a sedentary kind, requiring little of that hard bodily labor which is the punishment most dreaded and severe to a majority of the criminals, who when abroad in society were too lazy to earn an honest livelihood, but led a vagrant kind of life un-