

CHAP. 138. proved of by the governor and council, in the sum of two thousand dollars, upon condition, that he, his deputies and assistants, shall well and faithfully perform the trust and duties in them reposed; which said bond, being executed before, and certified by, the governor and council, under the great seal of the state, shall be legal evidence in all courts of law in any suit against such keeper, or his deputies and assistants.

To appoint twelve inspectors.

38. AND BE IT ENACTED, That the governor and council for the time being of this state shall, sometime in the month of December, annually, appoint twelve *inspectors*(a) of the said penitentiary-house aforesaid, and if any person so appointed, and having accepted said appointment, shall refuse to serve in the said office, he shall forfeit and pay the sum of one hundred dollars, to be recovered by action of debt, and applied towards defraying the annual expenses of said institution; the said *inspectors*(a), seven of whom shall be a quorum, shall meet once in every three months, in an apartment to be provided for that purpose in the said penitentiary, and may be especially convened by the keeper, when occasion shall require, and they shall, at their first meeting, and at each quarterly meeting thereafter, appoint two of their number to be acting *inspectors*(a), and it shall be the duty of the acting inspectors to attend the said penitentiary at least once in each week, and shall examine into and inspect the management of the said penitentiary, and the conduct of the keeper and his deputies, and shall do and perform the several matters and things directed by them to be done and performed.

(a) By 1817, ch. 72, they are to be styled directors of the penitentiary.

The board to make further regulations not inconsistent with any law of the state, for promoting the objects of the institution.

39. AND BE IT ENACTED, That the board of *inspectors*(b), at their quarterly or other meetings, shall make such other and further orders and regulations for the purpose of promoting the objects of the institution, as they may deem proper, so that the same be not inconsistent with any law of this state, and such orders and regulations shall be hung up in at least three of the most conspicuous places in the said penitentiary; and if the said keeper, or any of his deputies or assistants, shall obstruct or resist the said *inspectors*(b), or any of them, in the exercise of the powers and duties vested in them by law, such person shall forfeit and pay the sum of fifty dollars, to be recovered by action of debt, at the suit of the state, in any court of competent jurisdiction, and applied to the benefit of the penitentiary, and moreover be liable to be removed from office; and the governor of this state for the time being shall always be considered as one *inspector*(b), in addition to the number herein directed, whenever he shall think proper to meet and act as such; and the said board of *inspectors*(b) shall annually, at their first meeting, and whenever thereafter a vacancy shall happen, appoint a physician to attend the sick in the said penitentiary, who shall render his account quarterly to the said *inspectors*(b) at their quarterly meetings, who shall decide thereon, and the said *inspectors*(b) may allow the said physician a reasonable compensation for his services.

(b) See note to section 38.

Keeper authorized to punish by solitary confinement, and inspectors to order whipping not exceeding 39 lashes.

40. AND BE IT ENACTED, That the keeper of the penitentiary shall have power to punish all such prisoners guilty of assaults within the penitentiary, when no dangerous wound or bruise is given, profane cursing and swearing, or indecent behaviour, idle-