

## RE-IMBURSEMENT OF UNITED STATES.

District to re-imburse United States for part of cost of new jail.

1 June, 1872, c. 260, s. 2, v. 17, p. 211.

Secretary of Interior to collect tax, when.

Ibid., pp. 211, 212.

To assess tax, when.

Ibid.

SEC. 1097. For the purpose of re-imbursing the United States for a part of the cost of a new jail authorized to be constructed by the act of June twenty-fifth, eighteen hundred and sixty-six, and acts amendatory thereof, the legislative assembly of the District shall assess, by tax or otherwise, and cause to be collected and paid into the Treasury of the United States, at or before the completion of said jail, the sum of one hundred and twenty-five thousand dollars.

SEC. 1098. Upon default of the payment of the sum specified in the preceding section at the time mentioned therein, the Secretary of the Interior shall appoint a collector, whose duty it shall be to proceed with the collection of the taxes as assessed by the legislative assembly in such manner and form as the Secretary shall prescribe.

SEC. 1099. If the District shall neglect or refuse to assess the tax provided for by section ten hundred and ninety-seven, the Secretary of the Interior is empowered to make such levy and proceed to its collection

## CHAPTER THIRTY-FIVE.

## PENITENTIARY.

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Transfer of prisoners to District penitentiary, when.

16 Jan., 1863, c. 10, s. 6, v. 12, p. 636.  
Use of penitentiary.

3 March, 1829, c. 75, s. 1, v. 4, p. 365.  
Inspectors.

Ibid, s. 2, p. 365.

SEC. 1100. Whenever a suitable penitentiary shall be erected in the District and completed for the reception of prisoners, it shall be the duty of the Attorney-General to cause to be transferred to such penitentiary all persons who shall then be imprisoned outside of the District, under sentence of any court of the district.

SEC. 1101. The penitentiary shall be exclusively appropriated to the confinement of such persons as may be convicted of offenses punishable with imprisonment and labor, under the laws of the United States, or of the District.

SEC. 1102. The President shall annually appoint five respectable inhabitants of the District to be inspectors of the penitentiary, who shall severally hold their offices for one year from the date of their appointment.

SEC. 1103. The President shall appoint one warden of the penitentiary, who shall hold his office during the pleasure of the President, but the office of warden shall be suspended, and the salary and emolument thereof cease, during the time in which there shall be no penitentiary used in the District.

Warden.

3 March, 1829, c.  
65, s. 3, v. 4, p. 365.  
12 May, 1864, c.  
85, s. 5, v. 13, p. 75.

SEC. 1104. The inspectors shall hold their first meeting within ten days after their appointment.

First meeting of  
inspectors.

3 March, 1829, c. 65, s. 4, v. 4, p. 155.

SEC. 1105. They shall hold meetings of the board at least once in every month, and oftener, if necessary.

Regular meetings  
of board.

Ibid.

SEC. 1106. A majority shall be a quorum for the transaction of business, and all questions shall be decided by a majority of those present.

Quorum.

Ibid.

SEC. 1107. They shall appoint one of their number as secretary, who shall keep regular records of their proceedings.

Secretary of board.

Ibid.

SEC. 1108. The inspectors shall singly, in turn, visit and inspect the penitentiary at least one in each week, upon some stated day, to be fixed by their by-laws.

Inspections.

Ibid.

SEC. 1109. The inspectors shall direct in what labor the convicts shall be employed, subject to the provisions of section eleven hundred and twenty-five. [See § 1125.]

Labor of convicts.

Ibid., pp. 365, 366.

SEC. 1110. It shall be the duty of the inspectors so to manage the affairs of the penitentiary, if it be possible, that the proceeds of the labor of the convicts shall pay all the expenses of the penitentiary and more; but nothing contained in this section shall prevent the inspectors from employing the convicts in labor for the United States.

Proceeds of their  
labor.

Ibid.

SEC. 1111. It shall be the duty of the inspectors to prepare a system of rules and regulations, minutely providing for the discipline, health, and cleanliness of the penitentiary, the hours of labor, meals, and confinement, the government and behavior of the officers and convicts, so as best to carry into effect the provisions of this chapter; and they shall take care that such rules and regulations are made known to the officers of the prison, and the convicts, and that the strictest obedience is paid thereto.

Rules and regu-  
lations.

Ibid.

SEC. 1112. The inspectors shall provide that the strictest attention be paid to preserve cleanliness throughout the buildings, kitchens, cells, bedding, and, as far as may be, in the persons and clothing of the convicts.

Attention to  
cleanliness.

Ibid., p. 366.

SEC. 1113. The inspectors shall appoint, and at their pleasure remove, such keepers, and other inferior officers and servants, as may be required for the service and government of the penitentiary.

Appointment of  
keepers, &c.

Ibid.

SEC. 1114. The inspectors shall, from time to time, inspect the accounts of the penitentiary, and shall see that the affairs thereof are conducted with economy and integrity.

Inspection of ac-  
counts.

Ibid.

SEC. 1115. The inspectors shall, in the month of January, in every year, report to Congress a detailed account of the expenses and income of the penitentiary, the number of convicts received, discharged, or deceased, during the year, the rules and by-laws passed, altered, or repealed, within the year, and such other matters relating to the discipline and management of the prison as may be proper to make known its state and condition; and if the penitentiary shall fail to support itself, it shall be the duty of the inspectors to state, in such report, what they suppose to be the reason of such failure.

Annual report to  
Congress.

Ibid.

SEC. 1116. The inspectors shall not be concerned in any contract touching the affairs of the penitentiary; but, if any such contract shall be at any time made, in which the inspectors, or any of them, have, directly or indirectly, any interest, the same, so far as relates to that interest, shall be null and void.

Inspectors not to  
be interested in  
contracts.

Ibid., s. 9, p. 367.

SEC. 1117. The warden, before entering upon the duties of his office, shall give bond to the United States, with sufficient security, to be

Bond of warden.

Ibid., s. 7, p. 366

approved by the inspectors of the penitentiary, in such sum as they shall direct, conditioned that he will faithfully perform the duties of his office, and truly account for all goods, money, or other articles belonging to the United States, or to individuals, which may, in the discharge of the duties and trusts of his office, come into his custody, and pay or deliver the same over to the United States, or such persons as may be legally entitled thereto, whenever he shall be lawfully required.

How sued; limitation.

3 March, 1829, c. 65, s. 7, v. 4, p. 366.

SEC. 1118. The warden's bond may be sued in the name of the United States, for the use of the United States, or any individual who may have a claim thereon, as often as the condition may be broken; but such suit shall be brought against the security within six years of the time when the cause of action accrued.

Salary of warden, &c.

Ibid., s. 5, p. 366.

SEC. 1119. The warden shall receive a salary of twelve hundred dollars a year. The other officers and servants of the penitentiary shall receive such annual or monthly pay as the inspectors shall direct.

Duties of warden.

Ibid., s. 6, p. 366.

SEC. 1120. It shall be the duty of the warden to keep accurate accounts of all materials bought or furnished for the use or labor of the convicts, and also of the proceeds of their labor; he shall make all contracts and purchases for the supplies necessary for the penitentiary; he shall have power to let out the labor of the convicts by contract, subject always, however, to the rules and discipline of the penitentiary; he shall, under the superintendence and inspection of the inspectors, oversee and manage all the affairs of the penitentiary, and shall be responsible for the due enforcement of its rules, by-laws, and discipline.

Warden's monthly accounts.

Ibid.

SEC. 1121. The warden shall make out and deliver to the inspectors, at each of their monthly meetings, an account of all moneys received and expended by him on account of the penitentiary, during the preceding month, specifying from whom received, and to whom paid, and for what; which account shall be sworn to by the warden, and carefully filed and preserved among the papers of the board of inspectors.

Warden's quarterly accounts.

Ibid.

SEC. 1122. The warden shall, on the first Monday of January, April, July, and October, in each year, make out and exhibit to the proper accounting officer of the Treasury Department, an account of all moneys received and paid on account of the penitentiary for the preceding three months, specifying from whom received, to whom paid, and for what, and shall settle the same with the Treasury Department.

Warden not to be interested in contracts; penalty.

Ibid., s. 8, p. 367.

[See R. S. U. S., § 1828.]  
SEC. 1123. If the warden shall have any interest in any contract made by him touching the affairs of the penitentiary, with a view of gaining for himself, either directly or indirectly, any profit or advantage thereby, he shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by fine, not exceeding two thousand dollars, and be dismissed from office, and every such contract may be declared void by the inspectors.

Who to act in absence of warden.

Ibid., s. 18, p. 369.

SEC. 1124. In case of the death of the warden, or the temporary vacancy of his office, or his absence, sickness, or other disability, such keeper or other officer, as may be especially designated by the inspectors, shall have power to exercise the authority and discharge the several duties of the warden, as prescribed by this chapter and the rules of the penitentiary.

Manufacture of shoes for Army and Navy.

17 July, 1862, Res. No. 62, s. 1, v. 12, p. 626.

SEC. 1125. The warden shall, so far as practicable, employ the convicts in the manufacture of shoes for the use of the Army and Navy, to be made as the War and Navy Departments shall direct; orders for which shall be, by said Departments, given to the warden from time to time upon his request; the shoes to be paid for by the Departments ordering the same at the customary rate for shoes of like quality.

Prison regulations.

SEC. 1126. The following are prison regulations:

3 March, 1829, c. 65, s. 11, v. 4, p. 367.  
Sanitary precautions.

First. Each convict, immediately upon being received into the penitentiary, shall be thoroughly cleansed with warm water and soap, and shall have the hair cut close; and the warden and other officers shall take the strictest precautions to guard against the introduction of any

infectious or contagious disease, from the persons or clothing of such convicts; which precautions it shall be the duty of the inspectors to regulate, and prescribe in their by-laws.

Second. A descriptive list of the names, ages, persons, crimes, and sentences of the convicts shall be kept by the warden, and such description shall be entered immediately upon the reception of each convict.

Third. Every convict shall be confined singly in a separate cell at night, and at such times of the day as he may be unemployed in labor, except at such hours and places as may be specially assigned, by the rules of the penitentiary, for religious or other instruction, or for meals, or when transferred to the infirmary on account of sickness, upon the recommendation of the physician.

Fourth. The male and female convicts confined in the penitentiary shall be kept, and shall labor, wholly separate and apart from each other.

Fifth. The convicts shall be clothed at the public expense during the whole term of their confinement, in habits of coarse and cheap materials, uniform in color and make, and so striped, or otherwise conspicuously marked, as may clearly distinguish them from the ordinary dress of other persons.

Sixth. Their bedding and other personal accommodations shall be of the cheapest and coarsest kind consistent with use and durability.

Seventh. The convicts shall be fed on the cheapest food which will support health and strength, with as little change or variety in diet as may be consistent with the health of the convicts and the economy of the penitentiary.

Eighth. They shall be kept, as far as may be consistent with their age, health, sex, and ability, to labor of the hardest and most servile kind, and, as far as may be, uniform in its nature, and of a kind where the work is least liable to be spoiled by ignorance, neglect, or obstinacy, or the materials to be injured, stolen, or destroyed.

Ninth. They shall not at any time be permitted to converse with one another, or with strangers, except by the special permission and in presence of some officer of the prison, as may be regulated by the by-laws.

Tenth. They shall be made to labor diligently, in silence, and with strict obedience.

SEC. 1127. The warden shall have power to punish any convict in the penitentiary—

First. Who willfully violates or refuses to obey the rules of the penitentiary; or,

Second. Who willfully refuses to perform the work assigned to him; or,

Third. Who resists by violence any of the officers of the penitentiary in the exercise of their lawful authority; or,

Fourth. Who willfully destroys any property, tools, or materials.

SEC. 1128. It shall be the duty of the warden to inflict such punishment either by confinement in solitary cells, by diet on bread and water, or by putting such convict in irons or in the stocks. [See R. S. U. S., 5327.]

SEC. 1129. All such punishments shall be regularly reported to the visiting inspectors at the next weekly visitation, and to the board of inspectors at their monthly meeting.

SEC. 1130. It shall be the duty of the inspectors to adopt and enforce special rules and by-laws regulating the times, measure, extent, and mode of such punishments in relation to the several offenses against the discipline of the penitentiary, and to report the same in their annual report to Congress whenever such regulations shall be adopted, altered, or repealed.

SEC. 1131. All prisoners confined in the penitentiary for a term of years, who conduct themselves so that no charge for misconduct shall be

Descriptive list.

Confinement in separate cells, except, &c.

Separation of the sexes.

Clothing.

Bedding, &c.

Food.

Kind of labor at which to be kept.

Not to converse without permission.

Method of labor.

Power of warden to punish.

3 March, 1829, c. 65, s. 12, v. 4, p. 367.

Mode of punishment.

Ibid., pp. 367, 368.

All punishments to be reported.

Ibid., p. 368.

Regulation of punishments; report to Congress.

Ibid.

Deduction from term for good conduct.

17 July, 1862,  
Res. No. 62, s. 2, v.  
12, p. 626.

Physician and  
surgeon.

3 March, 1829, c.  
65, s. 13, v. 4, p. 368.

Infirmary.

Ibid.

Removal to in-  
firmary.

Ibid.

Return.

Ibid.

Government of  
infirmary.

Ibid.

Relaxation of  
discipline in favor  
of the sick.

Ibid.

Religious and  
moral instruction.

Ibid., s. 14, p. 368.

Admission of vis-  
itors.

Ibid., s. 15, p. 368.

Penalty of offi-  
cers for certain vi-  
olations.

Ibid., s. 16, p. 368.

Protection of  
convicts and pres-  
ervation of order.

Ibid., s. 17, p. 368.

Suits affecting  
penitentiary; how  
brought.

Ibid., s. 10, p. 367.

Allowance to  
prisoners upon dis-  
charge.

16 Jan., 1863, c.  
10, s. 5, v. 12, pp.  
635, 636.

sustained against them, shall have a deduction of one month in each year made from the term of their sentence, and shall be entitled to their discharge so much the sooner, upon the certificate of the warden of their good conduct, with the approval of the Attorney-General.

SEC. 1132. The inspectors shall appoint one regularly practicing physician, to be the physician and surgeon of the penitentiary, whose duty it shall be to visit the penitentiary at such times as may be prescribed by the inspectors, and to render all medical and surgical aid which may be necessary.

SEC. 1133. One apartment, or more, as may be needed, shall be fitted up as an infirmary.

SEC. 1134. In case of sickness of any convict, he shall, upon the examination and order of the physician, be removed to the infirmary, and the name of such convict shall be entered in a hospital-book to be kept for that purpose.

SEC. 1135. Whenever the physician shall report to the warden that such convict is in a proper state to return to the ordinary employment of the prison, such report shall be duly entered in the hospital-book, and the convict shall return to the ordinary discipline of the penitentiary, so far as may be consistent with his health and strength.

SEC. 1136. Special rules for the order and government of the infirm-ary shall be made and enforced by the inspectors.

SEC. 1137. Nothing contained in this chapter shall be construed to prevent any such relaxation of the general discipline of the penitentiary as may be required for the sick.

SEC. 1138. The inspectors have power, and it is their duty, to provide for all the convicts the means of religious worship, and religious and moral instruction, subject, however, to general rules not inconsistent with the discipline prescribed by this chapter.

SEC. 1139. No person shall be permitted to visit the penitentiary, without a written order from one or more of the inspectors, except the President of the United States, the Secretaries of the several Departments of the Government, members of Congress, and the judges of the courts of the United States.

SEC. 1140. If any keeper, assistant keeper, or other officer, or servant, employed in or about the penitentiary, shall convey out of, or bring into, the penitentiary, to or from any convict confined there, any letter or writing, or shall bring into the penitentiary, to sell or give away, any spirituous or vinous liquors, or any other thing whatsoever, without the consent, in writing, previously obtained of the inspectors, every such person so offending shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by fine not exceeding five hundred dollars and imprisonment in the District jail for any time not exceeding one year.

SEC. 1141. The inspectors shall prescribe, and it shall be the duty of the warden rigidly to enforce such rules for the government of the subordinate officers of the penitentiary as may prevent all tyrannical or violent behavior to the convicts, or all conversation between them and the convicts, or with each other, within their hearing, except for necessary purposes, and may best preserve order, silence, sobriety, and gravity of deportment throughout the establishment.

SEC. 1142. All suits that may be necessary to be brought for any matter or thing relating to the affairs of the penitentiary shall be brought in the name of the United States, whether the contract on which such suit is founded be made in their name or not.

SEC. 1143. The Attorney-General shall cause to be paid from the appropriations available therefor the sum of ten dollars to each prisoner when he shall be legally discharged, to enable such prisoner to reach the point he may wish to go to.