

MARYLAND GAZETTE.

[LXVIII YEAR.]

WEDNESDAY, MARCH 7, 1810.

[No. 3295.]

Penitentiary Laws of Maryland.

An ACT concerning Crimes and Punishments.

(Concluded from our last.)

XXXII. **AND BE IT ENACTED**, That if any such offender, sentenced to undergo a confinement in the penitentiary, shall escape, he or she shall, on conviction thereof, suffer such additional confinement and hard labour, as shall be directed by the court of oyer and terminer and gaol delivery for Baltimore county, shall adjudge and direct.

XXXIII. **And be it enacted**, That if any keeper, deputy, assistant, or other person, shall wilfully and corruptly aid and assist in the escape of any offender confined in the penitentiary, every such keeper, deputy, assistant, or other person, upon being duly convicted thereof, shall be sentenced to undergo a confinement in the penitentiary for a term of time not more than fifteen years.

XXXIV. **And be it enacted**, That in order to prevent the introduction of contagious disorders, every person who shall be ordered to hard labour in the penitentiary, shall be separately washed and cleaned, and shall continue in such separate lodging until, in the opinion of the inspectors, he or she is fit to be received among the other prisoners, and the cloaths in which such person shall be clothed, shall either be burnt, or, at the discretion of two of the said inspectors, be boiled, baked, fumigated, or carefully laid by, until the expiration of the time for which such offender shall be sentenced to hard labour, to be then returned to him or her.

XXXV. **And be it enacted**, That the walls of the cells and apartments in the penitentiary shall be whitewashed with lime and water at least twice in every year, and the floors of the said cells and apartments shall be washed once every week, or oftener, if the said inspectors shall so direct, by one or more of the said prisoners in rotation, who, at the discretion of the said keeper, shall have an extra allowance of diet for so doing; and the said prisoners shall be allowed to walk and air themselves for such stated time as their health may require, and the keeper shall permit; and if proper employment can be found, such prisoners may be permitted, with the approbation of one of the inspectors, to work in the yard, provided such airing and working in the yard be in the presence, or within the view, of the keeper, or his deputies or assistants.

XXXVI. **And be it enacted**, That one or more of the apartments in the penitentiary shall be fitted up as an infirmary, and in case any such offender, being sick, shall, upon examination of a physician, be found to require it, he or she shall be removed to the infirmary, and his or her name shall be entered in a book to be kept for that purpose, and when such physician shall report to the keeper that such offender is in a proper condition to quit the infirmary, and return to his or her employment, such report shall be entered by the said keeper in the book kept for that purpose, and the keeper shall order him or her back to his or her former labour, so far as the same may be consistent with his or her state of health.

XXXVII. **And be it enacted**, That the governor and council for the time being of this state shall, and they are hereby required, to appoint a suitable person to be keeper of the said penitentiary, who shall, however, be removed whenever occasion may require, in which case another shall from time to time be appointed in like manner, who shall receive such compensation for his services, and in lieu of all fees and gratuities by reason or under colour of the said office, as the legislature from time to time shall direct, to be paid in quarterly payments, to be drawn from the treasury of the western shore, and also five per centum on the sales of all articles manufactured by the said criminals; and such keeper shall have power to appoint a suitable number of deputies and assistants, who shall also receive such allowances as the legislature shall think just, which allowances shall be paid quarterly in like manner; and before any such keeper shall exercise any part of the said office, he shall give bond to the state, with two sufficient sureties, to be approved 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.

XXXVIII. **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 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, 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, 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.

XXXIX. **And be it enacted**, That the board of inspectors, 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, 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, in addition to the number herein directed, whenever he shall think proper to meet and act as such; and the said board of inspectors 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 at their quarterly meetings, who shall decide thereon, and the said inspectors may allow the said physician a reasonable compensation for his services.

XL. **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, idleness, or negligence in work, or wilful mismanagement of it, or of disobedience to the orders or regulations which the board of inspectors are herein authorised to make, by confining such offenders in the solitary cells of the penitentiary, and by keeping them on bread and water only for any term not exceeding ten days; and if any prisoner shall be guilty of any offence within the said penitentiary, which the said keeper is not authorised to punish, or for which he shall think the said punishment is not sufficient, by reason of the enormity of the offence, he shall report the same to a board of the inspectors, who, if upon proper inquiry shall think fit, may order such offences to be punished by moderate whipping, or by repeated whippings, not exceeding thirteen lashes each, or by close confinement in the said solitary cells, with bread and water only for sustenance, for any time not exceeding thirty days, or by all the said punishments.

XLI. **And be it enacted**, That if the keeper, or any other person, shall introduce into, or barter, give away or sell, within the said penitentiary, any spirituous or fermented liquors, except only such as the said keeper shall make use of in his own family, or such as may be required for any prisoner in a state of ill health, and for such purpose prescribed by an attending physician, and delivered into the hands of such physician, or other person appointed to receive them, such person shall forfeit and pay the sum of twenty dollars, one moiety to be paid to the person warranting, and the other to the inspectors, for the benefit of the institution, to be recovered before any justice of the peace in and for Baltimore county.

XLII. **And be it enacted**, That the keeper of the penitentiary shall, from time to time, with the approbation of any seven of the inspectors, provide a sufficient quantity of stock and materials, working tools and implements, for such offenders, and the said inspectors, or any seven of them, shall make report thereof to the governor and council, specifying in such report the quantity and nature of the materials, tools or implements wanted, with the amount and costs of the same, which shall be paid in the manner hereafter to be provided for by law, for which materials and implements, when received, the said keeper shall be accountable; and the said keeper shall, with the approbation of any seven of the said inspectors, have power to make contracts with any person whatever for the cloathing, diet and other necessaries, for the maintenance and support of such convicts, and for the implements and materials of any kind of manufacture, trade or labour, in which such convicts shall be employed, and for the sale of such goods, wares and merchandise, as shall be there wrought and manufactured.

XLIII. **And be it enacted**, That every inspector and keeper of the said penitentiary, before he acts as such, shall take an oath, or affirmation, as the case may be, that he will not receive, either directly or indirectly, at any time during his acting as such, any profits arising on any agency or contract for the supply or victualling the said penitentiary, and the certificate of the said oath, so as aforesaid to be taken, shall be deposited with the clerk of the court of oyer and terminer and gaol delivery for Baltimore county, and to be by him recorded; and any inspector or keeper knowingly swearing or affirming falsely in the premises, and being thereof convicted in due course of law, shall suffer as in the case of wilful and corrupt perjury.

XLIV. **And be it enacted**, That the said keeper shall cause all accounts concerning the maintenance of such convicts and prisoners to be entered regularly in a book or books to be kept for that purpose, and shall also keep separate accounts of the stock and materials so wrought, manufactured, sold and disposed of, and the monies for which the same shall be sold, and when sold, and to whom, in books to be provided for that purpose, all which books and accounts shall be at all times open for the examination of the said inspectors, and shall be regularly laid before them, at their quarterly or other meetings, for their approbation and allowance.

XLV. **And be it enacted**, That if any of the said inspectors, at their quarterly or other meetings, shall suspect any fraudulent or improper charges, or any omission in any of the said keeper's accounts they may examine, upon oath or affirmation, the said keeper, or any of his deputies, servants, or any person of whom any necessaries, stock, materials or other things, have been purchased for the use of the said penitentiary, or any person to whom any stock or materials wrought or manufactured therein, or other things belonging to the same, have been sold, or any of the offenders confined in such penitentiary, or any other person or persons, concerning any of the articles contained in any such account, or any omission thereof; and in case any fraud shall appear in such account, the particulars thereof shall be reported by the said inspectors to the governor of this state.

XLVI. **And be it enacted**, That the court of oyer and terminer and gaol delivery for Baltimore county shall, at each and every term, enage the grand jury attending to inquire into the conduct and management of the keeper, deputy and assistants, of the said penitentiary, and to make presentments of all offences and omissions of the said keeper, deputy and assistants, in and relating to the said penitentiary; and the said court shall, at the terms aforesaid, direct a number, not exceeding six of the said grand jurors, to visit and examine the said penitentiary.

XLVII. **And be it enacted**, That it shall be the duty of the executive of this state, annually during the first week of the session, to lay before the general assembly of this state a statement of the expenses, profits, loss, progress and concerns, of the said penitentiary; and if the said keeper shall be guilty of any fraud or misconduct, the governor and council shall immediately remove him from office, and cause suits to be brought on his bond for the recovery of any damage or loss that may be sustained, and another keeper shall be immediately appointed in his place, under the directions herein before mentioned.

XLVIII. **And be it enacted**, That no person whatever, except the keeper, his deputies, servants or assistants, the inspectors, officers and ministers of justice, members of the general assembly, ministers of the Gospel, grand jurors, or persons producing a written license, signed by one of the said inspectors, shall be permitted to enter within the walls where such offenders shall be confined; and the doors of all the lodging rooms and cells in the said penitentiary shall be locked, and all the light therein extinguished, at the hour 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.

XLIX. **And be it enacted**, That so 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 peni-