

read a second, and by special order a third time, assented to, and sent to the house of delegates.

The supplement to an act to incorporate St. Mary's Orphan Female School in the city of Baltimore, was read a second time and ordered to be engrossed. The said bill being engrossed was read a third time by special order, passed, and sent to the house of delegates.

Mr. Bowie from the committee reported a bill to authorise aliens to purchase and hold real property within this state, and it was read the first time and laid on the table.

Mr. Scott from the committee to whom was referred the bill relating to turnpike roads within the city of Baltimore, reported, that the committee had had the same under consideration, and were of opinion that it ought to pass. The bill was then read a second, and by special order a third time, passed, and returned to the house of delegates.

The supplement to the act to incorporate the Village of Port Deposit, in Cecil county, was read a second time and recommitted. Mr. Miller from the committee to whom the said bill was recommitted, reported, that the committee were of opinion that it ought to pass with the following amendments: Amendments proposed—2d Sec. strike out the words "president and commissioners of said village," and insert the words "governor and council of Maryland." 2d Sec. 6th line strike out the last syllable of the word "governed." 3d Sec. 4th line after the word "as" insert the words "measurer and;" same line, after the word "inspector" add the words "of lumber for the said village." 4th Sec. 3rd line after the word "the" insert the words "measurer and;" after the word "inspector" add the word "aforesaid." Same sec. 5th line after the word "the" insert the words "measurer and." 8th and 9th line, strike out the words "by the president and commissioners," and insert the word "as." Same sec. 11th and 12th line strike out the words "by the president and commissioners," and insert the word "as." Same sec. 16th line strike out the word "aforesaid" and insert the words "of said village." Which amendments were read and assented to. The bill was then read a third time, passed with the proposed amendments, and returned to the house of delegates.

The clerk of the house of delegates returned the bill for the relief of James M. Intire, a convict prisoner in the gaol of Allegany county, with the following message; which was read, and with the bill laid on the table.

BY THE HOUSE OF DELEGATES, Feb. 15, 1825.

Gentlemen of the Senate,

We regret that the bill passed by us for the release of James M. Intire, a convict prisoner in the gaol of Allegany county, has been rejected in your honourable body; and we now return it to you, in the hope that, when his case shall be presented to you in its proper aspect, and clothed with those circumstances which do not and which could not appear upon the face of the bill, you will find it one which can only be relieved by legislative interposition; one which demands relief, and one to which you may extend relief without, in any degree interfering with the pardoning power which resides with the executive.

The petitioner, James M. Intire, was properly and rightfully convicted at the last term of Allegany county court, of having charged and received illegal fees as a constable within that county, and upon conviction was fined in the sum of fifty dollars to the state, the fine to the informer having been previously released. This fine, M. Intire was, and is, and ever must be, unable to pay during confinement, and he has languished in prison since the month of October last, useless to himself, to his family, and to the community, whilst his ability to pay, instead of increasing, has decreased, if decrease it could. As the fine imposed upon him was not one ascertained by the discretion of the court, but a certain fine attached to the commission of the offence by the law of 1820, the governor and council do not possess the power of remitting the fine, unless the case of the offender be stated in writing by the court imposing the fine, and be accompanied by a recommendation for its remission by some judge of the court. For the purpose of obtaining this statement and recommendation, application was made to the judges of Allegany county court, but, although they seemed to be fully aware of the inutility of a longer confinement of M. Intire, whether with a view to its effects upon himself, or to the payment of the fine, and although fully sensible that he would only hang as a burthen upon the county, they yet withheld the statement and recommendation, because they did not regard themselves as at liberty to listen to arguments of expediency, or to give way to any considerations but those of the sheer merits of his case. Unfortunately for him, his case was found without merit, and in a great degree without any palliating circumstances, and hence the doors of mercy from this quarter are closed against him.

His case then, is one which does not come within the range of the pardoning power of the executive, a power which only tempers the harshness of the law, arising from its generality, to the mitigating circumstances of each case. It is not contended that the punishment inflicted upon M. Intire was unmerited, or that his case has any ameliorating circumstances about it. Relief from it is asked for reasons which do not in any degree impugn the righteousness of his sentence. Relief from it is asked from a regard to the wants of a numerous family, and to the murmurs of a county upon whom he now hangs for support. All punishment ought either to have a tendency to reform the offender himself, or to operate by example upon others, and when it cannot effect one of these objects, it ought to be discontinued. In this instance M. Intire has already suffered severely. His confinement of four months is more than equivalent to the fine, for the nonpayment of which he was committed. He is now unemployed, receiving his support from others, and thus becoming inured to habits which will daily render him more and more useless. In the mean time, Allegany county prefers her claim for relief. She protests against the longer continuance of a punishment which by its rigour, instead of ameliorating, will only harden the offender; which will be attended with no ultimate benefit to the state, and which will only have the effect of charging her with the perpetual support of the offender himself, and it may be, of some of his family. These reasons will, we hope, induce you to reconsider and pass this bill.

By order,

JOHN BREWER, CLK.

The senate adjourned until Monday morning 10 o'clock.

MONDAY, February 14, 1825.

The senate met. Present the same members as on Saturday. The proceedings of Saturday were read. Mr. Chambers appeared in the senate.