

are constrained to express our fears that a completely favorable result will not flow even from that measure.—Many difficulties would occur in making this arrangement; although they might be convicted for the same crime, yet the same aggravating circumstances might not attend its commission; and there must be different degrees in the moral depravity which no human being could discover.—Unless then, there should be such an arrangement of classes as to place together those who had reached the same degree of infamy in all respects, the evils of communications must still exist. While upon this subject, we would refer you merely for examination, to the plan of the great Eastern Penitentiary of Pennsylvania. It consist in seclusion, day and night. Labour is assigned to the convict not as a punishment, but as an alleviation of the severe anguish of his mind, calculated to produce habits of industry not by coercion, but as affording him under the circumstances a pleasing employment. He is debarred only the society of vicious associates, while he receives the visits of those who can instruct him in morality and piety. The experiment is a new one, and we should wait to observe what good effects it will produce. Another defect seems to have arisen from the restriction imposed upon the courts in regard to the time of confinement of convicts in the penitentiary. To sentence an individual who has committed some minor offence, for which this punishment is prescribed, and who has never given other evidence of moral turpitude, to a confinement for two years with the most profligate of human beings, is certainly defeating one of the primary objects of penal law, the reformation of the offender. He who may in the opinion of the court before whom he is tried, merit only confinement for a short period, and made to suffer sufficiently to deter him from repeating his crime, is often after a confinement for two years, turned loose upon the community an adept in all the arts of vice. The courts have all the facts before them, and are best qualified to assign the proper duration of punishment. We therefore particularly invite your attention to the propriety of repealing the law imposing this restriction.

The ill-advised exercise of the pardoning power, may also produce most serious consequences. It is only from recommendations and representations in behalf of the convict, the individual invested with that power, can act.—And if misapplied sympathy or ill-directed feelings should procure an interference by the Executive; without regard to the merits of the case, criminal offences can never be diminished. It is only the discreet exercise of this most