

No. 303.

AN ACT

Relative to the Berks county prison, and to discharged 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 the new prison erected by the commissioners of the county of Berks, Name. shall, when completed, be known and called by the name of "The Berks county prison;" and shall be managed by a board of inspectors, Managers to be appointed. consisting of seven discreet and reputable citizens, resident taxables in the said county, who shall serve without any pecuniary compensation; four of whom shall be appointed on the first Monday of August, one thousand eight hundred and forty-eight, by the court of quarter sessions of said county, the said court to designate the period of time during which each is to serve: *Provided,* That after the first period so designated Proviso. as aforesaid, shall have expired, the term of service of each shall continue for three years, and three to be appointed by the commissioners at the same time; the said commissioners to appoint in the same manner as has been before indicated, whose terms of service, after the first term, shall also continue for three years; in case of vacancy by death, Vacancies to be supplied. resignation or otherwise, the same shall be supplied as soon as conveniently may be by the body which appointed the individual causing such vacancy; of which said vacancy, when it occurs, notice shall forthwith be given by the president of the board of inspectors, to the body having the power to supply; and the inspectors first chosen under this act, shall take charge of said prison as is herein provided for.

SECTION 2. The following rules and regulations for the government Rules. of said prison, are hereby enacted and established:

ARTICLE I.

INSPECTORS AND THEIR DUTIES.

They shall at their first meeting, and annually thereafter, appoint of their number a president and secretary; they shall keep regular minutes of their proceedings, hold stated meetings once a month, and adjourned and special meetings whenever necessary; they shall annually nominate, and with the approbation of the court of quarter sessions, appoint a keeper, matron and physician for the prison, and shall fix their salaries or compensation, as well as that of all other persons employed in and about the prison; a majority of said inspectors shall constitute a board, and may do any act or acts required of said inspectors, and shall, with the approbation of the court of quarter sessions of said county, make such rules for the internal regulation and government of prison, as shall not be inconsistent with the constitution and laws of this commonwealth, or the principles of separate confinement as set forth and declared by this act; they shall direct the manner in which all the 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; and

shall direct the manner in which the convicts, confined in said prison, shall be employed; they shall determine the quantity and the kind of food, that shall be furnished daily to each person confined in said prison and the debtors' apartment; they shall determine the bedding of all convicts, prisoners and debtors, the form and color of the uniform of male convicts, and the kind of dress to be worn by female convicts and prisoners, in summer and winter; they shall, at least by one of their number, visit the prison and apartment for debtors at least once a week, and oftener if necessary, to see that the duties of the several officers and attendants are correctly and strictly performed, and to prevent all oppression, speculation or other abuse or mismanagement of said prison; they shall, on their visits to the cells and to the debtor apartment, speak to each person confined therein, and shall not be attended by any of the officers of the prison, unless thereto especially required by them; they shall, if required, be furnished by the keeper with a calendar of the persons confined in said prison, and shall, by actual inspection, see whether all the persons named in said calendar are confined in the respective cells and apartment assigned to them, and the convicts employed as directed; they shall have power to examine any person, upon oath or affirmation, relative to any abuse or oppression in said prison, or other matter within the purview of their duties; they shall at any time, after the annual period of appointing, have power, with the approbation of two of the judges of the court, of quarter sessions, the president being one, to dismiss the keeper, matron or physician, and to supply vacancies thus or otherwise occurring; they shall, on or before the Monday of the first term of the court of quarter sessions in every year, make a report, in writing, to the said court of the state of said prison; the report shall contain the number of prisoners in confinement, their age, sex, alledged place of nativity, time of commitment, for what offence, noticing those who escaped, died, were pardoned or discharged; also such observations on the efficiency of the system of separate confinement, as may be the result of their experience, and give such information as they may deem expedient for making said prison effectual in the punishment and reformation of offenders; whereupon the said court may take such order on said report as they shall think proper, and cause said report to be filed in office of the clerk of the court aforesaid.

ARTICLE II.

KEEPER AND HIS DUTIES.

The keeper shall reside in the prison or institution, and not absent himself, for a night, without the consent of two of the inspectors in writing; he shall visit every cell and apartment, and see and inspect the condition of every person confined under his care, at least twice every day, and oftener if practicable; and when visiting the departments of the females, shall be attended by the matron; he shall keep a journal, into 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 inspectors and physicians, and all other occurrences of note that concern the state of the prison; he shall, with the advice of the inspectors, appoint the under-keepers, if, in the opinion of the inspectors, any be necessary, and dismiss them whenever he thinks proper, or the inspectors direct him to do so; he shall report all infractions of the rules to the inspectors, and with the approbation of one of them, punish the offender in such manner as shall be directed by the rules, to

be enacted by the inspectors as hereinbefore provided for; he shall take charge, keep and preserve all money, effects and clothes found on persons brought into the prison, to be confined as convicts or prisoners, and shall deliver the same to them, or their order, when discharged; he shall see that all 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; he shall obey all legal orders given by the inspectors, and all rules established for the government of said prison, as hereinbefore provided for; he shall not be present when the inspectors make their stated visits to the prisoners, unless thereto required by the inspectors.

ARTICLE III.

MATRON AND HER DUTIES.

The matron shall reside in the prison or institution, and not absent herself, for a night, without the consent of the keeper and two of the inspectors in writing; she shall visit every cell and apartment occupied by the females, and see and inspect the condition of every female prisoner at least twice every day; she shall, at all times, keep the keeper faithfully informed of every fact of importance relative to the persons, cells, and all other matters under her care; she shall direct the labor and occupation of the female prisoners, under the general direction of the keeper, and give such instruction as may tend to their reformation, and render them useful members of society.

ARTICLE IV.

UNDER-KEEPERS, AND THEIR DUTIES.

The under-keepers shall see and inspect every person committed to their care, at least three times in every day, and oftener if directed; they shall see that all meals are regularly delivered to the prisoners, according to the prison allowance, and superintend, under the general direction of the keeper, the work of such as are employed; they shall give immediate notice to the keeper, or in his absence to the physician, whenever any person confined, shall complain of such illness as to require medical aid; the under-keepers shall have each a certain number of persons confined, assigned to their ward, and shall daily report to the keeper, or any of the inspectors, visit the persons confined under his particular care, unless thereto, by them, they obey all orders given by the keeper, and all rules established for the government of the prison; all orders to the male under-keepers must be given through or by the keeper, and to the female keeper, through or by the keeper or matron; they shall not absent themselves from the prison during the hours of duty, without permission in writing by the keeper.

ARTICLE V.

PHYSICIAN AND HIS DUTIES.

The physician shall visit every prisoner once in every fortnight, and oftener if the state of his or her health shall require it, and report in writing, once quarter yearly, to the inspectors; he shall attend immediately, on notice from the keeper that any prisoner is sick, prescribe

and administer to their need; he shall, on the reception of any person into the prison as a convict, if present, or if not, at his next visit, examine the state of his or her health; he shall direct the diet of those under his care, as well as all such other matters as, in his judgment, will best promote the health, convenience and comfort of the sick.

ARTICLE VI.

TREATMENT OF CONVICTS.

On the reception of a convict, he or she shall be examined by the keeper, in the presence of any of the inspectors who may be present, and of the under-keepers who can conveniently attend, of his or her name, parentage, alledged place of nativity, profession, trade or occupation, complexion, color of hair, eyes, height and length of his or her feet, accurately measured; all of which shall be entered of record, in a book to be kept for that purpose, together with such other natural or accidental marks, or peculiarity of features or appearance, as may serve to identify the person; and if the convict can write, shall write his or her signature to the description of his or her person; he or she shall then be examined by the physician, if present, of his or her health, then be stripped of all money, effects and clothes on their persons, all of which shall be entered of record, in a book provided for that purpose, and shall be kept, preserved and delivered as herein provided for; he or she shall then be bathed, cleaned and clothed in the uniform of the prison, and conducted to the cell assigned him or her; the females, if advisable, the second story of the prison, numerically assigned, by which he or she shall hereafter be known, during his or her imprisonment; no convict shall be allowed the use of tobacco or ardent spirits in any form, unless under the special direction of the attending physician, or be permitted to receive any thing but the prison allowance; and any person that shall supply, or attempt to supply a convict with any article by this clause forbidden, shall, on conviction, be fined not less than twenty, nor more than one hundred dollars, and if an officer or keeper, be dismissed; no convict shall be discharged whilst laboring under a dangerous disease, although entitled thereto, unless by their own desire; the uniform of the male convicts shall be a jacket and trousers of cloth, of warm material, for the winter, and lighter materials for the summer, the form and color shall be determined; and the kind of dress to be worn by the female convicts, in summer and winter, fixed on as is hereinbefore provided for; two changes of linen shall be furnished to each convict every week, in summer, and one in winter; when a convict shall be discharged by the expiration of his or her time of imprisonment, or by pardon, the cloths belonging to the prison shall be taken off, and those belonging to the convict restored, together with any money or effects taken from him or her at the time of reception into prison, as hereinbefore provided for; if he or she shall not possess any money or suitable clothing, the inspectors shall provide them with what, in their judgment, may be necessary, not exceeding, in money and clothing, two dollars in amount.

ARTICLE VII.

TREATMENT OF PRISONERS, DEBTORS EXCEPTED.

On the reception of any person for imprisonment in said prison, committed to await his or her trial, he or she shall be examined by the

keeper, in the presence of the officer or other person delivering said prisoner, any of the inspectors who may be present, and of the under-keepers who can conveniently attend, and deprived of all money and effects, clothing excepted, on their person—all of which shall be entered of record in a book provided for that purpose—which money and effects shall be kept, preserved and delivered as hereinbefore provided for—shall be signed by the keeper, and attested by the aforesaid persons who may be present at the aforesaid examination and deprivation of him or her, as aforesaid; he or she shall then, if necessary, be bathed and cleaned, and conducted to the cell assigned him or her—the females, if advisable and practicable, in the second story of the prison, numerically designated, by which he or she shall thereafter be known, during his or her imprisonment; they shall be provided, if in the opinion of the inspectors, it is necessary for their comfort, with suitable clothing to be worn while in prison; they shall be subject to such rules as the inspectors may adopt, in the manner hereinbefore provided, for the preservation of cleanliness, decorum and order in the cells, among the prisoners; and may be punished, by closer confinement and deprivation of food, until obedience is submitted to; no prisoner shall be discharged whilst laboring under a dangerous illness, unless by his own desire; two changes of linen shall be furnished each prisoner every week in summer, and one in winter; when a prisoner shall be discharged from imprisonment, the money and effects of which he or she was deprived when received into prison, shall be restored as hereinbefore provided for: *Provided however*, That such persons shall not be compelled to labor, unless at their own desire; and should any desire it, he or she shall, as soon as practicable, be put to such labor as shall be in practice in said prison; and in case of acquittal on trial, he or she shall be paid for their labor, by the inspectors, out of the funds of the prison, such sum as the inspectors of said prison shall judge he or she is in equity entitled to: *Provided also*, That any such person shall, at his or her expense, have the privilege of books to read, and materials to write, subject, nevertheless, to such restrictions as the inspectors may enact, by rules to be made as hereinbefore provided for.

ARTICLE VIII.

VISITORS.

The official visitors of the prison shall be the governor, the members of the legislature, secretary of the commonwealth, the judges of the supreme court, the president judges of all the courts in the state, the attorney general, the president and associate judges, deputies attorney general, grand juries, commissioners and sheriff of the county of Berks; no person who is not an official visitor, or who has not written permission, according to such rules as the inspectors may adopt as aforesaid, shall be allowed to visit the prison, except attorneys-at law, who shall be permitted to visit their clients confined for trial; none but the official visitors shall have any communication with the convicts; nor shall any visitor whatever be permitted to deliver to, or receive from any convict, or any other person 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 shall first be submitted or communicated to the keeper or one of the inspectors, and by either approved of, under the penalty of one hundred dollars; any visitor who shall discover any abuse in practice of law, or oppression, shall immediately make the same known to a board of the inspectors, or

to the judges of the court of quarter sessions, if any of the inspectors are implicated.

On the completion of prison, duties of inspectors.

SECTION 3. That as soon as the Berks county prison shall be completed, and prepared for the reception of prisoners, the inspectors thereof, appointed pursuant to this act, shall take charge of said prison, and thereupon issue their order to the sheriff of the said county of Berks, who is hereby authorized and directed to execute the same, commanding the sheriff forthwith to remove the said prison, and deliver to the keeper thereof all persons, debtors excepted, who shall then be confined in the old jail; debtors who shall then be in confinement as aforesaid, shall, on the authority, and in the manner aforesaid, be removed to the debtor apartment as soon as the same shall be completed, and prepared for their reception; they shall each be confined in the respective apartment assigned for them, and therein undergo their respective sentences or terms of imprisonment, as nearly as may be practicable thereto, until the expiration of the term of such sentence or imprisonment, and until they be otherwise legally discharged.

Convicts to be sentenced to undergo punishment in prison.

SECTION 4. Every person who shall, after the passage of this act, be convicted in any court of criminal jurisdiction in the county of Berks, of any crime or misdemeanor, 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 Berks county prison, at the discretion of the court.

In what cases an inquest may be held by the coroner.

SECTION 5. From and after the passage of this act, no inquest shall be held on the body of any person who may die during his or her confinement in the Berks county prison, unless the coroner of the said county be thereto required by the inspectors of the said prison, except in cases of murder, suicide, manslaughter, or death caused by casualties; and it shall be the duty of the attending physician of said prison, to certify to the inspectors thereof the name and age of every person who may die in said prison, together with the disease or cause of death of each person, so far as he can ascertain the same; which certificate the inspectors of said prison shall cause to be entered of record in a book to be by them kept for that purpose, and already several times referred to in this act, and the original shall by them be delivered to the clerk of the court of quarter sessions, to be by him filed in his office, for the inspection of all interested; the inspectors of said prison shall have power, and they are hereby directed and required, unless where the friends of the deceased will take charge of the body, to have such deceased person interred in a piece of ground to be by them set apart as a burial ground for the bodies of persons as aforesaid, not exceeding one-eighth of an acre of the ground belonging to the county, which piece of ground shall also hereafter be the place of burial of all such as may hereafter suffer death in the county of Berks by capital punishment.

Inspectors to discharge convicts at the end of the term of imprisonment.

SECTION 6. The board of inspectors of the Berks county prison shall be and they are hereby authorized to discharge from prison without the delay and expense of any proceeding under the insolvent laws of this commonwealth, every convict who shall have served out the term of his imprisonment at labor, to which such convict now has been or hereafter may be sentenced, notwithstanding such convict shall not have paid the costs of prosecution, fine, to the commonwealth, or the property stolen, or paid the value thereof, if in the opinion of said board of inspectors, such convict is unable to pay or restore the same: *Provided always*, That such discharge shall in no way interfere with the rights of this commonwealth, the public officers, or of any person inter-

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ested in the payment or restitution thereof, to proceed by action to recover the amount from the property of such convict; but no such discharge shall be allowed or granted by said board of inspectors, until such convict shall have exhibited to them, on oath or affirmation, duplicate schedules of all his or her property, real, personal or mixed, to which he or she is in any manner entitled, as far as he or she can ascertain the same, one of which schedules or lists of property shall be by said inspectors filed and preserved with the papers of the prison, and the other forthwith delivered to the clerk of the court of oyer and terminer or quarter sessions, as the case may be, of the county of Berks, who shall file the same in his office, with the other papers relating to the case.

SECTION 7. No inspector, keeper, matron or other person employed or appointed to execute any duty, trust or employment in or about the Berks county prison shall, without permission from the board of inspectors of said prison, sell any article of any kind to a prisoner, or to or for the use of the prison aforesaid, or be concerned in any contract connected with such sale, or derive any emolument from such sale or contract; nor shall either or any of them extend to any person confined in said prison, any favor, lenity or mitigation of punishment, or inflict any punishment not authorized by this act, or by any subsequent act that may be passed, or the rules that are to be made by the inspectors in accordance therewith; and any violation of this law, or any subsequent act relative to said prison, shall be considered and adjudged a misdemeanor, and on conviction for any such offence before the court of quarter sessions, the person so offending shall be punished by any fine not less than twenty nor more than five hundred dollars, and be imprisoned for any term not less than three nor more than twelve months, and shall also be immediately removed from such office or appointment.

SECTION 8. The penalties imposed by this act, the recovery of which is not herein specially provided for, shall be recovered in the name of the commonwealth of Pennsylvania, for the use of the county of Berks, by an action of debt, in any court of record having jurisdiction of sums of that amount.

SECTION 9. 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 to said commissioners of said county, or to the court of quarter sessions of the same, that the sum applied for is reasonable, and that the accounts of said inspectors are properly kept and adjusted, the commissioners of the said county of Berks shall forthwith draw an order on the treasurer of the said county, in favor of the treasurer of said prison, for the use thereof, for such sum as shall be necessary to satisfy such demands.

SECTION 10. The treasurer of the said county of Berks shall, in addition to his other duties, receive all moneys belonging to the county prison, and shall disburse the same on orders drawn on him by the board of inspectors of said prison; he shall keep a just and true account of all moneys received and disbursed, which account shall be at all times open to the inspection of the inspectors, and each of them; he shall once in each year state his accounts and produce his vouchers, which, after inspection by the inspectors, shall by them be laid before the county auditors for settlement, and be acted and reported on as accounts of county officers are by law authorized to be settled, and shall be subject to like appeal, issue and judgment; which account, when so settled, the inspectors shall cause to be published, in a manner similar

to that of the annual account of the county commissioners and treasurer; the treasurer shall give bond to the commonwealth, for the use of said county of Berks, in such amount and with such security as the court of quarter sessions of said county shall determine and approve, conditioned for the faithful discharge of all duties enjoined on him by this act, for a just account of all the moneys that may come into his hands in behalf of said prison, for the delivery to his successor in office of all books, papers, documents and other things held in right of his office for said prison, and for the payment to him of any balance of money belonging to said prison, remaining in his hands; the said treasurer shall receive such compensation for his services as shall be annually fixed by the inspectors, with the approbation of the county commissioners and county auditors.

Duty of keeper.

SECTION 11. That the keeper of said prison, when qualified to act, and when he shall in the said new prison have entered on the discharge of his duties, shall and he is hereby required and directed to receive and take charge of all persons lawfully committed by any court, magistrate, alderman 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, in the same manner and to the same extent that sheriffs and jailors are now by law held liable.

Court to determine when prison is completed, and this act takes effect.

SECTION 12. It shall be the duty of the court of quarter sessions of Berks county, to determine at what time the Berks county prison shall be fitted and prepared to receive convicts, and other prisoners; and when said court shall so determine and decree, an entry to that effect shall be made in the records of said court, from which time this law shall go into full force and effect.

Keeper to give security.

SECTION 13. The keeper shall, before entering on the duties of his appointment, give bond to the commonwealth of Pennsylvania, with such an amount and such surety as the court of quarter sessions of Berks county shall determine and approve, conditioned for the faithful discharge and observance of all duties enjoined on him by this act, or which shall be by any subsequent act that may be passed, or by rules to be made, or which may be made by said inspectors 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 said appointment on behalf of 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 said 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 prisoners 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, in the same manner directed as to sheriffs' bonds; the matron, and all other persons employed in or about the prison, shall, if 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.

Commissioners of Berks county authorized to sell the old jail, &c.

SECTION 14. That the said commissioners of Berks county, be and the same are hereby authorized, as soon after the removal of the prisoners then in jail, from the said old jail to the Berks county prison, as to them shall appear expedient, to sell, at public sale, what is now called the old jail property, in the city of Reading, consisting of the old jail buildings and the appurtenances, and a lot of ground, being on the

corner of North Fifth and Washington streets, in the said city of Reading, and having sixty feet on said North Fifth street, and two hundred and thirty feet on Washington street; and to sell the same in such parcels or sub-divisions, or in the whole, as will insure the highest and best prices for the same, and on such terms and conditions as they shall prescribe; and to assure and convey to the purchaser or purchasers the said property, by good and sufficient deed or deeds; the proceeds of the said property to be paid into the county treasury of the said county of Berks, for the use thereof.

SECTION 15. All acts of assembly heretofore passed on the subject of Repeal 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 Berks.

SECTION 16. The eighth article of the eighth section of the act of April twenty-third, one thousand eight hundred and twenty-nine, relative to the penal laws of this commonwealth, shall be and is hereby so modified, that hereafter the inspectors and warden may, if they think it expedient, furnish to a discharged convict, any sum not exceeding ten dollars, out of the annual appropriation made by the state for that purpose.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

WM. WILLIAMSON,
Speaker of the Senate.

APPROVED—The eighth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 304.

AN ACT

Relative to the Towanda academy, the Union academy, of Doylestown, the Reading academy, and to certain school districts in Indiana, Clearfield, Union and Westmoreland counties.

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 trustees of the Towanda academy be and they are hereby authorized to issue certificates of stock, in sums of five dollars each, to the amount respectively heretofore subscribed and paid, and which may hereafter be subscribed and paid by individuals to, and for the use and benefit of the said academy; which certificates, signed by the president and secretary of the said board of trustees, shall be issued to the persons, or the heirs and legal representatives of persons who have so as aforesaid subscribed and paid, or who may hereafter subscribe and pay, and shall be entered in a book kept by the said secretary for that purpose; in which, also, shall be entered every transfer of such certificates, which may be duly made in the presence of, and attested by the president of said board of trustees.

Trustees of Towanda academy authorized to issue certificates of stock.