

then expressed. It is not a matter of speculation, but of positive conviction with me, that the remedies proposed in my Annual Message of that year are absolutely required for the proper administration of the laws in justice and mercy. Power should be expressly conferred upon the Executive to grant conditional pardons in all cases, as he is now authorized to do in cases of capital punishment, by the act of 1787, Chapter 17, and the act of 1795, Chapter 83. The pardoning prerogative vested in him by the Constitution is general in its terms; and such questions are left to construction, or to legislative provision. It is not consistent with the theory of our Government that important powers should rest upon the uncertain and ever varying interpretations of public officers. While you cannot abridge the prerogative, you are at liberty to enlarge the discretion of the Executive in its exercise, provided that as in the case under consideration, it is not incompatible with the letter or spirit of the paramount law.

It is also necessary that provision should be made to remedy a severe grievance which has frequently been brought to my notice during my administration. I have found prisoners in the Penitentiary convicted of common larcenies, who had been sentenced for longer terms of confinement than had been imposed upon others for the commission of some of the worst crimes known to the law. This has happened where the act, though single in fact and in morals, had been multiplied by the operation of a technical rule of the law which supposed the commission of as many distinct offences as there were owners of the property stolen. A careful revision of the criminal code, and of the various acts of Assembly relating to pardons and the remission of fines, for forfeitures and penalties, will disclose a wide field for investigation and improvement.

Before I leave this subject I feel it to be my duty, most earnestly to press upon your attention the imperative necessity that exists for some change in the present mode of conducting public executions. Strange as it may appear in the midst of the civilization of the nineteenth century and the boasted enlightenment of our republican society, it is nevertheless an humiliating fact, that every public execution gives rise to scenes of callous and profane debauchery which would disgrace a barbarous nation. Even the great majority of those, to whom the preceding remarks could not be justly applied, are hurried to the revolting spectacle by no other motive than one of idle curiosity. The tender sensibilities of woman are incited, and the impulsive nature of the child is distorted by familiarity with such