

five, for reasons therein explained, he would certainly have been provided for agreeably to his said rank; and they therefore recommend the following resolution:

RESOLVED, That the treasurer of the western shore be and he is hereby authorised and directed to pay to David Hopkins, late a major of the horse in the revolutionary army, a sum of money, annually, in quarterly payments, equal to the half pay of a major, instead of the sum granted to him annually in virtue of a resolution passed at November session, eighteen hundred and five.

All which is submitted.

By order,

S. LOWDERMILK, clk.

Which was read.

On motion, the question was put, That leave be given to bring in a bill, entitled, An act for a re-valuation of the work done by Baltimore county on the Frederick-town road? The yeas and nays being required, appeared as follow:

A F F I R M A T I V E.

Messrs	Brice	Reynolds	Brown	Ennalls	Spencer	Street	Bayard	Downey
	Welch.	Stansbury	Stevens	Mitchell	Wright	Sanders	R Steuart	Hillery
	Belt	Harryman	Seth	Porter	Scott	Davis	Gabby	Tomlinson
	Merrick	Randall	Cottman	Boyle	Forwood			

N E G A T I V E.

Messrs	Blakistone	P Stuart	Bayly	Herbert	Wilson	Sappington	Young	S Thomas
	Hopewell	Chapman	Frazier	Beall	Bennett	J Thomas	Bowles	Veatch
	O Williams	Dorsey	Griffith	Muir	Baer	Willis	Carroll	M Mahon
	Ireland	Parnham	Hart	Hopper	J H Thomas	Hughlett	Gaither	Reid
	Grahame	Edmondson	Perrie	Hayward				

So it was determined in the negative.

Mr. Stansbury, from the committee, delivers to the speaker the following report:

THE committee to whom was referred the memorial of the commissioners appointed to superintend the building of a Penitentiary near the city of Baltimore, beg leave to report, that it is with the sincerest pleasure they are enabled to state the very advanced stage of this great public work, which will rank Maryland among the most wise and humane of her sister republics.

The centre building, the west wing, and more than one third of the wall enclosing the grounds, are nearly complete; it only remains to erect the necessary work-shops, to raise the enclosing wall quite round the buildings, and to finish the apartments, the greater number of which are already plastered, in order to put the whole in a state for the reception of criminals.

Your committee beg leave to congratulate this legislature on the near approach of that period when the state will be enabled to banish for ever that merciless code which inflicts punishment in the blood and shame of our fellow men. Punishment is an act of painful necessity, the practice of which is temporarily imposed upon government by the corruption and ignorance that reign among mankind. When we recollect the numbers, even in this country, who are turned adrift to all the ills of poverty, and who are reduced to feel the churlish fang of necessity, they cannot view the cruel European system of punishment, which has been adopted by us, without the most painful emotions. Who can calculate the pangs that fly from breast to breast, and the violence that is done to every generous sentiment of the soul among those who witness a public legal infliction of death! The general propensity of man is to venerate mind in his fellow man, and our religion enjoins us to love one another. How completely does the executioner of such a tragic act reverse the scene. Instead of impressing lessons of virtue, all the wholesome avenues of mind are closed, and on every side we see them guarded with a train of disgraceful passions, hatred, revenge, despotism, cruelty, hypocrisy, conspiracy and cowardice, man becomes the enemy of man.

Your committee conceive, that there can be no principle more correct, than that in republican and simple forms of government, punishments should be rare, and that the punishment of death should be almost unknown. On the other hand, the more there is in any country of inequality and oppression, the more punishments are multiplied, and the more the institutions of society contradict the genuine sentiments of the human mind, the more severely is it necessary to avenge their violation. The government of this state, fully convinced that *reformation*, not *terror*, should be the object of punishment, has heretofore thought proper to consign those unhappy wretches who have fallen under the censure of the law to hard labour on the public *highways*. The motives for doing so were certainly humane, but years of experience have proven, beyond a doubt, that those unfortunate beings, thus doomed to punishment, had infinitely better have been suspended, as unworthy of either this world or the next, than to be chained and manacled to hard labour, and exposed day by day to the scorn, contempt and derision, of the passing world. The human mind, thus exposed, desponds, is humbled, broken and case-hardened; every chord that should respond to the intonations of virtue and benevolence is cruelly rent asunder; the tender feelings of sensibility are seared over; every throb of the heart, in unison with humanity, is hushed, and commanded to be still; and the hardened and abandoned wretch is disinthrilled and turned loose upon society to wage war upon his fellow man, and an enemy even to himself.

Your committee are impressed with a belief that the penitentiary system of punishment is the true if not only mode by which the genuine object of punishment can be attained, that is, the reformation of the offender. They view it as a mode eminently calculated to inculcate lessons of morality, to promote habits of industry, to re-