

houses, has greatly exceeded the interest on the cost of such buildings as are required. If no untoward event should occur to impede the progressive improvement of the country; the city of Baltimore will, in three years, be the largest tobacco mart in the world; and the number of hogsheads inspected at the State Ware houses in that city will reach one hundred thousand.

I have received and will lay before you the last report of the Directors of the Maryland Penitentiary, which will give you full information of the present situation of that institution; and I particularly invite your attention to the conflict which is supposed to exist between the act of 1836, chapter 156, and the act of 1839, chapter 37, that the proper legislative remedy may be applied. This institution has ceased to be an expense to the State, and I am warranted in expressing the opinion that for the past year it has been as judiciously managed in view of the moral improvement of its inmates as any similar institution in the country.

In reference to this subject, I must ask your examination of the existing criminal law of the State, in regard to the punishment of slaves. By the act of 1809, chapter 138, slaves were punished as other persons, by confinement in the Penitentiary; but by subsequent legislation, and as the law now stands, no slave can be confined in that institution, and in regard to slaves, whipping or transportation is substituted as the punishment for all that class of crimes for the commission of which all other persons are confined in the Penitentiary for periods varying from two to twenty years. If, therefore, under the existing law, a person, *other than a slave*, is convicted of murder in the second degree, or any other crime of like magnitude, such person is punished by confinement in the Penitentiary for a period of not less than ten nor more than twenty years; whilst the slave who is convicted of the like offence can *only* be punished by *transportation*—that is, by substituting for his *Master in Maryland a Master residing beyond the limits of Maryland*. The glaring inadequacy of this punishment must render comment unnecessary. In another view this inequality and inadequacy of punishment operate against the slave. From the origin of the government, it has been customary for the Executive where persons are sentenced *to death*, of whose guilt he may entertain doubts, or where palliating circumstances may exist, *to pardon, upon condition* of confinement in the Penitentiary for such period as he may designate. It will be seen that the Executive, under the existing law in the case of a *slave*, would be compelled either to order the execution of the sentence of death, or to substitute *transportation*, which would neither be considered by the slave or the community as any punishment whatever.

I have adverted more fully to this subject because I am placed at this time in a peculiar position. At the last term of Charles County Court, a negro slave was convicted of the crime of *insurrection*, and sentenced to be hanged. I at first delayed the execution of the sentence, to see what would be the verdict and sen-