

American Legal History – Russell

Penitentiary Law of 1829, Statutes of Tennessee.

Sec. 25. The following shall be the fundamental rules and regulations for the government of the penitentiary, which shall in no wise be altered, repealed or evaded by any rule or practice of the inspectors or the officers, viz:

Rule 1st. The male and female convicts shall, at all times and on all occasions, be kept separate and apart from each other.

2nd. Each male convict shall be lodged at night in an apartment separate from all others, except in case of sickness, when in the opinion of the physician it may be expedient to remove him to the hospital.

3rd. The male convicts shall labor together in work shops during the day, at such employments as shall be best suited to their age, strength and capacity; and the inspectors of the prison are hereby authorized to require the employment at all times of a sufficient number of persons as assistant keepers, to prevent any communication between the prisoners while at work.

5th. If any prisoner shall neglect or refuse to perform the labor assigned to him, or shall willfully injure any of the materials, instruments or tools entrusted to him, or shall engage in conversation with any other convict, either by words, gestures or signs, or shall in any other manner violate or infringe any regulation of the penitentiary, he shall be punished by solitary confinement, upon a diet of bread and water, for a period of not exceeding thirty days for each offence, at the discretion of the agent; and the agent, deputy keeper, or either of the assistant keepers, shall have power to commit the offender to solitude immediately upon the commission of the offence; *Provided*, that when a convict shall have been thus committed to solitude by a deputy or assistant keeper, the fact shall be forthwith reported to the agent, who may direct the offender to be detained in solitude for the above period.

6th. It shall be the duty of the agent to make a written report once in each week to the inspectors, of the name of each person committed to solitude as aforesaid, with a statement of the nature of his offence, the date of his commitment, and the period

for which committed; which reports shall be filed and recorded by the clerk of the prison.

7th. If it shall appear to the inspectors or a majority of them, that the punishment of solitary confinement so reported to them was properly inflicted, they are hereby required to certify the same on the record containing the name of the convict, and then and in every such case, there shall be added to the original term of imprisonment of such convict, five days for every day so passed in solitude, which time such convict shall be compelled to remain in the penitentiary, unless pardoned by the governor.

8th. In cases where personal violence is offered by a convict or convicts, to any officer, or to another convict, or where an attempt is made to escape, or to do injury to the building, the said officers shall use all necessary means to defend themselves, and to secure the persons of such offenders.

9th. Each convict shall be provided with a Bible, which he shall be permitted to peruse in his cell at such times as he shall not be required to perform prison labor.

10th. No spirituous or fermented liquor shall be introduced into the prison, except such as the agent may use in his own family, or as may be required for the hospital department; and every deputy or assistant keeper, who shall suffer any spirituous or fermented liquor to be used by, or to be given to any convict, shall forthwith be dismissed from office, and forfeit all wages due to him, and be liable to a penalty of one hundred dollars, to be recovered as debts to the like amount are recovered, and to inure to the use of the prison.

11th. No convict shall, in any case or under any pretence whatever, speak to another convict, unless by the express permission, and in the presence of the agent.

12th. No assistant keeper shall say any thing in respect to the police of the prison, in the presence of a convict, unless it is in the way of directing him in his duty, or admonishing him for his delinquency; neither shall he hold common place conversation with convicts, or allow them to speak to him on any subject, except on necessary business.

13th. It shall be the duty of the agent, upon the receipt of any convict, to take his or her height, and cause the name to be entered in a book, in which he shall also note when such convict was received, his or her name, age, complexion, colored hair and eyes, the county in which convicted, the nature of the crime, period of confinement, and place of his or her nativity.

14th. Every prisoner shall be carefully searched and deprived of any instrument by which he or she may effect his or her escape, before he or she is received into the penitentiary.

15th. The particular employment of each prisoner shall be such as the keeper may consider best adapted to his or her age, sex, and state of health, having due regard to that employment which is most profitable.

16th. The agent shall take care that the prisoners wash themselves every morning and before meals, and put on clean linen at least once a week, when all the males shall have their beards close shaved, and that their apartments be swept every morning, and fumigated during the summer and fall seasons, once a week or oftener, with tar or vinegar.

17th. The agent shall cause all the rooms and cells to be numbered, and divided into as many wards as there may be assistant keepers, allotting to each ward, as nearly as may be, an equal number of rooms and cells, and of the said wards to such assistant, whose duty it shall be, under the direction of the agent, to examine every evening, the doors, windows, beds and rooms of the prisoners belonging to his ward, to search and lock them up before dark, and not to permit the convicts to carry into their cells any instrument that may assist them in escaping; and also to extinguish carefully all the fire in the work shops.

18th. It shall be the duty of the agent carefully to inspect the moral conduct of the prisoners; to furnish them with such moral and religious books as shall be recommended by the inspectors; to procure the performance of Divine Service on Sunday as often as is practicable, and to enjoin upon the subordinate officers, and upon the convicts, a strict attention to all the rules of the institution.

19th. The agent shall, from time to time, under the direction of the inspectors, distribute among the prisoners, such cheap books as are calculated to improve the mind and meliorate the heart; and the acting inspectors shall report to the executive, such of the convicts as may distinguish themselves for their industry and their good morals, and who, by an exemplary line of conduct, may have evinced a total reformation.

20th. It shall be the duty of the deputy and assistant keepers to continue at all times in the penitentiary at night, and to keep watch in such manner as the agent may direct.

21st. The diet of the prisoners shall in quality and quantity be such as shall be directed by the board of inspectors, and the provisions shall be sound and wholesome, and served at the ringing of a bell, at the sound of which all the prisoners shall assemble, except the sick, who shall be furnished agreeably to the directions of the attending physician.

22nd. Each convict shall receive at his or her discharge, a sum not exceeding ten dollars, at the discretion of inspectors, to enable him or her to reach his or her place of residence.

The provisions of this section may be altered or modified on the recommendation of the agent, and by the unanimous opinion of the board of inspectors.

Sec. 26. Such of the foregoing rules, and any others which may be adopted by the board of inspectors, with which it may be necessary that the convicts should be acquainted, in order that they may conform themselves thereto, shall be printed with a type sufficiently large, and put up against the wall in the work shops, and one in each cell, so that each convict may be well acquainted with the rules of the prison, and of the penalties provided for a violation of them; and the said rules shall be read and explained by the agent to each new convict on his admission into the penitentiary.

1831.--Chapter 82.

Section 2. The fourth fundamental rule for the government of the penitentiary is hereby repealed, and the following inserted in lieu thereof, to wit:

All letters, sent to or from any of the convicts, shall be first opened and read by the keeper; and if nothing appears therein improper or unsafe to the institution, and the correspondence be on necessary business, or between the convict and his family or near relations, then said letter shall be by him delivered or forwarded as desired; and any relation or friend shall be allowed, in said keeper's presence, to speak to any of said convicts in any case, when the condition of his property or family may require it; and all information concerning the convicts shall be furnished to their friends on personal application, or by letter, post paid, directed to the keeper.

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