

[No. 10.]

## A SUPPLEMENT

To an act entitled "an act relating to the prison of the county of Chester," approved February first, one thousand eight hundred and thirty-nine, and relative to the Dauphin county prison.

**Punishment of convicts**

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 every person who has heretofore been, or who shall hereafter be convicted in any court of criminal jurisdiction, in the said county, of any crime except murder in the second degree or manslaughter, the punishment of which would now be imprisonment in the state penitentiary, may be sentenced by the proper court to suffer punishment by separate or solitary confinement at labor, either in the state penitentiary, or in the said county prison, at the discretion of the court.

**Convicts how discharged from prison when unable to pay costs**

**Proviso**

**Proviso**

SECTION 2. The inspectors of the prison are authorized to discharge from prison, without the delay and expense of any proceedings under the insolvent laws of this commonwealth, every convict who may be sentenced to a term of imprisonment and who may have served out the same, notwithstanding he may not have paid the costs of prosecution, or fine, or restored the property stolen, or the value thereof, if in the judgment of the board such prisoner is unable to pay or restore the same: *Provided* That such discharge shall not interfere with the right of the commonwealth, or the public officers, or any person interested in the payment or restitution aforesaid, to proceed by action to recover the amount from the property of such prisoner: *And provided also,* That before such discharge, the prisoner shall exhibit to the inspectors on oath or affirmation, to be administered by any one of them, duplicate schedules of all his property to which he is in any manner entitled, one whereof shall be filed and preserved with the papers of the prison, and the other forthwith transmitted to the clerk of the court in which the prisoner shall have been tried, to be filed with the other papers relating to the case.

**Part of former law repealed**

SECTION 3. That so much of the first article of the fourth section of the act to which this is a supplement as provides for the appointment of a treasurer, and also the eighth section of said act, be and the same are hereby repealed.

SECTION 4. The inspectors shall cause accurate accounts to be kept by the keeper of the prison, of all receipts and

expenditures, which accounts shall be annually examined and settled by the auditor of said county, and published in at least two of the county papers for three consecutive weeks. Accounts of receipts and expenditures

SECTION 5. For any deficiency in the funds of the prison to meet the expenditures, the inspectors are hereby authorized to draw their warrants, signed by their president and secretary, upon the county treasurer, who is hereby required to pay the same out of any moneys in his hands belonging to said county. Deficiency in funds how supplied

SECTION 6. That the keeper of the said prison appointed and qualified to act, and who shall have entered upon the duties of his office, he shall *ex officio* be the keeper of the jail of Chester county, and shall have the same power which by law is now vested in the high sheriff of said county: *Provided nevertheless*, That the said keeper shall and he is hereby bound to deliver unto the sheriff of the said county, all prisoners who by virtue of any sentence, order, or decree, of any court, he shall be required and directed to receive and take charge of, for the purpose of carrying into execution such sentence, order, or decree. Keeper made jailer ex-officio Power Proviso

SECTION 7. The keeper of the said prison, when qualified as aforesaid, shall also, and he is hereby required and directed, to receive and take charge of all persons lawfully committed by any court, magistrate, or justice of the peace, or other officer, having power to commit to prison, and said keeper shall be responsible for the safe keeping of all persons so committed, and to the same extent that sheriffs and jailors are now by law held liable. Keepers duties

SECTION 8. The keeper shall, before entering upon the duties of his appointment, give bond to the Commonwealth of Pennsylvania, with such security and in such amount as the court of quarter sessions of Chester county shall approve and determine, for the faithful observance and performance of all duties enjoined on him by this, or any former or subsequent act of the legislature, or by rules made, or which may be made, by the inspectors of the said prison, in accordance therewith, for a just and accurate account of all moneys, goods, chattels, and effects, of all kind and description whatever, that may come into his hands, or be placed under his care, in pursuance of his appointment on behalf of the said prison, or any person confined therein, for the delivery to his successor in office of all books, papers and documents, also of all goods, chattels, and effects which he may have and hold in right of his appointment, and for the payment of any balance of money belonging to said prison, or any person confined therein, remaining in his hands, and for the safe keeping of all debtors, and other persons committed to his charge, which bond shall stand for the use of any person or persons injured by the acts or delinquencies of said keeper, and may be proceeded on by any person aggrieved. Bond

ed, in the same manner now directed as to sheriffs' bonds. The matron and all other persons employed in or about the prison, shall, if each of the inspectors require it, give bond with security in amount as aforesaid, conditioned as near as practicable to that of the keeper, and in such other manner as the inspectors shall fix and determine.

**Repealing clause** SECTION 9. All laws inconsistent with this supplement are hereby repealed, so far as relate to the county of Chester.

**Dauphin county courts convicts and prison** SECTION 10. Every person who shall after the passage of this act, be convicted in any court of criminal jurisdiction in the county of Dauphin, of any crime, excepting murder in the second degree, or manslaughter, the punishment of which now is, or hereafter shall be, imprisonment in the State penitentiary, shall be sentenced by the proper court to undergo said punishment either in the State penitentiary, or in the Dauphin county prison, at the discretion of the court, and so much of the fourth section of the act entitled an act "relative to the Dauphin county prison," approved the fifteenth day of April, one thousand eight hundred and forty-one, as is hereby altered or supplied, be and the same is hereby repealed.

**Philadelphia county courts convicts prison &c** SECTION 11. That every person who shall hereafter be convicted in any court of criminal jurisdiction, in the city or county of Philadelphia of any crime, the punishment of which would now be imprisonment in the State penitentiary, may be sentenced by the proper court to suffer imprisonment by separate or solitary confinement at labor, either in the State penitentiary or in the Philadelphia county prison, at the discretion of the courts, excepting in case of murder in the second degree, and manslaughter.

**JAMES ROSS SNOWDEN,**

*Speaker of the House of Representatives.*

**JOHN STROHM,**

*Speaker of the Senate.*

APPROVED, the eighth day of February, one thousand eight hundred and forty-two.

**DAVID R. PORTER.**