

Your committee have also received information that the discipline of the Penitentiary is not maintained with uniform vigor, that it is sometimes excessively lax and sometimes unnecessarily rigid. This is an evil which ought to be corrected, as it tends to prevent the growth of good dispositions among the prisoners; a treatment uniformly energetic, but not tyrannical and dictated by caprice, is the only one by which a change in the morals and dispositions of the criminals can be wrought. They have also received information which induce them to believe, that gross impositions are practiced upon the state in the supply of materials for the various manufactures carried on in the Penitentiary. An enquiry on this subject ought to be instituted by means of a select committee, which may save the state large sums of money, wasted by the manner in which materials are supplied.

Your committee having laid before the house such information as they have obtained, it must be admitted that the present situation of the Penitentiary constitutes it a mere Augean stable of abuses, that it is not only the receptacle, but the nursery of crime; in short, that it is nothing more than a manufacturing establishment, differing only from other establishments of that kind, in the circumstance that the persons employed are collected from the refuse of mankind. It has failed entirely to accomplish the purposes for which it was instituted, and although humanity may lament the want of success of the experiment, public justice imperiously demands, that unless some very important changes can be made, so as to effect the object of its establishment, the prevention of crimes and the reformation of offenders, that it should be wholly abandoned. At present it is nothing more than a state manufactory, where the meanest, the most profligate and abandoned of the community are employed. As now organized, it is no benefit to the state even viewed as a manufactory, and operates greatly to the disadvantage of a large and respectable class of society, those employed in the various mechanic arts. Besides injuring the manufactures of the honest artizan, annually wretches are disgorged from the Penitentiary who mingle in society, as hatters, shoe makers, comb makers, &c. thus degrading those who have honestly and industriously pursued those avocations.

Your committee are unwilling to recommend the immediate abandonment of the Penitentiary system, as they are impressed with the idea, that it has not been fairly tested. Believing that all establishments of the kind must necessarily have in its first organization, defects which time, patience and experience will never fail to correct. They are also of opinion that the Penitentiary was not organized in as efficient a manner as it was susceptible. They also feel a horror of recurring to a more sanguinary system as directly opposed to the spirit of the age, and entirely hostile to the republican institutions of the country. Moreover they are convinced that a severe and sanguinary penal code, so far from checking the growth or preventing the commission of crimes, produces directly opposite effects. The history of the criminal jurisprudence of great Britain confirms the truth of this position. Half a century ago, when Blackstone published his commentaries, he stated that at that time, there were more than one hundred and sixty offences for which the laws of England inflicted the punishment of death. And it is an indisputable fact, that more felons are executed in England in one year, than in all the governments of Europe beside. That a mild penal code providing for the punishment of offenders by other methods than the forfeiture of life, cropping, branding, &c. is more effectual, both to prevent crimes and reform offenders, to satisfy the justice of the state, without disregarding the dictates of humanity, is the opinion of the most enlightened statesmen of modern times. From the period when Beccaria wrote his essay to the late effort of the eloquent and enlightened Mackintosh, the most eminent men of all countries have exclaimed against a barbarous and vindictive criminal code.

Your committee therefore recommend that the Penitentiary system be reorganized, that its internal administration be rendered more accountable to the state, and in many respects more effective.

For the information of the house your committee will state that the penitentiary has cost the state from its first organization to the 30th of November 1823, inclusive, the sum of two hundred and eighty one thousand, five hundred and sixty four dollars and twenty eight and an half cents. The state has expended within the two last years on account of the penitentiary forty five thousand one hundred and ten dollars and thirty three cents; its annual charge upon the public treasury may be estimated at \$20,000. Your committee believe that the change of the penitentiary on the public funds will diminish. Still in the present exhausted state of the treasury and embarrassment of the public finances, unless some very material changes can be made to render the institution more beneficial to the state, and less burthensome to the treasury, the people will not be disposed to sustain it any longer. As a committee has been appointed by the legislature for the express purpose of inquiring into the expediency of reorganizing or wholly abandoning the penitentiary system; your committee will very concisely suggest some alterations in the system as they believe will enable it not only to support itself, but to effect the main purposes for which it was instituted, and become the means of entirely carrying into effect the mild and humane criminal code which now exists in this state.

1. Your committee beg leave to recommend that the act concerning crimes and punishments be revised, that offences of the highest grade, such as treason, murder, rape, arson &c. be punished with death or confinement for life. That offences of the second grade, manslaughter, grand larceny &c. be punished for a term not less than fifteen years, and if the convict is without a family, that he be banished from the state when discharged; that for all remaining offences, different terms of confinement be assigned according to the degree of criminality and the circumstances attending their commission, and that no term be less than five years. That for all offences which ought to be punished for terms less than five years, the courts of justice