

youth, character and antecedents of the offender, to the nature of the offence, and to any extenuating circumstances under which the offence was committed" (Chapter 402, Acts of 1894). This law may have served to keep some juveniles out of the Penitentiary; yet minors continued to be committed. In 1907, for example, 154 offenders between ages twelve to twenty were confined in the Maryland Penitentiary.

Around 1900, many states adopted a system of indeterminate sentence whereby a court imposed a sentence with a minimum and maximum term of confinement. After the minimum term was served, a board reviewed the prisoner's record and determined whether more of the term should be served or the prisoner released on parole. In 1905, the Governor appointed a commission to study this nationwide trend (Chapter 563, Acts of 1906). On the commission was the Warden of the Maryland Penitentiary who strongly opposed indeterminate sentences fearing they would cut into Penitentiary productivity and profits. Not surprisingly, the commission also opposed adopting an indeterminate sentence system.

The thorough investigation by the Maryland Penitentiary Penal Commission in 1913 not only brought about sweeping changes in the penal system, but also was instrumental in establishing a parole system. In 1914, an amendment to the Constitution authorized laws for the suspension of sentences by courts in criminal cases; indeterminate sentence; and the release of convicts on parole (Chapter 453, Acts of 1914). The same year, the Advisory Board of Parole was created to advise the Governor about issuing conditional pardons and paroles and to supervise released convicts (Chapter 500, Acts of 1914). The three-member Board was authorized to appoint not more than four parole officers. In 1922, the Advisory Board of Parole was replaced by the Parole Commissioner.

The crisis in the penal system over the issue of prison labor in 1935 ultimately expanded the parole and probation system. The Maryland Commission on Prison Labor recommended to the General Assembly in 1937 that overcrowding be alleviated by the immediate completion of the State Penal Farm, more extensive use of parole with adequate supervision, and a greater use of probation. Adequate supervision was the key; the Parole Commissioner still had only four parole officers supervising approximately 275 parolees. In 1939, the Division of Parole and Probation was created with a board, a director, and a field supervisor to supervise and investigate parolees and probationers (Chapter 406, Acts of 1939). The actual power to grant parole was left with the Governor. Not until 1953 was the Governor relieved of the duty to review all parole recommendations, and the Board of Parole and Probation was authorized to grant parole, except in cases of life sentences (Chapter 625, Acts of 1953).

*State Fire Marshal.* The office of State Fire Marshal was first created in 1894 to investigate suspicious fires throughout the State and prosecute guilty parties (Chapter 248, Acts of 1894). The office was funded by insurance revenues, and insurance companies were required to report all claims for fire losses to the Fire Marshal. The mere existence of the office was thought to deter arson. By 1915, the Fire Marshal was investigating annually over one thousand fires statewide and inspecting fire exits and escapes in public buildings. In 1916, the position of State Fire Marshal was abolished and its powers and duties transferred to the State Insurance Commissioner who was authorized to appoint an additional deputy to handle fire duties (Chapter 521, Acts of 1916). In 1964, the office of State Fire Marshal was recreated, along with the State Fire Prevention Commission, a new State Fire Prevention Code, and revision of laws pertaining to fires and investigations, fireworks, and explosives (Chapter 46, Acts of 1964).

*Maryland State Police.* Under common law, every person had an active responsibility for keeping the peace. This was a vital principle in colonial Maryland, a fledgling society with no police or peace officers. The responsibility included crime prevention through vigilance and the apprehension of suspected lawbreakers by groups of persons raising the "hue and cry" or the more official "posse comitatus." Persons whose previous behavior indicated that they were at risk of breaking the peace could be taken before a local court or magistrate and bound over to keep the peace, thereby, in theory, preventing crime. Adapted from the British legal system were the positions of sheriff and constable, officers of the court who also enforced the law. Sheriffs and constables had no jurisdiction outside their own county. As population increased, county and municipal police departments were created to meet local needs. The first State agency to exercise police powers was the Baltimore City Police Force, established in 1867 under a Board of Police Commissioners elected by the General Assembly (Chapter 367, Acts of 1867). Baltimore had been developing a police force since the establishment in 1784 of a night watch "very necessary to prevent fires, burglaries, and other outrages and disorders" (Chapter 69, Acts of 1784); from 1867 its police force was governed by a State board although jurisdiction was limited to the City. From 1900 to 1920 the Board of Police Commissioners was appointed by the Governor; after 1920, a single Police Commissioner of Baltimore City was appointed, who also served on the Governor's Advisory Council. The Baltimore City Police Department remained under State governance until 1978, when the Mayor began to appoint the Police Commissioner, subject to confirmation by the City Council (Chapter 920, Acts of 1976).