

EX PARTE TAWS.

{2 Wash. C. C. 353.}¹

Circuit Court, D. Pennsylvania. Oct Term, 1809.

JAIL—SAFETY OF PRISONER—DISCRETION OF
JAILER.

The court will not interfere with the jailer, who has custody of a prisoner under process, in the exercise of the discretion vested in him, as to the security of his prisoner; unless it appears that he has misconducted himself, by an abuse of that discretion, for the purposes of oppression.

The court was applied to for a habeas corpus, for the purpose of inquiring into the cause of the petitioner's confinement, without the privilege being allowed him of the yard adjoining the debtors' apartment. It appeared by affidavits, that Taws was confined, on process from the district court, to recover the penalty for violating the embargo, in which he was held to bail in twenty thousand dollars. That he had been permitted the use of the yard, until, in consequence of some threats that he would escape, the jailer thought it prudent to keep him in a room of the debtors' apartment, which did not appear to be an uncomfortable one. It also appeared, that the wall surrounding the yard, was not very secure.

BY THE COURT. We do not think it right to interfere with the jailer in the exercise of the discretion vested in him, as to the security of his prisoners; unless it appeared that he misused it for purposes of oppression, of which there is no evidence in this case.

¹ [Originally published from the MSS. of Hon. Bushrod Washington, Associate Justice of the Supreme Court of the United States, under the supervision of Richard Peters, Jr., Esq.]

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