be, and he is hereby, authorized and required to appoint a commissioner, to meet such commissioner as may be appointed on the part of the state of South Carolina, to assess the value of a tract of land on the Catawba river, at or near Rocky Mount, (and commonly known as Mount Dearborn,) or so much thereof as in the opinion of the superintendent of public works in South Carolina may be important or necessary for the completion or preservation of the public works of said state: And if said commissioners shall disagree as to the value of said land, they are hereby authorized to choose, jointly, a third commissioner, the assessment and valuation of any two of whom, when certified under their hands and seals, shall be conclusive.

be appointed to assess, with S. Carolina commissioner, the value of Mount Dearborn, &c.

Sec. 2. *And be it further enacted*, That so soon as the state of South Carolina shall pay into the treasury of the United States the amount of such valuation, the Secretary of War be, and he is hereby, directed to convey to the state of South Carolina, all the right and title of the United States in or to said land so assessed: and from and after the execution of said conveyance, the jurisdiction of the United States over the soil so conveyed, be, and the same is hereby, retroceded to the state of South Carolina.

South Carolina to pay the valuation, and the land to be retroceded to her.

Approved, March 3, 1829.

Statute II.

March 3, 1829.

Chap. LXV.—*An Act concerning the government and discipline of the penitentiary in the District of Columbia.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the penitentiary erected in the city of Washington, in pursuance of "An act to provide for erecting a penitentiary in the District of Columbia, and for other purposes," passed twentieth May, eighteen hundred and twenty-six, shall be designated and known as the penitentiary for the District of Columbia, and shall be exclusively appropriated to the confining such persons as may be convicted of offences, which now are, or may hereafter be, punishable with imprisonment and labour, under the laws of the United States, or of the District of Columbia.

Appropriation for the penitentiary.
Act of May 20, 1826, ch. 81.

Sec. 2. *And be it further enacted*, That it shall be the duty of the President of the United States to appoint, annually, five respectable inhabitants of the District of Columbia to be inspectors of the said penitentiary, who shall severally hold their offices for one year, from the date of their appointment.

Annual inspectors to be appointed.

Sec. 3. *And be it further enacted*, That the President shall also appoint one warden of the said penitentiary, who shall hold his office during the pleasure of the President.

Warden.

Sec. 4. *And be it further enacted*, That said inspectors shall hold their first meeting within ten days after their appointment; they shall appoint one of their number to be their secretary, who shall keep regular records of their proceedings; a majority shall be a quorum for the transaction of all business, and all questions shall be decided by a majority of those present; they shall hold regular meetings of the board, at least once in every month, and oftener, if they shall find it necessary; they shall singly, in turns, visit and inspect the penitentiary, at least once in each week, upon some stated day, to be fixed by their by-laws; they shall direct in what labour the convicts shall be employed; it shall be their duty to prepare a system of rules and regulations, minutely providing for the discipline, health and cleanliness of the penitentiary, the hours of labour, meals and confinement, the government and behaviour of the officers and convicts, so as best to carry into effect the several directions and requisitions of this act; they shall take care that these rules and regulations be made known to the officers of the prison, and the convicts,

First meeting of inspectors.
Secretary.
Quorum.
Regular meetings.
Inspections.
Labour of convicts.
System of rules for discipline, &c.
Promulgation thereof, &c.

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and that the strictest obedience be paid thereto; they 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; they 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; they shall, from time to time, inspect the accounts of the penitentiary, and shall see that the affairs thereof are conducted with economy and integrity; they 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 such 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 it shall be their duty so to manage the affairs of the penitentiary, if it be possible, that the proceeds of the labour of the said convicts shall pay all the expenses of the said penitentiary and more: But nothing herein contained shall prevent the said inspectors from employing the said convicts in labour for the United States. And, if the said penitentiary shall fail to support itself, it shall be the duty of the said inspectors to state, in their annual report to Congress, what they suppose to be the reason of such failure.

Maintenance of cleanliness.

Appointment and removal of keepers, &c.

Inspection of accounts.

Annual report to Congress.

Economy enjoined.

Convicts to labour for United States.

Excess of expenditure to be explained.

Sec. 5. *And be it further enacted*, That 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.

Salary of warden and other officers.

Sec. 6. *And be it further enacted*, That it shall be the duty of the warden to keep accurate accounts of all materials bought or furnished for the use or labour of the convicts, and, also, of the proceeds of their labour; he shall make all contracts and purchases for the supplies necessary for the penitentiary: he shall have power to let out the labour 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; he 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. He shall, also, 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 last three months, specifying from whom received, to whom paid, and for what, and shall settle the same with the said department.

Warden's functions:
Keep accounts;

Make contracts;
Let out labour of convicts;
General superintendence and responsibility;

Monthly account to inspectors;

Quarterly account to the Secretary of the Treasury.

Sec. 7. *And be it further enacted*, That the warden, before he enters upon the duties of his office, shall give bond to the United States, with sufficient security, to be 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; which 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 said condition may be broken; provided such suit shall be brought against the security within six years of the time when the cause of action accrued.

Warden to give bond.

Limitation of action thereon.

Warden prohibited from interest in any contract, &c.

Penalty.

Same prohibition to inspectors.

Consequence of infraction.

Suits to be brought in name of United States.

Males and females to be kept separate.

Solitary confinement.

Infirmary.

Purification and shaving.

Precautions against introduction of disease.

Descriptive list of convicts.

Clothing.

Bedding, &c.

Food.

Labour.

Conversation prohibited, &c.

Warden's power of punishment.

Solitary confinement, diet, irons, stocks.

Sec. 8. *And be it further enacted*, That if the warden of the said penitentiary shall have any interest himself 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 he 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 said inspectors.

Sec. 9. *And be it further enacted*, That the said inspectors shall not be concerned in any contract touching the affairs of the said penitentiary; but, if any such contract shall be at any time made, in which the said inspectors, or any of them, have, directly or indirectly, any interest, the same, so far as relates to that interest, shall be wholly null and void.

Sec. 10. *And be it further enacted*, That all suits that may be necessary to be brought for any matter or thing relating to the affairs of the said prison, 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. 11. *And be it further enacted*, That the male and female convicts confined in the said penitentiary shall be kept, and shall labour, wholly separate and apart from each other. Every convict shall be confined singly in a separate cell at night, and at such times of the day as he or she may be unemployed in labour, 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. 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. A descriptive list of the names, ages, persons, crimes and sentences of the convict, shall be kept by the warden, and such description shall be entered immediately upon the reception of each convict. 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 colour and make, and so striped, or otherwise conspicuously marked, as may clearly distinguish them from the ordinary dress of other persons. Their bedding, and other personal accommodations, shall be of the cheapest and coarsest kind, consistent with use and durability. The convicts shall be fed on the cheapest food which will support health and strength, with as little change or variety in the said diet, as may be consistent with the health of the convicts, and the economy of the penitentiary. They shall be kept, as far as may be consistent with their age, health, sex, and ability, to labour 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. 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; they shall be made to labour diligently, in silence, and with strict obedience.

Sec. 12. *And be it further enacted*, That the warden of the said penitentiary shall have power to punish any convict in the penitentiary, who shall wilfully violate, or refuse to obey, the rules of the penitentiary, or to perform the work assigned him, or who shall resist by violence any of the officers of the penitentiary in the exercise of their lawful authority, or shall wilfully destroy any property, tools, or materials; and it shall be the duty of the said warden to inflict such punishment, either by confine-

Cases of punishment to be reported.
Inspectors to regulate punishments, &c.

ment in solitary cells, by diet on bread and water, by putting such convict in irons, or in the stocks; but 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; and 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 offences against the discipline of the penitentiary, and to report the same in their annual report to Congress, whenever they shall be adopted, altered or repealed.

Physician and surgeon to be appointed.
Duties.
Infirmary.
Removal to infirmary.
Return.

Sec. 13. *And be it further enacted*, That the inspectors shall appoint one regularly practising 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. One apartment, or more, as may be needed, shall be fitted up as an infirmary; and, in case of sickness of any convict, he, or she, upon examination of the physician, shall, upon his order, be removed to the infirmary, and the name of such convict shall be entered in a hospital book, to be kept for that purpose; and 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 same book, and the convict shall return to the ordinary discipline of the penitentiary, so far as may be consistent with his or her health and strength. Special rules for the order and government of the infirmary, shall be made and enforced by the inspectors, and nothing in this act contained, shall be construed to forbid any such relaxation of the general discipline of the penitentiary, as may be required for the sick.

Inspectors to make rules for governing the infirmary.
Discretionary power in favour of the sick.
Separation and instruction of convicts under fourteen.

Sec. 14. *And be it further enacted*, That the inspectors shall have power, and it is hereby made their duty, to provide for the separate labour and instruction of any convict under the age of fourteen years, and to make and enforce such rules and regulations therefor, as may, in their judgment, most conduce to the reformation and instruction of such youthful convicts; any thing in this act to the contrary notwithstanding. They shall also have power, and it shall be 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 heretofore prescribed.

Religious worship, and religious and moral instruction.
Admission of visitors.
Privileged visitors.

Sec. 15. *And be it further enacted*, That no person shall be permitted to visit the said penitentiary, without a written order from one or more of the said 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.

Acts prohibited to the keeper, assistant, &c.
Penalty.

Sec. 16. *And be it further enacted*, That, if any keeper, assistant keeper, or other officer, or servant, employed in, or about, the said 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 said 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 said 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 jail of the county, for any time not exceeding one year.

Inspectors to prescribe rules for protection of convicts, &c.

Sec. 17. *And be it further enacted*, That 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 behaviour 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.

Death, &c. of warden.

SEC. 18. *And be it further enacted*, That, 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 act, and the rules of the penitentiary.

Appropriation, 27,000 dollars.

SEC. 19. *And be it further enacted*, That the sum of twenty-seven thousand dollars be, and the same is hereby, appropriated out of any money in the treasury not otherwise appropriated, for the purpose of carrying this act into effect, and for completing the said penitentiary, and preparing it for the reception of convicts.

APPROVED, March 3, 1829.

RESOLUTIONS.

I. RESOLUTION *amendatory of a joint resolution passed third March, one thousand eight hundred and nineteen.*

Feb. 5, 1829.

Election of printer to each house to commence within 30 days before adjournment of Congress.

Portion of resolution of 1819 rescinded.

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That, within thirty days before the adjournment of every Congress, each house shall proceed to vote for a printer to execute its work for and during the succeeding Congress, and the person having the majority of all the votes given shall be considered duly elected; and that so much of the resolution, approved the third day of March, one thousand eight hundred and nineteen, entitled "A resolution directing the manner in which the printing of Congress shall be executed, fixing the prices thereof, and providing for the appointment of a printer or printers," as is altered by this resolution, be, and the same is hereby, rescinded.

APPROVED, February 5, 1829.

II. RESOLUTION *in relation to the survey and laying out a military road, in the state of Maine.*

March 2, 1829.

President authorized, under certain restrictions, to cause a military road to be laid out in Maine.

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States be, and he hereby is, authorized, if it shall seem to him necessary for maintaining the rights, and not inconsistent with the engagements of the United States, to cause to be surveyed and laid out, a military road, to be continued from Mars hill, or such other point on the military road already laid out in the state of Maine, as he may think proper, to the mouth of the river Madawaska, in the state of Maine.

APPROVED, March 2, 1829.