

of nine, and one or more watchmen, if thought necessary by the keeper, shall patrol the said penitentiary at least twice in every hour, from that time until the return of the time of labour in the morning of the next day. CHAP. 138.

49. AND BE IT ENACTED, That as soon as the said penitentiary-house shall be completed, or so far finished as to receive and securely to hold criminals who may be condemned to labour therein, according to the provisions of this act, the commissioners heretofore appointed to superintend the erection of the said building shall immediately report the same to the governor and council of this state; and if, upon viewing the said building, or upon good information, shall be satisfied that the said house is in sufficient readiness to carry the said penitentiary institution into operation, they shall immediately appoint a keeper and twelve inspectors of the said penitentiary, the inspectors to continue in office until the next annual appointment shall take place; and the said keeper and inspectors shall proceed immediately to appoint proper assistants, procure materials, and prepare all things for the reception and management of criminals, according to the directions of this act; and the governor shall thereupon issue his proclamation (a), and cause the same to be published in such of the public news-papers as he may think proper, declaring the said penitentiary-house ready for the reception of criminals who may be condemned to work and labour therein, and in thirty days from the date of the said proclamation, this act, and every part thereof, shall commence and be in full force and effect, until which time it shall be and is hereby suspended.

Governor and council to appoint a keeper and 12 inspectors, as soon as the penitentiary house shall be finished, &c.

(a) The governor's proclamation, under this section, issued on the 30th of September 1811.

50. AND BE IT ENACTED, That all male criminals, who, before the commencement of this act (b), shall have been condemned to serve and labour on the public roads of Baltimore county, or in making, repairing or cleaning, the streets or basin of Baltimore-town, and whose time of service and labour is unexpired, shall, at the court of oyer and terminer and gaol delivery for Baltimore county, next immediately after issuing the said proclamation, be brought into the said court by the superintendent of the criminals, and may openly pray the court to commute the judgment severally pronounced against them to a confinement in the said penitentiary, according to the directions in this act contained, during the residue of the time for which such convict shall have been condemned to serve and labour, and upon such prayer being entered on record, the said court shall pronounce such commutation, and the same shall be recorded, and the prisoner shall then be sent to the penitentiary, and there detained for the residue of the time for which they were respectively condemned.

Criminals condemned to the roads may pray the court to commute the judgment to confinement in the penitentiary.

(b) See 1811, ch. 2, and ch. 206.

51. AND BE IT ENACTED, That if any person shall hereafter be convicted of any crime committed before the passing of this act, he or she shall be sentenced to undergo such pains and punishment as by the laws now in force are prescribed and directed, unless such convict shall openly pray the court, before whom such offender shall be tried, that sentence may be pronounced agreeably to the provisions of this act for the like offence, in which case the said court shall comply with the said prayer, and pass such sentence on such

Persons convicted of crimes committed before the passing of this act to be punished according to laws before in force.