

C. H. A. P.
CXXXVIII.

XXVI. AND BE IT ENACTED, That the cells of the penitentiary shall be appropriated to the purpose of confining such males and females as shall be convicted of the offences above enumerated, as punishable with imprisonment and labour, but the males and females are hereby required to be kept separate and apart from each other, and all the prisoners shall be subject to the visitation and superintendence of the inspectors herein after mentioned.

XXVII. AND BE IT ENACTED, That every person convicted in any court of this state, and sentenced to undergo a confinement in the penitentiary, shall, as soon as possible after conviction, be safely removed, by the sheriff of the county where such conviction took place, and at the expense of such county, to the penitentiary, and therein to be kept during the term of his or her confinement, in the manner, and on the terms, herein mentioned; and every sheriff who shall wilfully neglect to remove, and safely to deliver, at the penitentiary, such convict, shall forfeit and pay the sum of one thousand dollars, to be recovered by action of debt in any court of record, and applied, one half to the use of the county where sentence was passed, the other to the use of such person as will sue for the same.

XXVIII. AND BE IT ENACTED, That every person convicted of any crime, the punishment whereof shall be confinement in the penitentiary, shall be placed and kept in the solitary cells therefrom, on low and coarse diet, for such part or portion of the term of his or her imprisonment, as the court, in their sentence, shall direct and appoint; provided, that it be not more than one half, nor less than one twentieth part thereof; and that the inspectors of the said penitentiary shall have power to direct the infliction of the said solitary confinement, at such intervals, and in such manner, as they shall judge best.

XXIX. AND BE IT ENACTED, That all such convicts shall, at the public expense, during the term of their confinement, be clothed in habits of coarse materials, uniform in colour and make, and distinguishing them from the good citizens of this state; and the males shall have their heads and beards close shaven, at least once every week, and all such offenders shall, during the said term, be sustained upon bread, Indian meal, or other inferior food, at the discretion of the inspectors, and shall be allowed two meals of coarse meat in each week, and shall be kept, as far as may be consistent with their sex, age, health and ability, to labour of the hardest and most servile kind, in which the work is least liable to be spoiled by ignorance, neglect or obstinacy, and where the materials are not easily embezzled or destroyed; and if the work to be performed is of such a nature as may require previous instruction, proper persons for that purpose, to whom a suitable allowance shall be made, shall be provided by order of any three of the inspectors, during which labour the said offenders shall be kept separate, apart and from each other, if the nature of their several employments will admit thereof, and where the nature of such employment require two or more to work together, the keeper of the penitentiary, or one of his deputies, shall, if possible, be constantly present.

XXX. AND BE IT ENACTED, That such offenders, unless prevented by ill-health, shall be employed in work every day in the year, except Sundays and Christmas day, and such days when they shall be confined in the solitary cells; and the hours of work in each day shall be as many as the season of the year, with an interval of one half an hour for breakfast, and one hour for dinner, will permit, but not exceeding eight hours in the months of November, December and January, nine hours in the months of February and October, and ten hours in the rest of the year, and when such hours of work are past, the working tools, implements and materials, or such of them as will admit of daily removal, shall be removed to places proper for their safe custody until the hour of labour shall return.

XXXI. AND BE IT ENACTED, That in order to encourage industry, as an evidence of reformation, separate accounts shall be opened by the keeper, in the books of accounts to be kept by him, for all convicts who have no property, and are sentenced to hard labour for six months or upwards, in which such convicts shall be charged with the expenses of their prosecution, conviction, and removal to the penitentiary, and of cloathing and subsistence, and of such proportional part of the expenses of the raw materials upon which they shall be employed, as the inspectors, at their quarterly or other meetings, shall think just, and shall be credited with the sum or sums from time to time received by reason of their labour; if the same shall be found to exceed the said expenses, the said excess shall be laid out in making restitution to the party injured, and if none is adjudged, then in decent raiment for such offenders at their discharge, or otherwise applied to their use and benefit, as the said inspectors shall upon such occasion direct; and if such offender, at the end or other determination of his or her term of confinement, shall labour under any acute or dangerous distemper, he or she shall not be discharged, unless at his or her own request, until he or she can be safely discharged.