

happens, that, such cases, trifling as they may appear, involve the greatest degree of hardship and injustice, calling loudly for the interposition of the Executive. I, therefore, advise that to be enacted, that, upon notice of an intention to apply to the Executive for pardon, filed in the Court, before which the party shall have been convicted, within a reasonable time after sentence, the execution of the judgment shall be suspended, upon removal of bail, until the final decision of the Governor shall have been certified to the Court, or to the Clerk of the Court, during recess.

I would, also, respectfully call to your notice a severe grievance in the law, which demands a remedy. In prosecutions for larceny, it frequently occurs that, the property stolen belonged to different individuals, although taken at one and the same time. In such cases, several indictments are found; and, upon each, there is a distinct conviction and sentence. Thus if a man steals two five dollar bills, which happen to be the property of two different persons, he will be separately indicted and sentenced for each; although, in fact, the culprit may have been, morally, guilty of but one larceny. Whereas, if the two bills had belonged to the same individual, the party would have been sentenced to one term, only, in the Penitentiary. It has, thus, happened that, a man, convicted of two small larcenies, has been made to suffer a longer punishment, than another, whose crime was really much greater in degree. This glaring inequality of punishment is not only unjust and cruel, but, it is productive of the most mischievous consequences. It brings the justice of the State into contempt. Hence, the Executive often feels it to be his duty to moderate and equalize, the random sentences of the law; but, his reasons are not generally known to the public. He is, therefore, falsely judged by the Good; whilst, the Bad take courage for evil, from the supposed laxity of administration. It would be well to revise the entire criminal code.

It is, likewise, made your duty to adopt some simple and uniform system of charges, in the offices of the Clerks and Registers, throughout the State. This is a wise provision. There has, heretofore, been a considerable discrepancy in the various interpretations, put upon the acts regulating fees, by these officers, in the different Counties. It would be well, at the same time, carefully to revise the laws, which define their duties. The first section of the tenth Article limits the maximum compensation, of all officers, in the State, (the Governor Excepted,) to an Annual income of three thousand dollars. I presume, liberal construction, this will be understood to mean, that sum, over and above all necessary expenses, (for Clerk hire, &c.) incurred. If this be so, then it will be expedient to throw guards around this provision, of the Constitution; in order that, it may not be made nugatory, in practice. The design of this limitation is two-fold; first, to curtail exorbitant incomes; and, in the next place, to pour the surplus fees into the public Treasury. The number, and maximum salaries of subaltern employees, should, therefore, be fixed by law. This can readily be done; as, the past experience of the different offices, under the old system, can easily be made to furnish you a basis for your calculations. Some reasonable latitude, to meet contingencies, may be allowed, which will not impair the efficacy of the restraints imposed. This precaution, superadded to the requirement of annual reports from the Chief officers, under oath, of the gross amount of fees received, will constitute as perfect a safeguard, as the nature of the case admits of. It is, also, advisable to require that all Clerks of Courts, having the collection of the revenue from licences, should, annually, publish a list of the names of those, to whom such have been granted, during the year, for all purposes, excepting marriage; together with the specific amount received upon each license issued. This would be a reliable protection against fraud; especially