

No. 4.

A SUPPLEMENT

To an act entitled "An act to incorporate the Little Schuylkill and Susquehanna Railroad Company.

SECTION 1 *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the president and managers of the Little Schuylkill and Susquehanna railroad company shall *May borrow money* have power to borrow money on loan, to enable them to finish the works of the company and to give mortgages certificates or other evidences and securities for the payment thereof, the same to be convertible or not convertible into the stock of the said company as may be deemed expedient.

WM. HOPKINS,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—This twenty-eighth day of January, Anno Domini, eighteen hundred and thirty-nine.

DAVID R. PORTER.

No. 5.

AN ACT

Relating to the Prison of the County of Chester.

Provision WHEREAS, the commissioners of Chester county have erected a new county prison on the principle of the separate confinement of the prisoners, which is expected to be completed and ready for the reception of prisoners by the first day of January, one thousand eight hundred and forty :

And whereas, it is expedient that provision be made by law for the management and regulation thereof.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That as soon as the said new prison shall be completed and prepared for the reception of prisoners, it shall be the duty of the sheriff and keeper of the prison to remove thereto all persons who may then be confined in the old prison of said county, and the convicts so removed shall be kept therein, and undergo their sentences until the expiration of their terms of imprisonment or be otherwise legally discharged in all respects as nearly as may be conformably to their respective sentences, and thenceforth all persons who by the existing laws of this commonwealth are liable to be confined in the prison of said county shall be sent to the said new prison, there to be kept treated and governed according to such rules and regulations as may from time to time be ordained and established by the inspectors of the prison, with the approbation of the judges of the court of quarter sessions of said county, *Provided,* The same be not inconsistent with or contrary to the constitution and laws of this commonwealth.

New prison
convicts to be
confined in

SECTION 2. Every person who shall after the completion of the said new prison be convicted in any court of criminal jurisdiction in the said county of any crime, the punishment of which would be imprisonment in the county prison, or in the state penitentiary, for a period of time not exceeding two years, shall be sentenced by the proper court to suffer punishment in the said new county prison, by separate or solitary confinement at labor, for and during the term of his sentence, and shall be fed, clothed and treated as is hereinafter provided for in this act.

Solitary confinement

SECTION 3. The said prison shall be managed by a board of inspectors consisting of five citizens residing in the said county, who shall serve without any pecuniary compensation, three of whom shall be appointed by the judges of the court of quarter sessions, and two by the county commissioners. They shall serve for one year, and until their successors shall be appointed. In case of vacancy by death, resignation or otherwise, the same shall be supplied by the body who appointed the individual who has caused the vacancy, as soon as conveniently may be. They shall be appointed on the first Monday of May next, and annually on the first Monday of May thereafter.

Of inspectors
Time of service
Vacancies

SECTION 4. The following rules and regulations for the

government of the said prison, are hereby ordained and established :

ARTICLE I.—*Of the Inspectors and their duties.*

They shall at their first meeting and annually thereafter appoint of their number a president and secretary, and keep regular minutes of their proceedings, they shall hold stated meetings once a month, and adjourned and special meetings when ever necessary. They shall annually appoint a treasurer who shall give bond with sufficient surety in such amount as they may fix and determine, and shall receive and disburse all moneys belonging to the prison, according to the order of the board; and who shall receive such compensation for his services as shall be annually fixed by the said board. They shall annually appoint a keeper, matron and physician for the prison, and shall fix their salaries and compensation as well as that of all other persons employed in and about the institution. A majority of the said inspectors shall constitute a board, and may do any of the acts required of the inspectors, and may, with the approbation of the judges of the court of quarter sessions of said county, make such rules for the internal government of said prison, as may not be inconsistent with the principles of separate or solitary confinement as set forth and declared by this act. They shall direct the manner in which all bedding, clothing, provisions and all articles and supplies necessary for the support and employment of the persons confined in said prison shall be purchased and also the sale of all articles manufactured therein. They shall determine the quantity and kind of food that shall be furnished daily to each person confined in prison. They shall by at least one of their number visit the prison at least once a week and oftener if necessary, to see that the duties of the several officers and attendants are performed, and to prevent all oppression, peculation or other abuse or mismanagement of the institution. On their visits to the cells they shall not be attended by any of the officers unless thereto especially required by them. They shall have power to examine any person upon oath or affirmation relative to any abuse in said prison or other matter within the purview of their duties. They shall cause accurate accounts to be kept by the treasurer of all receipts and expenditures in said prison which accounts shall be annually examined and settled by the auditors of said county.

President

Meetings

Treasurer

Keeper, matron and physician

Rules.

Provision for support and employment of prisoners

Inspectors to visit jail

To examine persons upon oath

Accounts

ARTICLE II.—*Of the duties of the Keeper.*

The keeper shall reside in the prison, he shall visit every cell and apartment and see every person confined under his care at least once every day; he shall keep a journal in which shall be regularly entered the reception, discharge, death, pardon or escape of any prisoner, the complaints that are made and the punishments inflicted for the breach of prison discipline as they occur, the visits of the inspectors and physician, and all other occurrences of note that concern the state of the prison. He shall appoint the under keepers and necessary servants, and dismiss them whenever he thinks proper or the inspectors direct him so to do. He shall report all infractions of the rules to the inspectors and with the approbation of one of them may punish the offender in such manner as shall be directed by the rules to be enacted by the inspectors with the approbation of the judges of the court, concerning the treatment of prisoners. He shall take charge of and keep any money or property which shall be found on the persons of those who are brought to the prison to be confined, and deliver the same to them or their order when discharged. He shall see that the meals are regularly delivered to the prisoners according to the prison allowance, and superintend the work of such as are employed. He shall give immediate notice to the physician whenever any person confined shall complain of such illness as to require medical aid, and shall obey all legal orders given by the inspectors and all rules established for the government of the prison.

Keeper
Visits of
Journal

Underkeepers
Report of

Money of prisoners

Meals of prisoners

Sickness

ARTICLE III.—*Of the duties of the Physician.*

The physician shall visit every prisoner at least once in every week, and report once in every month to the inspectors. He shall attend immediately on notice from the keeper that any person is sick. He shall examine every person brought into the prison as a convict as to the state of his health before he shall be confined in his cell. He shall direct the diet of those under his care, as well as such other matters as may in his judgment best promote the health, convenience and comfort of the sick.

Physicians,
visits of

To examine
health of prisoners

ARTICLE IV.—*Of the treatment of Prisoners.*

On the reception of a convict, the state of his health being examined by the physician, he shall be stripped of his clothes, bathed, cleaned and clothed in the uniform of the prison. He

Prisoners
uniform of

shall then be examined by the keeper in the presence of any of the inspectors who may be present, his name, height apparel, age, alleged place of nativity, trade, complexion, color of the hair and eyes, and length of feet to be accurately measured, shall be entered in a book provided for that purpose, together with such other natural or accidental marks or peculiarity of feature or appearance as may serve to identify the person, and if the convict can write, his signature shall be written under the description of his person. All the effects on his person as well as his clothes shall be taken from him and preserved by the keeper as hereinbefore provided. He shall then be conducted to the cell assigned him, numerically designated, by which he shall thereafter be known during his confinement. The bedding, clothing and diet of the prisoners shall be determined by the inspectors, and no convict shall receive any thing but the prison allowance. When a convict shall be discharged by the expiration of his term of imprisonment or by pardon, the clothes belonging to the prison shall be taken off, and those belonging to him restored, and if he shall not possess suitable clothing, the inspectors shall provide him with what, in their judgment, may be necessary.

ARTICLE V.—*Of Visitors.*

Official visitors The official visitors of the prison shall be the governor, the members of the legislature, the secretary of the commonwealth, the attorney general, his deputy for the county of Chester, the judges of the courts, the grand juries, the commissioners and sheriff of said county. No person who is not an official visiter, or who has not written permission according to such rules as the inspectors may adopt, shall be allowed to visit the prison, except attorneys at law, who may be permitted to visit their clients confined for trial. None but the official visitors shall have any communication with the convicts, nor shall any visiter whatever be permitted to deliver to or receive from any of the convicts or other persons confined any letter or message whatever, or to supply them with any articles of any kind, excepting such letters or messages to or from persons confined for trial as may be first submitted or communicated to the keeper, or one of the inspectors, and approved by them, under the penalty of one hundred dollars. Any visiter who shall discover any abuse, infraction of the law, or oppression, shall immediately make the same known to the inspectors, or to the judges of the court if any of the inspectors are implicated.

Other visitors

Of communications with prisoners

Separate confinement SECTION 5. All persons confined in said prison, other than convicts, shall be confined in the cells separate and apart

from each other, except debtors, who shall be confined in the debtors' apartment.

SECTION 6. No inspector, keeper, or other person employed in or about the prison, shall sell any article to or for the use of the prison, or be concerned in any contract connected with such sale, or derive any emolument from such sale or contract; nor shall he receive, under any pretence whatever, from any person confined in said prison, or any one else on his behalf, any sum of money, emolument or reward whatever, or any article of value, as a gratuity or gift, under the penalty of five hundred dollars. Officers not to make sale of prisoners property

SECTION 7. The penalties imposed by this act shall be recovered in the name of the commonwealth, by an action of debt, in any court of record thereof having jurisdiction of sums of that amount. Penalties how recoverable

SECTION 8. For the funds necessary for keeping, furnishing and maintaining said prison in conformity with the provisions of this act, the inspectors are hereby authorized to apply to the commissioners of said county; and if it shall appear reasonable, and that the accounts of said inspectors are properly kept and adjusted, the commissioners shall draw an order on the treasurer of said county, for such sum as may be necessary to satisfy such demands. Expenses how paid

SECTION 9. All acts of assembly heretofore passed on the subject of county prisons, so far as the same are inconsistent with this act, are hereby repealed, so far as regards the prison of the county of Chester. Repealing clause

WM. HOPKINS,
Speaker of the House of Representatives,
CHARLES B. PENROSE,
Speaker of the Senate.

APPROVED—This first day of February, Anno Domini eighteen hundred and thirty-nine.)

DAVID R. PORTER.