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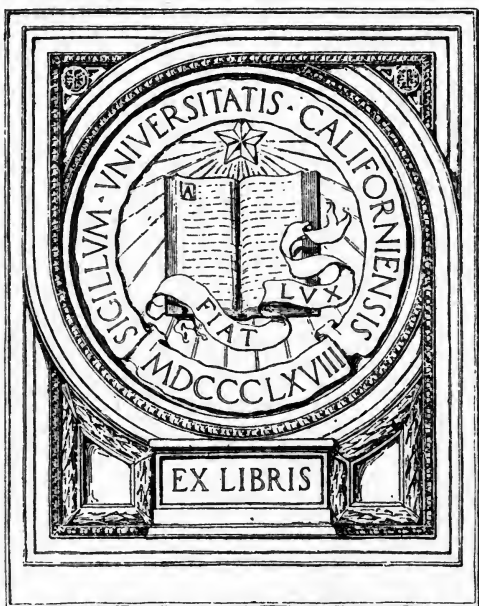


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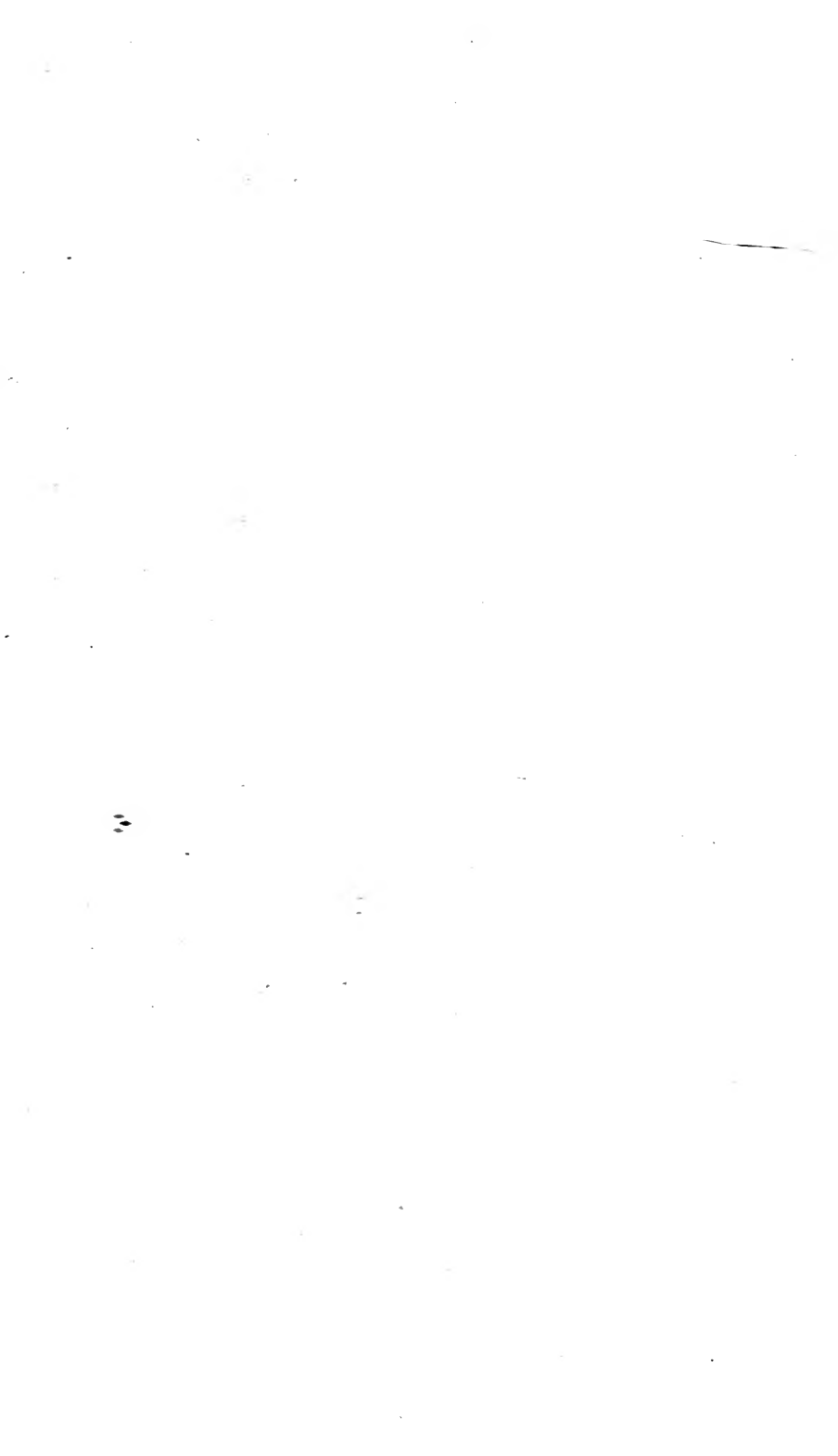
LAWS
RELATING TO
EASTERN
STATE
PENITENTIARY
PENNSYLVANIA . .

1829—1903

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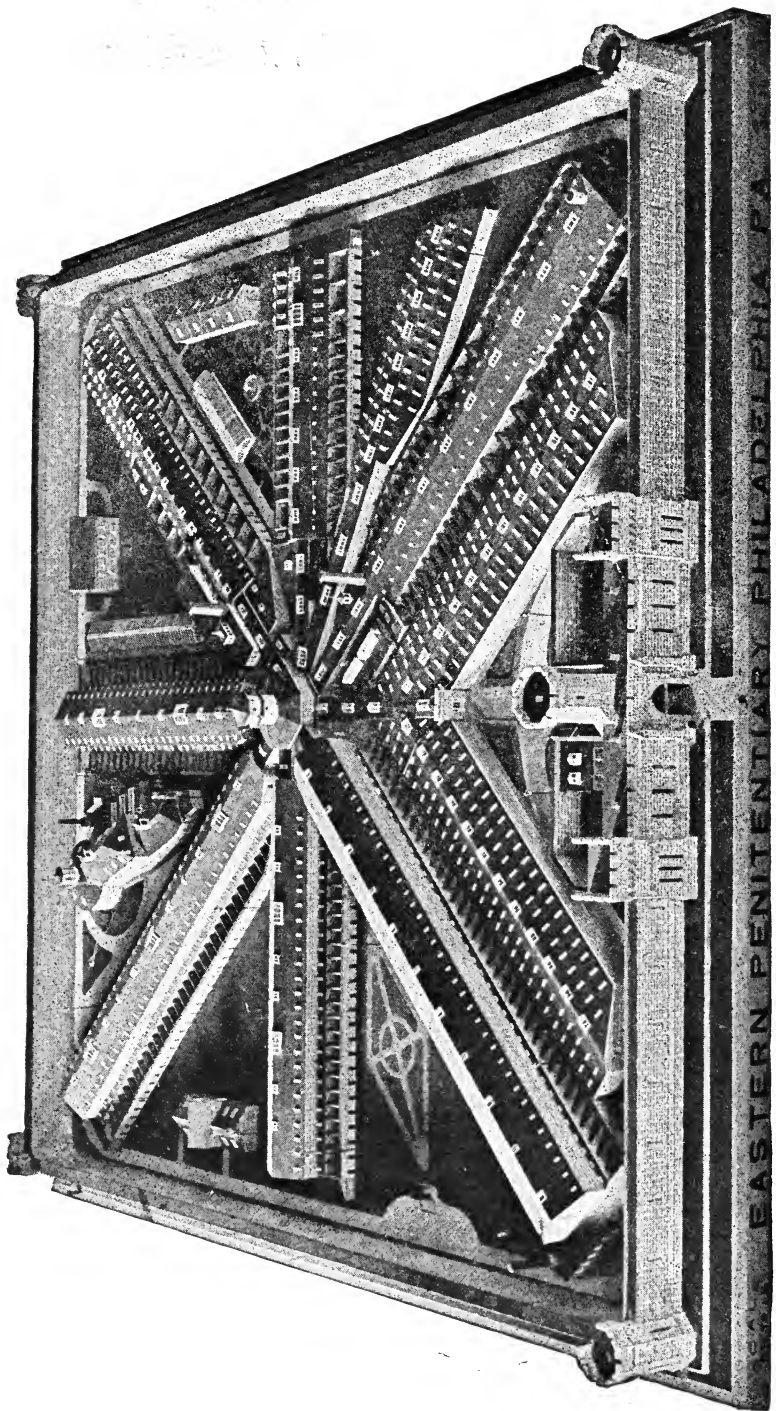


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THE
OF
CALIFORNIA



ACTS OF ASSEMBLY

RELATING TO THE . . .

EASTERN

STATE

PENITENTIARY . . .

UNIVERSITY OF
PENNSYLVANIA

AS REGARDS—

- ESTABLISHMENT
- TREATMENT OF PRISONERS
- MANAGEMENT
- INSANE CONVICTS
- CONVICT LABOR
- BOARD OF PUBLIC CHARITIES
- PENNSYLVANIA PRISON SOCIETY
- APPENDIX
- INDEX

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DOCUMENTS
DEPT.

Printed at the
EASTERN STATE PENITENTIARY,
Philadelphia, Pa.

1904.

TO THE
LIBRARY OF
CONGRESS

LAWS

RELATING TO THE ESTABLISHMENT AND MANAGEMENT OF THE EASTERN PENITENTIARY, AND APPROPRIATIONS FOR ENLARGING, IMPROVING AND BEAUTIFYING THE SAME FROM TIME TO TIME, AND THE APPROPRIATIONS FOR SALARIES, &c.

1.

EASTERN STATE PENITENTIARY TO BE ERECTED.

Ⓐ STATE PENITENTIARY, capable of holding two hundred and fifty prisoners, on the principal of solitary confinement of the convicts, as the same is now or hereafter may be established by law, shall be erected at such place within the limits of the City or County of Philadelphia, as the Commissioners hereafter mentioned shall fix and appoint, to be called the State Penitentiary for the Eastern District, the expense whereof shall be defrayed in the manner and out of the funds hereinafter provided.—*Section 1, Act of March 20th, 1821.*

COMMISSIONERS APPOINTED TO SUPERINTEND
BUILDING.

The Building
Commission.

And be it further enacted by the authority aforesaid, That the following named persons, viz., Thomas Wistar, Dr. Samuel P. Griffiths, Peter Miercken, George N. Baker, Thomas Bradford, Jr., John Bacon, Caleb Carmalt, Samuel R. Wood, Thomas Sparks, James Thackara and Daniel H. Miller, be, and they hereby are appointed Commissioners for the erection of the said Penitentiary, whose duty it shall be to select and purchase a suitable site within the City and County of Philadelphia for the same, the title whereof shall be vested in the Commonwealth of Pennsylvania, to make all the necessary contracts for the building of the said Penitentiary, taking security for the faithful performance of the said work in a good and workman-like manner, and in case of the death or resignation of any of the said Commissioners, before the completion of their trust, the Governor shall appoint suitable persons to fill the vacancy.—*Section 2, Act of March 20th, 1821.*

3.

PLAN OF BUILDING.

The said Penitentiary shall be constructed on the plan of the Penitentiary of Pittsburg, subject to such alterations and improvements as the said Commissioners or a majority of them may from time to time, with the approbation of the Governor, approve and direct : PROVIDED ALWAYS, That the principal of the solitary confinement of the prisoners be preserved and maintained.—*Section 3, Act of March 20th, 1821.*

APPROPRIATION FOR BUILDING PURPOSES.

\$100,000
appropriated for
building pur-
poses.

And be it further enacted by the authority aforesaid, That the sum of one hundred thousand dollars, be, and is hereby appropriated, to be paid after the first day of October, on warrants drawn by the Governor in favor of the said Commissioners, on the Treasurer of the Commonwealth, to be by them applied in purchasing the site and thereon erecting the Penitentiary aforesaid, and the said Commissioners shall furnish a detailed statement of their accounts, to the accountant department quarterly, to be settled and adjusted in the usual manner: PROVIDED, That the Governor shall have full power to draw warrants for said money, in such instalments only as in his opinion the progress of the work requires.—*Section 4, Act of March 20th, 1821.*

SALE OF CERTAIN PROPERTY AUTHORIZED.

And be it further enacted by the authority aforesaid, that the said Commissioners be, and they are hereby authorized to sell, or otherwise appropriate all the right, title, claim, and interest of the Commonwealth in the vacant lots yet undisposed of, the property of the Commonwealth in the City of Philadelphia, unimproved by the State, in such manner and at such times as to them may appear most eligible, and the money arising from such sales is hereby appropriated in addition to the sum hereinbefore granted, to defray the expenses of erecting the Penitentiary aforesaid; the said Commissioners to account for the proceeds of such sales and the expenditure thereof, in the same manner as is hereinbefore provided for in re-

lation to the moneys to be drawn from the Treasury : PROVIDED ALWAYS, That if the title to any lot sold by virtue of this act, shall prove to be defective, nothing herein contained shall be construed so as to bind the State to pay the value of the same, or make reparation for any damages which may arise by such defective title, but the amount of money received from the sale of such lot shall be refunded by the said Commissioners, and the better to enable the said Commissioners to carry into effect the provisions herein contained, it shall be the duty of the Surveyor General to furnish to said Commissioners, on request made, free of charge for office fees or expenses, all information in his possession, or from the records of the office, which they may need relative to the vacant lots the property of the Commonwealth in the City of Philadelphia, unimproved by the State, yet remaining unsold.—*Section 5, Act of March 20th, 1821.*

6

CONVICTS FROM THE SEVERAL COUNTIES TO BE SENT
TO THE E. S. P. INSTEAD OF THE PRISON
OF THE CITY OF PHILADELPHIA.

Prior to the erection of the Eastern State Penitentiary the several counties sent their prisoners to the jail of Phila. County.

And be it further enacted by the authority aforesaid, That if the said Commissioners of the City and County of Philadelphia, shall comply with the provisions of the seventh section of this act, then and in that case, the right of sending the convicts of the several counties to the prison of the City and County of Philadelphia, reserved by the Commonwealth by an act passed on the second day of April, 1803, entitled, “An Act to direct the sale of certain unimproved city lots, the property of this Commonwealth, in the City of Philadelphia, and to appropriate the proceeds

thereof towards the erecting of a building, for the purpose of more completely carrying into effect the penal laws of this state," shall from and after the completion of the State Penitentiary hereby authorized to be built, cease and determine.—*Section 8, Act of March 20th, 1821.*

7

COMMISSIONERS TO SERVE WITHOUT PAY.

And be it further enacted by the authority aforesaid, That the said Commissioners shall not be entitled to any compensation for their services, nor shall it be lawful for them, or either of them, to be concerned as principals, agents or otherwise, in any contract connected with the building of the said penitentiary, or derive any profit or advantage from the same, but they are authorized to employ a clerk, whose duties it shall be to take care of the books and papers, and perform such other duties as may be directed by them, which clerk shall receive for his services such compensation as the Commissioners may direct, not exceeding five hundred dollars per annum, payable out of the moneys placed in their hands by virtue of the provisions of this act.—*Section 9, Act of March 20th, 1821.*

Commissioners not to be concerned in any contract whereby they might derive profit in the erection of E. S. P.

8

STATE DIVIDED INTO TWO DISTRICTS.

For the more convenient punishment of those criminals hereinafter mentioned, this State shall be divided into two districts, and the Counties Fayette, Greene, Washington, Allegheny, Westmoreland, Somerset, Bedford, Huntingdon, Centre, Mifflin, Clear-

field, McKean, Potter, Jefferson, Cambria, Indiana, Armstrong, Butler, Beaver, Mercer, Crawford, Venango, Erie and Warren, shall compose the Western district; and the residue of the state shall compose the Eastern district.—*Act of April 10th, 1826.*

9

LAWRENCE COUNTY MADE PART OF THE
WESTERN DISTRICT.

The County of Lawrence is hereby attached to and declared to be part of the Western Penitentiary district.—*Section 4, Act of March 25th, 1850.*

10

CERTAIN COUNTIES ATTACHED TO THE EASTERN
DISTRICT.

And be it further enacted by the authority aforesaid, That the Counties of Centre, Mifflin, and Juniata, from and after the passage of this act, be and the same are hereby attached to the Eastern District of Pennsylvania, so far as regards the punishment of offenders convicted in said Counties.—*Section 10, Act of February 27th, 1833.*

11

CERTAIN COUNTIES ATTACHED TO THE WESTERN
DISTRICT.

The Counties of Cameron, Potter, Clinton, Centre, Juniata and Mifflin and Fulton, from and after the passage of this act, shall be and the same are hereby attached to the Western District of Pennsylvania, so far as regards the punishment of offenders convicted in said counties; and all prisoners from said Counties, who are now imprisoned in the Eastern Penitentiary,

at Philadelphia, shall be transferred to the Western Penitentiary, at Allegheny, under the direction of the inspectors of both penitentiaries, there to serve out the unexpired term of their respective sentences, and in accordance with the laws in force in reference to the punishment of persons convicted of crime and sentenced to state prisons.—*Section 1, Act of April 27th, 1871.*

12

AN ACT APPROPRIATING A SUM OF MONEY TO THE
EASTERN PENITENTIARY.

Be it enacted, &c., That the further sum of eighty-nine thousand one hundred twenty-four dollars and nine cents, be and the same is hereby appropriated for the purpose of furnishing materials and carrying on the work, and completing so much of the original plan as is contained in estimate number two, of the commissioners, transmitted under date of December 28th, 1825, of the State Penitentiary, under the provisions of an act to provide for the erection of a State Penitentiary within the City and County of Philadelphia, passed the twentieth day of March, 1821.—*Act of March 15th, 1826.*

\$89,124.09
appropriated to
the E. S. P.

13

APPROPRIATION FOR A WATER SUPPLY.

Be it further enacted, &c., That for the purpose of finishing the Eastern Penitentiary, introducing a supply of water from Fairmount Water Works, and procuring the necessary furniture and fixtures for the accommodation and reception of the prisoners, the sum of five thousand dollars be and it is hereby appropriated for the said purposes, and the Commis-

\$5,000.00
appropriated for
a water supply,
&c.

sioners appointed to superintend the erection of the State Penitentiary for the Eastern District of Pennsylvania, are directed to carry the same into effect ; and to draw the sum hereby authorized from the State Treasury, in the same manner as is by law provided.—*Section 12, Act of April 24th, 1829.*

14

INSPECTORS OF EASTERN PENITENTIARY TO CONSTRUCT
FOUR HUNDRED CELLS.

Be it enacted, &c., That the Inspectors of the State Penitentiary, for the Eastern District, in the County of Philadelphia, be authorized and required, and they are hereby authorized and required to construct and erect within the outer walls of said penitentiary upon such plan as they may deem most expedient, buildings which shall contain at least four hundred cells, suitable for the confinement of convicted criminals, in solitary confinement at labor ; and to enable them the more effectually to perform the duties now enjoined, all the rights, powers and privileges heretofore given to the Commissioners for building said Penitentiary, are hereby transferred to and vested in the said inspectors.—*Section 1, Act of March 28th, 1831.*

15

COUNTY COMMISSIONERS OF PHILADELPHIA TO LOAN
INSPECTORS \$120,000.00.

Be it enacted, &c., That for the purpose of defraying the expense of erecting said buildings, the County Commissioners of the County of Philadelphia, be and they are hereby authorized, to loan out of the county funds of said county, to the aforesaid inspectors, one hundred and twenty thousand dollars, in such sums

and at such times as the said Inspectors may require the same, for the purpose aforesaid, for the amount of which sums of money loaned as aforesaid, certificates of State Stock in proper form shall be issued to the County Commissioners, of the County of Philadelphia, for the use of said County, which said stock shall be transferable in the same manner as other State Stock, and from and after the first day of January, 1834, and not before ; shall bear an interest of five per cent., per annum, payable half yearly, and be redeemable thirty years after the passage of this act ; and the said County Commissioners are hereby authorized to raise the aforesaid sum of one hundred and twenty thousand dollars, by loan, in any mode or manner in which money for the ordinary purposes and expenses of said County may by law be raised or obtained.—*Section 2, Act of March 28th, 1831.*

16

TIME OF THE REMOVAL OF THE PRISONERS FROM
THE PHILADELPHIA COUNTY JAIL TO THE
EASTERN STATE PENITENTIARY.

Be it enacted, &c., That the inspectors of the jail and penitentiary, on the first Monday in April, 1833, or as soon thereafter as conveniently may be, shall remove all convicted criminals, who may then remain in said Jail and Penitentiary, to the aforesaid State Penitentiary for the Eastern District, there to be imprisoned, kept and punished according to law and their several sentences, until duly discharged: PROVIDED, The said State Penitentiary shall be prepared for the reception of said prisoners as hereinbefore provided for.—*Section 6, Act of March 28th, 1831.*

APPROPRIATION FOR THE EASTERN STATE
PENITENTIARY.

And the further sum of one hundred and thirty thousand dollars, be and is hereby appropriated for the completion of the Eastern Penitentiary, the said sum of one hundred and thirty thousand dollars, to be paid by warrants drawn by the Governor in favor of said inspectors ; Provided, That the Governor shall have full power to draw warrants for said money in such instalments only as in his opinion the progress of the work requires ; And Provided Also, that the said inspectors furnish a detailed statement of their accounts to the accountant department, half yearly, to be settled and adjusted in the usual manner, and the warden of the said penitentiary shall be authorized to administer an oath or affirmation where it may be necessary in the performance of his duties.—*Part of Section 2, Act of February 27th, 1833.*

SIXTY THOUSAND DOLLARS APPROPRIATED TO THE
EASTERN PENITENTIARY.

The sum of sixty thousand dollars is hereby appropriated for the completion of the Eastern Penitentiary, and for the paving of the street in front of the same, to be paid out of any unappropriated moneys in the treasury, from time to time, as the state of the work may require.— *Section 2, Act of April 14th, 1835.*

APPROPRIATION FOR THE PAYMENT OF DEBTS.

Be it enacted, &c., That the sum of ten thousand dollars, be and the same is hereby specifically appropriated for the payment of debts contracted in the

construction and completion of the buildings of the Eastern Penitentiary, to be paid out of any money not otherwise appropriated, on a warrant or warrants drawn by the Governor in favor of the inspectors of said Penitentiary : PROVIDED, That the inspectors furnish a detailed statement of the accounts to the accountant department, to be settled and adjusted in the usual manner.—*Section 1, Act of March 3rd, 1838.*

20

THE STATE TREASURER TO LOAN TEN THOUSAND
DOLLARS FOR THE PURCHASE OF RAW MATERIALS
FOR MANUFACTURING PURPOSES.

That the State Treasurer, be, and he is hereby authorized and required to loan to the inspectors of the Eastern Penitentiary, the sum of ten thousand dollars, to be applied exclusively towards the payment of debts incurred in the purchase of raw materials, for manufacturing purposes, to be repaid to the Commonwealth out of the proceeds of the sales of manufactured articles at the end of two years from the passage of this Act, PROVIDED, That full and detailed statements of the manner in which the said money is applied shall be furnished to the accountant department within thirty days after the said money is received from the State.—*Section 3, Act of March 3rd, 1838.*

\$10000.00
loaned for man-
ufacturing pur-
poses.

21

SALARIES IN THE E. S. P. AS REGULATED BY
ACT OF 1843.

That from and after the passage of this Act, the salaries of the officers of the Eastern Penitentiary shall be as follows, to wit : The Warden shall not re-

ceive more than twelve-hundred dollars; the Physician not more than five hundred dollars; the Moral Instructor not more than five hundred dollars; the Principal Overseer not more than six hundred dollars; each of the other male overseers not more than four hundred dollars; the female nurse and overseer not more than three hundred dollars each; the gate-keeper not more than four hundred dollars; each of the watchmen not more than three hundred and sixty five dollars; and the clerk not more than eight hundred dollars per annum: PROVIDED HOWEVER, That not more than two watchmen shall be employed at one time, unless the Board of Inspectors shall at any time agree that another watchman is indispensably necessary.—*Section 14, Act of April 17th, 1843.*

22

APPROPRIATION FOR GRATUITIES TO DISCHARGED
CONVICTS.

For the payment of gratuities to convicts discharged from the state penitentiary by the Act of April 23rd, 1829, the sum of six hundred dollars.—*Act of May 31st, 1844.*

(The appropriation for this purpose continued uniform until 1847. See Section 24, below.)

23

APPROPRIATION TO THE EASTERN PENITENTIARY AND
SALARIES FIXED.

To the Eastern Penitentiary, eight thousand dollars; and hereafter the Wardens of the Eastern and Western Penitentiaries shall each receive a compensation not exceeding twelve hundred dollars; the Moral Instructors not more than five hundred each; the principal overseers not more than six hundred dollars each, and each of the other male overseers not more than five hundred dollars per annum, to be fixed by

\$600.00 for discharged convicts.

\$8000.00 appropriated for salaries.

the Inspectors of the said Penitentiaries; the said sums hereby appropriated to the Eastern and Western Penitentiaries, shall be applied towards the payment of the salaries of the Officers of said Institutions, the accounts to be settled in the usual manner, and the annual reports now required by law from the Inspectors of said Penitentiaries, shall hereafter embrace a detailed statement of the manner in which the sums annually appropriated are expended, together with an accurate account of the amounts paid for materials and for subsistence of prisoners, and the amounts received from the profits of labor, so as to show distinctly the balance of expenditures over the receipts from labor: PROVIDED, that the Wardens of the Eastern and Western Penitentiaries shall furnish to the several counties a separate account of the expense of and labor performed by the prisoners from each county, before any county shall be required to pay any excess for keeping its prisoners, and the said Wardens shall furnish, under oath or affirmation, a similar account to the Legislature annually; and any excess that shall remain after paying the expense of maintaining said prisons, shall be paid annually into the State Treasury.—*Section 24, Act of May 31st, 1844.*

Annual reports of Inspectors to embrace certain statements.

Statements to be furnished Counties.

The later clause of this Act is now void.

(The appropriation for salaries continued uniform with the provisions of this Act until 1855. See Section 28, below.)

24

APPROPRIATION FOR GRATUITIES.

And for the payment of gratuities of convicts discharged from the State Penitentiaries, one thousand dollars; two thirds of which shall be appropriated to the use of the Eastern, and one third to the use of the Western Penitentiary.—*Section 20, Act of March 16th, 1847.*

(The appropriations for gratuities continued uniform until 1860. See Section 30.)

POTTER COUNTY ADDED TO EASTERN DISTRICT.

That from and after the passage of this Act, all persons sentenced to the penitentiary from the County of Potter, shall be conveyed to the Eastern Penitentiary of this Commonwealth, under the same provisions as they are now conveyed to the Western Penitentiary.—*Act of March 22nd, 1850.*

CERTAIN APPROPRIATIONS MADE PERMANENT.

That the appropriations made to the Eastern Penitentiary by the Acts of April 23rd, 1829 ; April 3rd, 1830 ; March 24th, 1836 ; and March 3rd, 1838, be, and the same are hereby continued to the use of said penitentiary (Eastern) as a permanent fund for the proper employment of the prisoners therein confined, to be continued from year to year until otherwise directed by law.—*Section 43, Act of May 4th, 1852.*

AN APPROPRIATION FOR CERTAIN REPAIRS.

That ten thousand dollars be, and the same is hereby appropriated to the use of the Eastern Penitentiary, the said sum to be made use of for the purpose of making necessary repairs to said Institution.—*Section 5, Act of May 2nd, 1853.*

APPROPRIATION FOR SALARIES, 1855.

For the payment of the salaries of the Officers of the Eastern Penitentiary, nine thousand five

hundred dollars. PROVIDED, That the amount of salaries to be paid to said Officers shall be fixed by the respective Boards of Inspectors, and shall in no case exceed the rates allowed prior to the Act of April 17th, 1843.—*Section 55, Act of May 7th, 1855.*

(In 1856, the sum of eight thousand seven hundred was appropriated for salaries, and in 1857 the sum of nine thousand two hundred dollars.)

29

APPROPRIATION FOR SALARIES AND FOR PAVING
TWENTY-SECOND STREET.

For the payment of the salaries of the Officers of the Eastern Penitentiary the sum of twelve thousand eight hundred dollars, and for paving 22nd Street along the Western side of said Penitentiary, one thousand dollars.—*Section 28, Act of April 21st, 1858.*

(The appropriations for salaries continued uniform until 1865. The sum of two thousand four hundred and twenty three dollars was appropriated for necessary repairs in 1859; and in 1861 the sum of fifteen thousand dollars was appropriated for same purpose.)

Inspectors
allowed to fix
salaries.

\$2423.00 and
\$15000.00 appro-
priated for re-
pairs.

30

APPROPRIATION FOR DISCHARGED CONVICTS.

And the additional sum of four dollars for each discharged convict, who shall be released from the State Penitentiaries.—*Section 30, Act of April 13th, 1860.*

(This Act continued in force until 1863. See Section 31 below.)

31

APPROPRIATION FOR DISCHARGED CONVICTS, 1863.

And for each discharged convict from the City of Philadelphia, or whose residence is within fifty miles thereof, the sum of five dollars, and ten dollars to each

convict whose residence or settlement is fifty miles or over from the Penitentiary. AND PROVIDED FURTHER, That the sum of three thousand dollars is hereby appropriated for the purpose of securing an ample supply of fresh water for said penitentiary ; and two thousand five hundred dollars for the manufacture in said penitentiary, of gas for lighting the corridor, yards and walls inside the same ; and for books and stationery for the use of the convicts, two hundred and fifty dollars, to be expended under the direction of the Warden, or so much thereof as may be necessary, and to be accounted for to the Auditor General.—*Section 30, Act of April 14th, 1863.*

(The clause relating to the gratuity to be paid discharged convicts is the one in force to-day.)

The appropriations for salaries varied from 1863 to 1901, when the appropriation made below was passed. For a complete list of all appropriations made to the Eastern State Penitentiary, see appendix.

32

CERTAIN COUNTIES TO BE ADDED TO THE
WESTERN DISTRICT.

Be it enacted, &c., That the Counties of Cameron, Potter, Clinton, Centre, Mifflin, Juniata and Fulton, from and after the passage of this Act, shall be and the same are hereby attached to the Western District of Pennsylvania, so far as regards the punishment of offenders convicted in said Counties.—*Act of April 27th, 1871.*

33

AN ACT EXEMPTING PENITENTIARIES FROM
TAXATION.

That all real estate within this Commonwealth shall be liable to taxation for all such purposes as now is or hereafter may be provided by general laws. . . . Excepting and exempting from such taxation all

lunatic asylums, alms houses, poor houses, houses of refuge, penitentiaries and asylums, schools and hospitals supported by the appropriation annually made thereto by this Commonwealth, together with the lands attached to the same.—*Act of April 8th, 1873.*

34

APPROPRIATION TO THE EASTERN PENITENTIARY BY
THE ACT OF 1901.

Be it enacted, &c., That the following sums, or as much thereof as may be necessary, be, and the same are hereby specifically appropriated to the Eastern Penitentiary for the two fiscal years beginning June 1st, 1901, for the following purposes, viz.:

For repairs, the sum of three thousand dollars, or so much thereof as may be necessary.

Approved for
\$2000.00.

For salaries of officers, the sum of one hundred and twenty five thousand dollars, or so much thereof as may be necessary.

For library and stationery, the sum of one thousand dollars, or so much thereof as may be necessary.

For tunnels under corridors, the sum of three thousand dollars, or so much thereof as may be necessary.

For engine and boiler house, the sum of ten thousand dollars, or so much thereof as may be necessary.

Approved for
\$5000.00

For engines, dynamos, connections, etc., the sum of eight thousand dollars, or so much thereof as may be necessary.

Approved for
\$6000.00.

For boilers and settings, the sum of seven thousand dollars, or so much thereof as may be necessary.

Approved for
\$5000.00.

For extra foundations for boilers and engines, the sum of two thousand dollars, or so much thereof as may be necessary.

For piping, fittings, etc., the sum of three thousand dollars, or so much thereof as may be necessary.

For repairs to drainage system, the sum of two thousand dollars, or so much thereof as may be necessary.

For belt line water pipe, the sum of fourteen hundred dollars, or so much thereof as may be necessary.

For water service connections thereto the sum of three thousand dollars, or so much thereof as may be necessary.

For revision of electric lighting system, the sum of five thousand dollars, or so much thereof as may be necessary.

For new roof to seventh block, the sum of one thousand dollars or as much thereof as may be necessary.

For alteration of present boiler house to cells, the sum of fifteen hundred dollars, or as much thereof as may be necessary.

Said appropriation to be paid in accordance with the provisions of an Act of Assembly approved March 15th, 1899. (*See Act referred to under head of Management, Article 87.*)

(It will be noticed from above Act, that the Inspectors are allowed to regulate the salaries of Officers of the Institution in any amounts they see proper, so the total amount of salaries paid does not exceed the appropriation for this purpose.)

Approved for
\$3000.00.

TREATMENT.

LAWS RELATING TO THE TREATMENT OF PRISONERS IN THE PENITENTIARY.

(Extracts from the penal code of 1790, most of which have become obsolete, or been amended by the Act of 1829, though certain features remain intact to the present time.)

35

HOW CONVICTS TO BE FED, CLOTHED AND KEPT AT LABOR.

Be it enacted by the authority aforesaid, That all such convicts shall, at the public expense of such County, during the term of their confinement, be clothed in habits of course materials, uniform in color and make, and distinguishing them from the good citizens of this Commonwealth, and the males shall have their heads and beards close shaven at least once in every week, and all such offenders shall, during the said term, be sustained upon bread, Indian meal, or other inferior food, at the discretion of said Inspectors, and shall be allowed one meal of course meat in each week, and shall be kept, as far as may be consistent with their sex, age, health and ability, to labor of the hardest and most servile kind, in which the work is least liable to be spoiled by ignorance, neglect or obstinacy, and where the materials are not easily embezzled or destroyed; and if the work to be performed is of such a nature as may require previous instruction, proper

Most of this Act has become obsolete, though portions are embodied in the rules prescribed by the Inspectors.

persons for that purpose, to whom a suitable allowance shall be made, shall be provided by order of any two of the Inspectors hereafter named ; during which labor the said offenders shall be kept separate and apart from each other, if the nature of their several employments will admit thereof ; and where the nature of such employment requires two or more to work together, the keeper of said jail, or one of his deputies, shall if possible, be constantly present.—*Section 13, Act of April 5th, 1790.*

36

RELATING TO VISITORS AND CERTAIN REGULATIONS.

This portion of this Section was repealed by Act of 1829, the Inspectors being given more discretion in allowing visitors. The later portion is part of the present rules and regulations.

Be it enacted by the authority aforesaid, That no person whatever, except the keeper, his deputies, servants or assistants, the said Inspectors, Officers and Ministers of Justice, Counsellors or Attorneys at Law, employed by a prisoner, Ministers of the Gospel, or persons producing a written license signed by two of said Inspectors, shall be permitted to enter within the walls where said offenders shall be confined; and that the doors of all lodging rooms and cells in said jail shall be locked, and all lights therein extinguished at the hour of nine, and one or more watchmen shall patrol the said jail at least twice in every hour, from that time, until the return of the time of labor in the morning of the next day.—*Section 18, Act of April 5th 1790.*

37

RELATING TO THE EXERCISE OF PRISONERS.

Portions of this Act have been embodied in the Rules of the Institution though modified by time.

Be it enacted by the authority aforesaid, That the walls of the cells and the apartments in said jail shall be whitewashed with lime and water, at least twice in every year, and the floors of said cells and apartments

shall be washed once every week, or oftener, if said Inspectors shall so direct, by one or more of the said prisoners, in rotation, who at the discretion of the said keeper shall have an extra allowance of diet for so doing; and the said prisoners shall be allowed to walk and air themselves for such stated time as their health may require, and the said keeper shall permit, and if proper employment can be found, such prisoners may be also permitted, with the approbation of two of said Inspectors, to work in the yard, provided such airing and working in the yard be in the presence, or within the view, of the said keeper, or his deputies or assistants.—*Section 19, Act of April 5th 1790.*

38

RELATING TO THE PUNISHMENT OF PRISONERS FOR
BREACH OF PRISON RULES.

Be it enacted by the authority aforesaid, That the keeper of the said jail shall have power to punish all such prisoners guilty of assaults within the said jail, when no dangerous wound or bruise is given, profane cursing or swearing, or indecent behaviour, idleness, or negligence in work, or wilful mismanagement of it, or of disobedience to the orders and regulations hereinafter directed to be made, by confining such offenders in the dark cells or dungeons of the said jail, and by keeping them upon bread and water only, for any term not exceeding two days; and if any such prisoner shall be guilty of any offence within the said jail, which the said keeper is not hereby authorized to punish, or for which he shall think the said punishment is not sufficient by reason of the enormity of the offence, he shall report the same to two of the Inspectors, etc.—*Act of April. 5th, 1790.*

Portions of this Section are embodied in the Rules and Regulations at the present time

The later portion has been repealed.

(The rest of this Section has been repealed.)

PENALTY FOR SELLING SPIRITUOUS LIQUORS IN THE
JAILS EXCEPT IN CASES OF SICKNESS.

And be it further enacted by the authority aforesaid, That if any jailor shall sell or suffer to be sold to the prisoners, or other persons, any spirituous liquors, or shall suffer any spirituous liquors under any pretence whatever, except in cases of sickness, to be given to any of the said prisoners in any quantity or measure, such jailor so offending upon conviction thereof, shall forfeit and pay the sum of fifty dollars for every such offence, and shall be moreover removed from being keeper of such jail or prison, and it shall be the duty of the Court of the proper County to examine into the conduct of the jailor in this respect at each Court or Quarter Sessions, and, if necessary, to send for and examine witnesses in this behalf.—
Section 5, Act of April 4th, 1807.

TO PREVENT THE CORONER OF PHILADELPHIA
COUNTY FROM HOLDING INQUESTS IN
CERTAIN CASES, ETC.

Be it enacted, &c., That from and after the passage of this Act, it shall not be the duty of the Coroner of the County of Philadelphia to hold an inquest on the body of any convict or untried prisoner, who may die during his or her confinement in the prison or common jail of said County, unless required by the Inspectors thereof, except in cases of murder, suicide, manslaughter, or death caused by casualties ; and that no inquest shall be held by the Coroner of said County on the body of any convict or untried prisoner who may

Duty of Physi-
cian to said
jail.

die in the jail of said County, except as is hereinbefore provided.

Section 2 : And be it further enacted, &c., That it shall be the duty of the attending physician of said jail to certify to the Inspectors thereof, the name and age of every convict or untried prisoner who may die in said jail, together with the disease or cause of death of such convict or untried prisoner, so far as he can ascertain the same, and the said Inspectors shall, and they are hereby required to cause the said certificate to be fairly copied into a book to be kept by them for that purpose, and after the same is copied cause the said certificate to be sent to the Board of Health for the Port of Philadelphia, whose duty it shall be to file the same, and the said Inspectors shall and they are hereby required to have the body of the person interred.

Section 3 : And be it further enacted, &c., That so much of any law as is hereby altered or supplied, be, and the same is hereby repealed.—*Act of March 29th, 1819.*

41

PERSONS CONVICTED OF CRIMES COMMITTED IN EASTERN DISTRICT AFTER JULY 1ST, 1829, TO BE SENTENCED TO SOLITARY CONFINEMENT AT LABOR IN EASTERN PENITENTIARY.

Be it enacted, &c., That from and after the first of July next, every person who shall be convicted in any Court in the Eastern District of any of the following crimes, viz.: murder in the second degree, manslaughter, high treason, arson, rape, sodomy, or buggery, burglary, forgery, passing counterfeit money, robbery, kidnapping, mayhem, horse-stealing and perjury, committed after the first day of July next, shall, instead of the Penitentiary punish-

ments heretofore prescribed, be sentenced by the proper court to suffer punishment by separate or solitary confinement at labor in the manner and for the time and times hereinafter prescribed, in the State Penitentiary for the Eastern District, in the County of Philadelphia, and for that purpose to be removed to the said Penitentiary at the expense of the State.—*Section 2, Act of April 23rd 1829.*

42

REGULATIONS FOR CONVICTS IN PENITENTIARY FROM
FIRST DAY OF JULY, 1829.

And be it further enacted, &c. That from and after the first day of July next, all and every person adjudged to suffer separate or solitary confinement at labor in the Eastern and Western Penitentiaries, shall be kept singly and separately at labor in the cells or work yards of said prisons, and be sustained upon wholesome food of a course quality, sufficient for the healthful support of life, and be furnished with clothing suited to their situation, at the discretion of the Inspectors of said prisons; and that during the confinement of such prisoners no access shall be had to them by any person or persons, except the Inspectors and officers of the Institution hereinafter mentioned, the Grand Juries of the Cities of Philadelphia and Pittsburg, and the Counties of Allegheny and Philadelphia, and the official visitors hereinafter named, and such other persons as may be permitted for highly urgent reasons, by any rule or regulation of the Board of Inspectors.—*Section 3, Act of April 23rd, 1829.*

This Act repeals
portion of Act of
1790.

Section relating
to Grand Juries
repealed by Act
of April, 1834.

43

MODE OF PUNISHMENT.

And be it further enacted, &c., That instead of the penitentiary punishment heretofore prescribed, the

punishment by solitary confinement at labor shall be inflicted upon the several offenders who shall, after the first day of July next, commit and be legally convicted of any of the offenses hereinafter enumerated and specified, that is to say; Murder, manslaughter, high treason, arson, rape, burglary, sodomy or buggery, forgery, robbery, mayhem, kidnapping, horse-stealing, perjury, shall be sentenced to undergo imprisonment in one of the State Penitentiaries, as the case may be, and to be kept in separate or solitary confinement at labor for the term of their sentence, and be fed, clothed and treated as is provided in this Act.—*Act of April 23rd, 1829.*

Crimes for which persons are to be sentenced to the Penitentiary of the State and the manner of their treatment while there.

44

OF THE RECEPTION OF CONVICTS, &c.

Every convict sentenced to imprisonment in the Penitentiary shall immediately after the sentence shall have been finally pronounced, be conveyed by the Sheriff of the County in which he was condemned to the Penitentiary. On the arrival of a convict, immediate notice shall be given to the Physician, who shall examine the state of his or her health, he or she shall then be stripped of his or her clothes, and clothed in the uniform of the prison, in the manner hereinafter provided, being first bathed and cleaned. He or she shall then be examined by the Clerk and the Warden in the presence of as many of the Overseers as can conveniently attend, in order to their becoming acquainted with his or her person and countenance, and his or her name, height, apparent and alleged age, place of nativity, trade, complexion, color of hair and eyes, and length of his or her 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 him or her, and if the convict can write, his or her signature shall be written under the said description of his or her person.

All the effects on the person of the convict, as well as his clothes shall be taken from him or her, and specially mentioned and preserved under the care of the Warden, to be restored to him or her on his or her discharge.

If the convict is not in such ill health as to require being sent to the infirmary, he or she shall then be conducted to the cell assigned to him or her, numerically designated by which he or she shall thereafter be known during his or her confinement.—*Section 5, Act of April 23rd, 1829.*

45

OF THE CLOTHING AND DIET OF THE CONVICTS.

The uniform of the prison for males shall be a jacket and trowsers of cloth or other warm stuff for the winter, and lighter material for the summer, the form and color shall be determined by the Inspectors, and two changes of linen shall be furnished to each prisoner every week. No prisoner is to receive anything but the prison allowance. No tobacco in any form shall be used by the convicts, and any one who shall supply them with it, or with wine or spirituous or intoxicating fermented liquor, unless by order of the physician, shall be fined ten dollars, and if an Officer, be dismissed.—*Section 6, Act of April 23, 1829.*

This clause repealed by Acts of 1866, and 1874.

46

RELATING TO VISITORS.

No person who is not an official visitor of the prisons, or who has not a written permission according to such

rules as the Inspectors may adopt as aforesaid, shall be allowed to visit the same ; the official visitors are the Governor, Speaker and Members of the Senate, Speaker and Members of the House of Representatives, the Secretary of the Commonwealth, the Judges of the Supreme Court, the Attorney General and his deputies, the President and Associate Judges of all the Courts in the State, the Mayor and Recorder of the Cities of Philadelphia, Lancaster and Pittsburg, Commissioners and Sheriffs of the several Counties, and the Acting Committee of the Philadelphia Society for the Alleviation of the Miseries of the Public Prisons.

None but the official visitors can have any communication with the convicts, nor shall any visitor whatever be permitted to deliver to or receive from any of the convicts, any letter or message whatever, or to supply them with any article of any kind under the penalty of one hundred dollars fine, to be recovered as hereinbefore provided for other fines imposed by this Act.

Any visitor who shall discover any abuse, infraction of law, or oppression, shall immediately make the same known to the Board of Inspectors of the Commonwealth, if the Inspectors or either of them are implicated.—*Section 7, Act of April 23, 1829.*

OF THE DISCHARGE OF THE CONVICTS.

Whenever a convict shall be discharged by the expiration of the term for which he or she was condemned, or by pardon, he or she shall take off the prison uniform, and have the clothes which he or she brought to the prison restored to him or her, together with the other property, if any, that was taken from him or her

on his or her commitment, that has not been otherwise disposed of.

When a prisoner is to be discharged, it shall be the duty of the Warden to obtain from him or her as far as is practicable, his or her former history ; what means of literary, moral or religious instruction, he or she enjoyed ; what early temptations to crime by wicked associations, or otherwise he or she was exposed to ; his or her general habits, predominant passions and prevailing vices, and in what part of the country he or she purposes to fix his or her residence, all of which shall be entered in a book to be kept for that purpose, together with his or her name, age, and time of discharge.

If the Inspectors and Warden have been satisfied with the morality, industry and order of his conduct, they shall give him a certificate to that effect, and shall furnish the discharged convict with four dollars, to be paid by the State, whereby the temptation to immediately commit offences against society, before employment can be obtained, may be obviated.—
Section 8th, Act of April 23rd, 1829.

48

RELATING TO THE DISCHARGE OF PRISONERS UNABLE
TO PAY FINE, ETC.

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 from and after the passage of this Act, the respective Boards of Inspectors of the State Penitentiaries for the Eastern and Western Districts, shall be authorized to discharge from prison, without the delay and expense of any proceeding under the Insolvent Laws of this Commonwealth,

Power given to Inspectors of prisons to discharge convicts in certain cases where their time is out.

every convict who may have served out the term of imprisonment at labor, to which such prisoner now has been or hereafter may be sentenced, notwithstanding such prisoner may not have paid the costs of prosecution or any fine to the Commonwealth, or restored the property stolen, or paid the value thereof, if in the judgment of the said Board of Inspectors, such prisoner is unable to pay or restore the same: Provided always, That such discharge shall in no way interfere with the right of the Commonwealth, or the public officers, or any person or persons interested in the payment or restitution aforesaid to proceed under the judgment or judgments of conviction, to recover the amount from the property of such prisoner; and that for this purpose the Attorney General or his proper deputy, shall, if he deem it for the interest of the Commonwealth, or at the request of any person interested, issue writs of Fieri Facias and Venditioni Exponas, and other writs of execution as the case may require, against such property, and all property, real or personal, of such prisoner, taken in execution by virtue of such writs, shall be sold as in other cases real or personal property is sold by virtue of similar writs; and such sales shall be available and effectual in law as sales in other cases by virtue of similar writs: And provided also, That no such discharge shall be allowed or granted by the said Board of Inspectors, until such prisoner shall have exhibited to them on oath or affirmation, duplicate schedules of all his property, real, personal, or mixed, to which he is in any manner entitled, as far as he can ascertain the same, one of which schedules or lists of property, it shall be the duty of the said Inspectors to file and preserve, with the papers of the prison, and the other immediately to transmit to the Clerk of the Oyer and

Not to interfere with the lawful collection of fines.

Convict to exhibit schedules of property.

Terminer, or Quarter Sessions, or Mayor's Court, as the case may be, in which the said prisoner was tried, to be filed there also, with other papers relating to the case.—*Act of January 17th, 1831.*

49

CONVEYANCE OF CONVICTS TO PENITENTIARY TO BE
PAID BY THE COUNTIES.

That hereafter the expenses of conveying convicts from the several Counties of this Commonwealth to the Eastern and Western Penitentiaries, shall be paid by the Counties from which such convicts may be sent and no repeal of this Act, in general terms, shall be so construed as to repeal this provision.—*Section 5, Act of April 16th, 1845.*

50

SENTENCES NOT TO EXPIRE BETWEEN NOVEMBER
15TH AND FEBRUARY 15TH.

Be it enacted, &c., That after the first day of July next, no convict shall be sentenced by any Court of this Commonwealth to either of the Penitentiaries thereof, for any term which shall expire between the fifteenth day of November and the fifteenth day of February, of any year.—*Act of February 18th, 1847.*

This Act has become inoperative since the passing of the Commutation Act of 1901.

51

FULFILMENT OF SENTENCE TO HAVE SAME EFFECT
AS A PARDON.

Where any person hath been, or shall be convicted of any felony, not punishable with death, or any mis-

demeanor punishable with imprisonment at labor, and hath endured, or shall endure the punishment to which such offenders hath been or shall be adjudged for the same, the punishment so endured shall have the like effects and consequences as a pardon by the Governor, as to the felony or misdemeanor whereof such person was so convicted : Provided, That nothing herein contained, nor the enduring of such punishment, shall prevent or mitigate any punishment which the offender might otherwise be lawfully sentenced on a subsequent conviction for any other felony or misdemeanor, and that the provisions of this Section shall not extend to a case of a party convicted of wilful and corrupt perjury.—*Section 181, Act of March 31st, 1860.*

Wilful perjury
excepted.

52

SENTENCE TO THE PENITENTIARY.

Whenever any person shall be sentenced to imprisonment at labor, by separate or solitary confinement, for any period not less than one year, the imprisonment and labor shall be had and performed in the State Penitentiary for the proper district : Provided, That nothing in this Section contained shall prevent such person from being sentenced to imprisonment and labor, by separate or solitary confinement, in the County Prisons now or hereafter authorized by Law to receive convicts of a like description : And Provided Also, That no convict shall be sentenced by any Court of this Commonwealth, to either of the Penitentiaries thereof, for any term which shall expire between the fifteenth of November and the fifteenth of February of any year.—*Section 74, Act of March 31st, 1860.*

USE OF TOBACCO ALLOWED TO CONVICTS.

Be it enacted, &c., That the Inspectors and Warden, of either of the Penitentiaries of the State, may permit any convict, in said Penitentiary, to use tobacco, to a limited extent, as a reward for good conduct, on the part of any such convict, under such restrictions as may be prescribed.—*Act of April 16th, 1866.*

AN ACT TO PROVIDE FOR THE IMPRISONMENT OF
PERSONS WHOSE SENTENCES SHALL BE
COMMUTED BY THE GOVERNOR.

Be it enacted, &c., That it shall be the duty of the Wardens or Keepers of the State Penitentiaries of this Commonwealth, to receive into the prison under their charge, on the order or warrant of the Governor, any person convicted of any crime punishable with death, whose sentence shall have been commuted by the Governor, on condition of being confined for life or for a term of years in one of the State Penitentiaries, and to keep and confine such person safely, as is by Law provided for the keeping and confinement of convicts sentenced to imprisonment in the Penitentiaries of this Commonwealth, and subject to the Laws and Regulations providing therefore; and it shall be the duty of the Sheriff of the County in which such person was condemned, on receipt of such order or warrant of the Governor, to immediately convey such person to the State Penitentiary, at the cost of such County, and deliver said order or warrant to the Warden or Keeper of such Penitentiary: Provided, That the person convicted in any of the Counties composing the Eastern District and whose sentences may be com-

muted, shall be confined in the State Penitentiary of said district, and those convicted in any of the Counties composing the Western District, and whose sentences may be commuted, shall be confined in the State Penitentiary of said district.—*Act of April 29th, 1874.*

55

FREE TOBACCO MAY BE FURNISHED TO PRISONERS.

Be it enacted, &c., That it shall be lawful for the Board of Prison Inspectors of any County in the State, at their discretion, to furnish tobacco to convicts, and the cost of the same shall be allowed as part of the ordinary prison expenses.—*Act of June 8th, 1874.*

56

PRISONERS TO BE ALLOWED DAILY, WEEKLY OR MONTHLY PAPERS.

Be it enacted &c., That it shall be lawful for the Wardens of the Penitentiaries of this State at their discretion, at the request of any prisoner therein, or any relative or friend of such who will furnish him means to pay for the same, to subscribe for any daily, weekly or monthly paper or periodical of a moral, political or religious character, and receive and deliver the same to such convict: Provided However, That such papers and periodicals first meet the approval of the Inspectors of such Penitentiaries.—*Act of May 8th, 1876.*

57

INMATES MAY SELECT THEIR OWN SPIRITUAL ADVISERS.

Be it enacted, &c., That all persons confined or detained in any prison, reformatory, house of refuge,

home, hospital, or other institutions founded for the punishment, correction of crime, or the relief of the sick and friendless, and supported in whole or in part by the funds drawn from the Public Treasury, shall have the privilege of practicing the religion of their choice, and shall be at liberty to secure for that purpose the services of any minister connected with any religious denomination in the State: Provided, That such service shall be personal to the inmate or inmates, and not interfere with the established order of religious services of the Institution or Institutions: Provided Further, That such established services shall not be of a sectarian character.—*Act of June 11th, 1879.*

58

PROVISION MADE FOR THE DISTRIBUTION OF THE
DEAD BODIES OF CONVICTS NOT CLAIMED BY
FRIENDS OR RELATIVES.

Be it enacted, &c., That the Professors of Anatomy, the Professors of Surgery, the Demonstrators of Anatomy and the Demonstrators of Surgery of the Medical and Dental Schools and Colleges of this Commonwealth, which are now or may hereafter become incorporated, together with one representative from each of the Incorporated Schools of Anatomy or Practical Surgery, within this Commonwealth, in which there are from time to time, at the time of the appointment of such representatives, shall be not less than five scholars, shall be and hereby are constituted a Board for the distribution and delivery of dead human bodies, hereinafter described, to and among such persons as, under the provisions of this Act, are entitled thereto. The Professor of Anatomy in the University of Pennsylvania, at Philadelphia, shall call a meeting of said Board for organization at a time and

place to be fixed by him within thirty days after the passage of this Act. The said Board shall have full power to establish rules and regulations for its government, and to appoint and remove proper officers, and shall keep full and complete minutes of its transactions; and records shall also be kept under its direction of all bodies received and distributed by said board, and of the persons to whom the same may be distributed, which minutes and records shall be open at all times to the inspection of each member of said Board, and of any district attorney of any county within the Commonwealth.

Section 2.—All public officers, agents and servants, and all officers, agents and servants of any and every county, city, township, borough, district and other municipality, and of any and every alms-house, prison, morgue, hospital, or other public institution having charge or control over dead human bodies, required to be buried at the public expense, are hereby required to notify the said board of distribution or such person or persons as may, from time to time be designated by said board or its duly authorized officer or agent, whenever any such bodies come to his or their possession, charge or control, and shall, without fee or reward, deliver such body or bodies, and permit and suffer the said board and its agents, and the physicians and surgeons from time to time designated by them, who may comply with the provisions of this Act, to take and remove all such bodies to be used within this State for the advancement of medical science, but no such notice need be given, nor shall any such body be delivered if any person claiming to be and satisfying the authorities in charge of said body that he or she is of kindred or is related by marriage to the deceased, shall claim the said body for burial,

Body to be held
24 hours.

but it shall be surrendered for interment, nor shall the notice be given or body delivered if such deceased person was a traveler who died suddenly, in which case the said body shall be buried. And, Provided Also, That for this purpose such dead body shall be held subject to their order in the county where the death occurs for a period not less than twenty-four hours.—*Act of June 13th, 1883.*

59

CERTAIN CONVICTS IN STATE PRISONS MAY BE
TRANSFERRED TO THE REFORMATORY.

Whenever there is unoccupied room in the Reformatory, the Board of Managers may make requisitions upon the Inspectors of the State Prisons, who shall select such number as is required by such requisition from among the youthful, well-behaved, and most promising convicts in the State Prisons of the class described in Section four of this Act, (see Act of 1887, page 64) and transfer them to the Reformatory for education and treatment under the rules and regulations thereof; and the Board of Managers are hereby authorized to receive and detain, during the term of their sentence to the State Prison, such prisoners, so transferred; and the Laws applicable in the State Prisons to convicts, so far as they relate to the commutation of imprisonment for good conduct, and the provisions of this Act, shall be applicable to said convicts, when transferred under this Section.—*Section 7, Act of April 28th, 1887.*

Commutation
laws to apply to
such convicts.

60

CERTAIN INMATES OF THE REFORMATORY MAY BE
TRANSFERRED TO THE STATE PRISON.

The Board of Managers shall have the power to transfer temporarily to the State Prison of the proper

district any prisoner who, subsequent to his committal shall be shown to their satisfaction to have been, at the time of his conviction, more than twenty-five years of age, or to have been previously convicted of crime; and may also transfer any apparently incorrigible prisoner, whose presence in the reformatory appears to be seriously detrimental to the well being of the institution. And such Managers may, by written requisitions, require the return to the reformatory of any person who may have been so transferred.—*Section 10, Act of April 28th, 1887.*

61

COMMUTATION LAW OF 1901.

Section 1.—Be it enacted, &c., That every convict confined in any State Prison, Penitentiary, Work-House, or County Jail in this State, on a conviction of felony or misdemeanor, whether male or female, where the term or terms equal or equals or exceeds one year, exclusive of any term which may be imposed by the Court or by statute as an alternative to the payment of a fine, or term of life imprisonment, may, if the Governor shall so direct, and with the approval of the Board of Inspectors or Managers, earn for himself or herself a commutation or diminution of his or her sentence as follows, namely: Two months for the first year, three months for the second year, four months each for the third and fourth years, and five months for each subsequent year. And for every fractional part of a year the said convict may earn the same rate of commutation as is provided for the year in which said fractional part occurs.

Section 2.—When any convict in any State Prison Penitentiary, Work-House or County Jail in this

Basis for estimate of commutation.

State is held under more than one conviction, the several terms of imprisonment imposed thereunder shall be construed as one continuing term, for the purpose of estimating the amount of commutation to which he or she may be entitled under the provisions of this Bill.

Monthly report to be made to the Governor.

Section 3.—On any day not later than the twentieth day of each month, the Board of Inspectors or Managers, or the Warden, Superintendent or Keeper of each of the State Prisons, Penitentiaries, Work-Houses or County Jails of this State, shall forward to the Governor a report, directed to him, of any convict or convicts who may be discharged the following month by reason of the Commutation of his or her sentence or sentences, which shall contain the following information, namely: The full name of the convict, together with any alias which he or she may be known to have; the name of the County where the conviction was had; a brief description of the crime of which the convict was convicted; the name of the Court in which the conviction was had; the name of the presiding judge; the date of the sentence; the date of the reception in the penitentiary; the term and fine; the amount of commutation recommended, and the date of discharge from the prison, penitentiary, work-house or jail, if allowed.

Condition to be annexed by the Governor.

Section 4.—The Governor shall, in commuting the sentences of convicts as provided for in this Act, annex a condition to the effect that if any convict so commuted shall, during the period between the date of his or her discharge by reason of such commutation and the date of the expiration of the full term for which he or she was sentenced, be convicted of any felony, he or she shall, in addition to the penalty which may be imposed for such felony committed in

the interval, as aforesaid, be compelled to serve in the prison, penitentiary or work-house in which he or she may be confined for the felony for which he or she is convicted, the remainder of the term, without commutation, which he or she would have been compelled to serve but for the commutation of his or her sentence as provided for in this Act.

Section 5.—The Board of Inspectors and Managers of State Prisons, Penitentiaries, Work-Houses and County Jails in this State shall meet once every month, before the date fixed for the transmission of their report to the Governor, as hereinbefore provided, and proceed to determine the amount of commutation which they shall recommend to be allowed any convict, which shall not in any case exceed the amount fixed by this Act. They shall have full discretion to recommend the with-holding of the allowance of commutation for good conduct or a part thereof, as a punishment for offenses against the discipline of the Prison, Penitentiary or County Jail, or for any attempt to escape therefrom. In all cases however, where the Board shall recommend the withholding of the allowance of the whole or any part of the commutation for good conduct, they shall forward with their report to the Governor their reasons, in writing, for such disallowance, and the Governor may, in his discretion, decrease or increase the amount of commutation as recommended by the said Board, but he shall not increase the same beyond the amount fixed by this Act. Provided, However, That the Governor shall not execute any of the rights or powers herein granted unto him until the Lieutenant Governor, Secretary of the Commonwealth, Attorney General and Secretary of Internal Affairs, or any three of them, after full hearing, upon due public notice and in open session

Determination
of the amount
of commutation.

Proviso.

according to such rules as they shall provide, shall have recommended the said commutations and diminutions of sentences.

Section 6.—Upon the receipt of any convict in any prison, penitentiary, or County Jail in the State, who shall be entitled to the benefits of this Act, the provisions of the same shall be read to him or her, and the meaning of the same shall be fully explained to him or her by the clerk of the prison, penitentiary, work-house or jail.

Provisions of
this Act to be
read to prisoners

Repeal.

Section 7.—All Acts or parts of Acts, in conflict with this Act be and the same are hereby repealed.—
Act of May 11, 1901.

MANAGEMENT

LAWS RELATING TO THE MANAGEMENT OF THE PENITENTIARY.

62

AN ACT TO PROVIDE FOR THE CUSTODY OF PRISONERS COMMITTED UNDER THE AUTHORITY OF THE UNITED STATES.

Whereas by a resolution of the Senate and House of Representatives of the United States, in Congress assembled, it hath been recommended to the Legislature of the several States to pass Laws, making it expressly the duty of the keepers of their gaols, to receive and safe keep therein all prisoners committed under the authority of the United States, until they shall be discharged by the due course of the Laws thereof, under the like penalties as in the case of prisoners committed under the authority of such States respectively, the United States to pay for the use and keeping of such gaols, at the rate of fifty cents per month for each prisoner, that shall under their authority be committed thereto, during the time such prisoner shall be therein confined ; and also to support such of said prisoners as shall be committed for offences : And whereas it is just and reasonable to aid the United States herein, on the terms aforesaid until other provision shall be made by

This Act has been amended by Act of 1814 and later Acts, but it has never been absolutely repealed and the main features remain intact.

Law in the premises : Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same, That all sheriffs, gaolers, prison-keepers, and their and each and every one of their deputies, within this Commonwealth, to whom any person or persons shall be sent or committed, by virtue of legal process issued by or under the authority of the United States, shall be, and they are hereby, enjoined and required to receive such prisoners into custody, and to keep the same safely, until they shall be discharged by due course of Law ; and all such sheriffs, gaolers, prison-keepers and their deputies, offending in the premises, shall be liable to the same pains and penalties, and the parties aggrieved shall be entitled to the same remedies against them or any of them, as if such prisoners had been committed to their custody by virtues of legal process issued under the authority of this State.

Be it further enacted by the authority aforesaid, That a calendar of such prisoners shall, on the first day of January of each year, be made out by the respective gaolers and prison-keepers in each County upon oath or affirmation, to be administered by the President of the Court of Common Pleas of the respective County, specifying particularly the names of such prisoners, the time of their confinement and their discharge, and whether upon civil or criminal process, together with the expense of subsisting such of said prisoners as shall have been committed for offences ; which calendar shall be transmitted to the President and Supreme Executive Council of this State to the end that order may be taken for the payment of the allowances and expenses on the part of the United States, in and by the said resolution assumed.—*Act of December 5th, 1789.*

PENALTY FOR ALLOWING PRISONERS TO ESCAPE.

And be it further enacted by the authority aforesaid, That if any gaoler shall be convicted of having by his negligence suffered any prisoner committed to his custody to escape, he shall forfeit and pay for every such offence, a sum not exceeding three hundred dollars.—*Section 6, Act of April 4th, 1807.*

RELATING TO THE RECEIVING OF PRISONERS OF WAR.

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 all sheriffs, gaolers, prison-keepers, and their and each and every of their deputies within this Commonwealth, to whom any person or persons shall be committed by any order from ~~the~~ Government of the United States as hostages or prisoners of war, shall be and they are hereby enjoined and required to receive such person or persons into custody and keep them safely until they shall be discharged by order of the President of the United States; and all such sheriffs, gaolers, prison-keepers and their deputies offending in the premises shall be liable to the same pains and penalties, and the parties aggrieved shall be entitled to the same remedies against them or any of them, as if such prisoners had been committed to their custody by virtue of legal process issued under the authority of the State.—*Section 1, Act of March 3rd, 1814.*

Prisoners of war and hostages to be received by sheriffs, gaolers, &c.

Penalties.

And be it further enacted by the authority aforesaid, That it shall be the duty of the sheriffs, gaolers, prison-keepers, and their deputies, and each and every

United States Marshall to be allowed to visit, &c.

of them to suffer and permit the Marshall for the District of Pennsylvania, and his legal deputies to visit all persons confined under the authority of this Act, at all reasonable hours and times and to have general superintendence of all persons committed as aforesaid.—*Section 2, Act of March 3rd, 1814.*

And be it further enacted by the authority aforesaid, That a calendar of such persons as are committed in pursuance of this Act shall be made out on the first days of January and June in each and every year, by the respective gaolers and prison-keepers upon oath or affirmation, specifying particularly, the names of such prisoners, the time of their commitment and discharge and the cause, together with the expense of subsisting the said prisoners; which calendar shall be transmitted to the Governor, to the end that an order may be taken for the payment agreeably to Law by the Government of the United States.—*Section 3, Act of March 3rd, 1814.*

Calendar of such prisoners to be kept.

(The above Act though now inoperative might become so again in case of war.)

65

AN ACT RELATING TO THE EXPENSE OF KEEPING
CONVICTS.

The expenses of [maintaining and] keeping the convicts in the said Eastern and Western Penitentiaries, shall be borne by the respective Counties in which they shall be convicted, and the said expense shall be paid to said Inspectors by orders to be drawn by them on the Treasurers of the said Counties, who shall accept and pay the same: Provided Also, That the said orders shall not be presented to the said Treasurers before the first Monday of May in each and every year: And Provided Also, That the said Inspectors shall

annually, on or before the first Monday of February transmit, by public mail, to the Commissioners of such Counties as may become indebted for convicts confined in said Penitentiaries, on account of the expense of keeping [and maintaining] said convicts, which account shall be signed by said Inspectors, and be sworn or affirmed to by them and attested by the Clerk ; and it shall be the duty of the said Commissioners, immediately on receipt of said accounts, to give notice to the Treasurers of their respective Counties of the amount of said accounts, with instructions to collect and retain moneys for the payment of said orders when presented ; and all salaries of the officers of the said Penitentiaries shall be paid by the State ; and it shall be the duty of the Inspectors to transmit to the Auditor General the names of the persons by them appointed, and the salaries agreed to be paid to each of them under the provisions of this Act, which sums shall be paid in the usual manner, by warrants drawn by the Governor upon the Treasurer of the Commonwealth.—*Section 9, Act of April 23rd, 1829.*

(The words in brackets in above Section were repealed by Act of Feb. 27th, 1833.)

By whom paid

Time of transmitting account.

This was amended by Act of 1856.

Salaries of officers to be paid by the State.

66

TIME OF TRANSMITTING ACCOUNTS.

That the provisions contained in the Ninth Section of the Act of April 23rd, 1829, which requires the Inspectors of the Eastern Penitentiary to transmit to the County Commissioners the accounts for maintaining convicts, on or before the first day of February in each year, be and the same is hereby repealed, and the said Inspectors are hereby required to transmit the said accounts on or before the first day of March in each year.—*Section 43, Act of May 13th, 1856.*

Repeals clause in above section.

GOVERNING THE APPOINTMENT OF INSPECTORS.

The Penitentiaries aforesaid shall be respectively managed by a Board of Inspectors, consisting of five taxable citizens of Pennsylvania, who shall be appointed as follows : The Judges of the Supreme Court of the State shall, at the first term of any Supreme Court which shall be held in any of the Districts of the State after the passage of this Act, appoint five taxable citizens residing in the City of Pittsburg, or County of Allegheny, who shall be Inspectors of the Western State Penitentiary, to serve for two years, and five taxable citizens residing in the City or County of Philadelphia who shall be Inspectors of the Eastern State Penitentiary, to serve two years, and until their successors shall be appointed ; and in case of any vacancy occasioned by death, resignation, refusal to serve, or otherwise the same shall be supplied by the said Judges, as soon as conveniently may be.—*Section 7, Act of April 23rd, 1829.*

MANNER OF APPOINTING INSPECTORS CHANGED.

The Governor of this Commonwealth shall have and exercise all the power and authority to appoint Inspectors of the State Penitentiaries possessed and exercised by the Judges of the Supreme Court ; and the said Inspectors shall make report annually to the Legislature as heretofore required by Law.—*Act of May 27th, 1874.*

OF THE DUTIES OF INSPECTORS.

They shall at their first meeting, and annually thereafter, appoint out of their number a President,

Secretary, and Treasurer, and keep regular minutes of their proceedings ; they shall hold stated meetings once a month, and adjourned and special meetings whenever necessary ; the Treasurer shall give bond, with sufficient surety, in such amount as the Inspectors may fix and determine, and shall receive and disburse all moneys belonging to the prison, according to the order of the Board ; they shall semi-annually appoint a Warden, a Physician, and a Clerk for the Institution, and shall fix their salaries, as well as those of the under-keepers or overseers, and the persons employed about the prison ; they shall serve without any pecuniary compensation, and they shall be exempted from military duty, from serving on juries and arbitrations or as guardians of the poor ; they shall visit the Penitentiary at least twice in every week, to see that the duties of the several officers and attendants are performed, to prevent all oppression, peculation, or other abuse or mismanagement of the said Institutions ; they shall have power, if they on conference find it necessary, to make such rules for the internal government of said prison as may not be inconsistent with the principles of solitary confinement, as set forth and declared by this Act. They shall attend to the religious instruction of the prisoners, and procure a suitable person for this object, who shall be the religious instructor of the prisoners : Provided, That their services shall be gratuitous. They shall direct the manner in which all raw materials to be made by the convicts in said prisons, and the provisions and other supplies for the prison, shall be purchased, and also the sale of all articles manufactured in said prisons. They shall cause accurate accounts to be kept by the Clerk of all expenditures and receipts in the Penitentiary, which accounts respectively shall be annually examined and settled by the Auditors of

Amended by
Act of 1838.

the County of Allegheny and of the County of Philadelphia. They shall on or before the first day of January, in every year, make a report in writing to the Legislature, of the state of the Penitentiaries. The report shall contain the number of prisoners in confinement, their age, sex, place of nativity, time of commitment, term of imprisonment during the preceding year, noticing also those who have escaped or died, or who were pardoned or discharged, designating the offence for which the commitment was made, and whether for a first or repeated offence, and when and in what court or by whose order ; and in such return the Inspectors shall make such observations as to the efficacy of the system of solitary confinement as may be the result of their experience, and give such information as they may deem expedient for making the said Institution effectual in the punishment and reformation of offenders.

They shall have power to examine any person upon oath or affirmation relative to any abuse in the said places of confinement or matter within the purview of their duties ; they shall direct in what manner the rations for the subsistence of the prisoners shall be composed, in conformity with the general directions on that subject hereinafter contained.

The Inspectors in their weekly visits to the several places of confinement shall speak to each prisoner confined therein, out of the presence of any of the persons employed therein ; shall listen to any complaints that may be made of oppression or ill-conduct of the persons so employed, examine into the truth thereof, and proceed therein when the complaint is well founded ; and on such visits they shall have the calendar of prisoners furnished to them by the Warden, and see by actual inspection whether all the prisoners

named in the said calendar are found in the said prison in the situation in which by the said calendar, they are declared to be.

A majority of the said Inspectors shall constitute a Board, and do any of the acts required of the said Inspectors ; two of the Inspectors shall be a quorum for the weekly visitations hereby directed to be made.

The Warden shall not, nor shall any Inspector, without the direction of a majority of the Inspectors, sell any article for the use of the said Penitentiaries, or either of them, or of the persons confined therein, during their confinement, nor derive any emolument from such purchase or sale, nor shall he or they, or either of them, receive under any pretense whatever from either of the said prisoners, or any one 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 fine, to 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.—*Art 1, Section 8, Act of April 23rd, 1829.*

Prison Inspectors may be furnished with meals at the expense of the prison funds.—(Mogel vs. Berks Co., 154 Penna. 14, Supreme Court decision.)

And the Treasurer shall give bond with sufficient surety to the Board of Inspectors in the penalty of five thousand dollars for the faithful performance of the duties of his office, to be sued for and recovered in the name of the Inspectors on forfeiture thereof, to the use of the said Penitentiary, and neither the said Treasurer nor any of the Inspectors shall be entitled to or receive any compensation for his services.—Part of Section 4, Act of April 10th, 1826.

OF THE DUTIES OF THE WARDEN.

The Warden shall reside in the Penitentiary ; he shall visit every cell and apartment and see every prisoner under his care at least once in every day ; he shall keep a journal, in which shall be regularly en-

tered the reception, discharge, death, pardon or escape of any prisoner, and also the complaints that are made and the punishments that are inflicted for the breach of prison discipline, as they occur ; the visits of the Inspectors and the Physician, and all other occurrences of note that concern the state of the prison, except the receipts and expenditures, the account of which is to be kept in the manner hereinafter directed.

The Warden shall appoint the under keepers, who shall be called overseers, and all necessary servants, and dismiss them whenever he thinks proper, or the Board of 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 in the rules to be enacted by the Inspectors concerning the treatment of prisoners.

He shall not absent himself from the Penitentiary for a night, without permission, in writing, from two of the Inspectors. He shall not be present when the Inspectors make their stated visits to the prisoners under his care, unless thereto required by the Inspectors.—*Act of April 23rd, 1829.*

71.

UNITED STATES PRISONERS TO BE RECEIVED.

The Wardens of the Eastern and the Western Penitentiaries of this State be and are hereby authorized and required to receive such persons as may be convicted in the United States Courts within this State : Provided, The sentences of the said Court subject them to the same discipline and treatment as convicts sentenced by the Courts of this Commonwealth ; and the expenses thereof to be paid by the United States ;

United States
prisoners to be
received.
Amendment to
Act of 1814.

and while in the said Institutions, they shall be exclusively under the control of the State Officers.—*Section 3, Act of April 15, 1834.*

72

OF THE DUTIES OF OVERSEERS.

It shall be the duty of the overseers to inspect the condition of each prisoner at least three times in every day, to see that his meals are regularly delivered, according to the prison allowance, and to superintend the work of the prisoners.

They shall give immediate notice to the Warden or Physician whenever any convict shall complain of such illness as to require medical aid. Each overseer shall have a certain number of prisoners assigned to his care.

He shall make a daily report to the Warden of the health and conduct of the prisoners, and a like report to the Inspectors, when required.

No overseer shall be present when the Warden or the Inspectors visit the prisoners under his particular care, unless thereto required by the Warden or Inspectors.

The overseers shall obey all legal orders given by the Warden, and all rules established by the Board of Inspectors, for the government of the prison.

All orders to the overseers must be given through or by the Warden.

The overseers shall not absent themselves from the prison, without permission from the Warden.

No overseer shall receive from any one confined in the Penitentiary, or from any one in behalf of such prisoner, any emolument or reward whatever, or the promise of any, either for services or supplies, or as a

gratuity, under the penalty of one hundred dollars and imprisonment for thirty days in the County Jail, and when any breach of this article shall come to the knowledge of the Warden or Inspectors, the overseer or overseers so offending shall be immediately discharged from his office, and prosecuted for the said offence according to law. No overseer who shall have been discharged for any offence whatever, shall again be employed.—*Section 3, Act of April 23rd, 1829.*

73

OF THE DUTIES OF THE PHYSICIAN.

The Physician shall visit every prisoner in the prison twice in every week, and oftener if the state of their health require it, and shall report once in every month to the Inspectors.

He shall attend immediately on notice from the Warden that any person is sick.

He shall examine every prisoner that shall be brought into the Penitentiary, before he shall be confined in his cell.

Whenever, in the opinion of the Physician, any convict in the Penitentiary is so ill as to require removal, the Warden shall direct such removal to the infirmary of the Institution, and the prisoner shall be kept in the infirmary until the Physician shall certify that he may be removed without injury to his health, and he shall then be removed to his cell.

He shall visit the patients in the infirmary at least once in every day, and he shall give such directions for the health and cleanliness of the prisoners, and when necessary, as to the alteration of their diet, as he may deem expedient, which the Warden shall have executed: Provided, They shall not be contrary to the provisions of this Act, or inconsistent with the

safe custody of the said prisoners ; and the directions he may give, whether complied with or not, shall be entered on the journal of the Warden and on his own. The Physician shall enquire into the mental as well as the bodily state of every prisoner, and when he shall have reason to believe that the mind or body is materially affected by the discipline, treatment or diet, he shall inform the Warden thereof, and shall enter his observation on the journal hereinafter directed to be kept, which shall be an authority for the Warden for altering the discipline, treatment or diet of any prisoner until the next meeting of the Inspectors, who shall enquire into the case and make orders accordingly.

The Physician shall keep a journal ; opposite to the name of each prisoner shall be entered the state of his health, and if sick, whether in the infirmary or not, together with such remarks as he may deem important, which journal shall be open to the inspection of the Warden and the Inspectors, and the same together with the return provided for in the first Article of this Section, shall be laid before the Inspectors once in every month, or oftener if called for.

The prisoners under the care of the Physician, shall be allowed such diet as he may direct.

No prisoner shall be discharged while laboring under a dangerous disease, although entitled to his discharge, unless by his own desire.

The infirmary shall have a suitable partition between every bed, and no two patients shall occupy the same bed, and the Physician and his attendants shall take every precaution in their power to prevent all intercourse between the convicts while in the infirmary.—*Section 4, Act of April 23rd, 1829.*

DUTIES OF THE RELIGIOUS INSTRUCTOR.

It shall be the duty of the Instructor to attend to the moral and religious instruction of the convicts, in such manner as to make their confinement as far as possible the means of their reformation, so that when restored to their liberty, they may prove honest, industrious and useful members of society, and the Inspectors and Officers are enjoined to give every facility to the Instructor, in such measure as he may think necessary to produce so desirable a result, not inconsistent with the rules and discipline of the prison.—*Section 9, Act of April 23rd, 1829.*

RELATING TO THE ACCOUNTS OF THE PENITENTIARY.

And be it further enacted by the authority aforesaid, That so much of the Seventh Section of an Act entitled, “A Supplement to an Act Entitled an Act to Reform the Penal Laws of this Commonwealth,” passed the 23rd of April, 1829, as directs that the accounts of the Western and Eastern Penitentiaries shall be audited by the Auditors of the County of Allegheny and the County of Philadelphia, be and the same is hereby repealed, and that the Inspectors of said Penitentiaries, shall, on or before the first Monday in February in every year, transmit to the Accountant Department a detailed statement of their accounts, to be settled and adjusted in the usual manner.—*Section 4, Act of February 27th, 1833.*

MORAL INSTRUCTOR TO BE PAID A SALARY.

Resolved, That it shall be lawful for the Inspectors of the Penitentiary of the Eastern District of Pennsyl-

Penitentiary accounts heretofore audited by county auditors to be adjusted annually by accountant office of the State.

vania to elect or appoint, as soon after the passage of this resolution as they may deem proper, an officer in said Penitentiary, who shall be called a Moral Instructor, whose duty it shall be to advise and instruct the prisoners therein confined in their moral and religious obligations, and perform such other services as shall, in the opinion of the said Inspectors, appertain to his station, and the said officer shall receive, as a remuneration for his services, a sum not exceeding eight hundred dollars per annum ; the said officer to hold his situation during the pleasure of the said Inspectors.—*Resolution passed April 16th, 1838.*

Inspectors to appoint a Moral Instructor at a salary not to exceed \$800.00 per annum. Later Acts allow the Inspectors to fix all salaries.

77

TREASURER OF BOARD OF INSPECTORS TO BE PAID A SALARY.

That the Board of Inspectors of the Eastern Penitentiary be authorized to pay the Treasurer of said prison a suitable compensation for the services heretofore rendered by him, and fix his salary.—*Section 3, Act of March 25th, 1839.*

Treasurer's pay and salary to be fixed.

78

RELATING TO THE CONTENTS OF THE ANNUAL STATEMENTS.

Be it enacted, &c., That it shall be the duty of the Inspectors, Sheriffs or other persons having charge of any penitentiary or jail within this Commonwealth, to transmit to the Secretary thereof, on or before the first day of February in each and every year, a full statement in detail of the condition of such penitentiary or jail, during the year ending on the thirty-first day of the previous December ; showing the number of prisoners committed to such penitentiary or jail

By the Act of 1872, this statement is required to be made to the Board of Charities. (See under head of "Board of Charities.")

during the year, distinguishing the convicts, the prisoners for trial, witnesses and other persons committed, and the offences of, or with which they have been convicted or charged, and other causes of commitment; and the sex and color of the persons in every class so distinguished, and how many were insane at the time of their commitment; and further, in relation to the convicts, distinguishing persons sentenced to separate labor from persons otherwise sentenced, and of each class of persons sentenced, showing the age, the place of nativity and of conviction, and the term of sentence, and whether they have been previously convicted, and how often and where imprisoned; whether they could read or write, or had learned a trade at the time of commitment; whether they had been apprenticed, and served out the full term of their apprenticeship; whether married or single; and such statement shall further show the length of imprisonment of witnesses, the average imprisonment of all other persons than witnesses, and persons sentenced; and how many of such other persons, received during the year, were returned to the Court, and how many of them were discharged, and in what manner discharged; distinguishing the prisoners for trial, persons committed as vagrants, as disorderly persons, for breach of the peace, and others, and of the whole number of prisoners in such penitentiary or jail during the year; how many were discharged by expiration of sentence, by pardon or otherwise; how many escaped; how many died; the cases of sickness and the nature thereof; how the prisoners are classified; their different trades and occupations, if any, while in such penitentiary or jail; whether an opportunity is afforded to the prisoners for doing overwork, or for receiving in any other manner the profits of their labor; whether any, and what provision

is made to furnish such prisoners as need it, with clothing or pecuniary aid on their discharge; whether a physician is regularly employed to attend the sick; what provision is made for the instruction of prisoners in such penitentiary or jail, at the end of the year, distinguishing sex and color in each class; the receipts of the prison, and the sources from which derived; the amount of expenditure, arranged under general heads, and so as to show the cost per diem of each prisoner; the personal property belonging to such penitentiary or jail, and the cash value thereof; together with any information which the said inspectors, sheriffs, or other persons having charge of such penitentiaries or jails, may deem useful.—*Section 1, Act of February 27th, 1847.*

79

DISPUTES TO BE REFERRED TO ARBITRATORS.

The Inspectors of the Eastern and Western Penitentiaries shall, in addition to the powers and duties already given to them, have power and are hereby directed to agree to refer to arbitrators or referees under and pursuant to the provisions of the Voluntary Arbitration Laws now in force, all disputes which have arisen or may arise between the said prisons, their agents, or the Inspectors thereof, or either of them, and any person or persons who may have sent or shall send raw materials to them respectively, for the purpose of being manufactured by the convicts in the said prisons, or either of them; and to take such further proceedings in such references as shall enable a full and fair hearing and investigation of all the accounts, statements and proofs touching the same, and a just and speedy decision of such claims and disputes, by such referees to be mutually chosen by said

parties, and the decision of such referees or arbitrators in the premises, to be filed under a rule of court, shall be final and conclusive ; and the sum awarded shall be collected and paid to the successful party, as like amounts are, in such cases of reference by law recoverable, and in case said parties cannot agree upon a third referee or arbitrator, he shall be selected and appointed by the other two referees so to be chosen by the said parties.—*Section 2, Act of April 10th, 1848.*

80

SALARIES AND APPROPRIATIONS TO BE PAID
QUARTERLY.

That all annual salaries herein provided for, and also all appropriations to penitentiaries, houses of refuge and charitable institutions, now and hereafter, shall be paid quarterly at the office of the State Treasurer, unless otherwise specified by law; and that no money appropriated by this Act for any specific object, shall be applied to another, in any of the departments, or in the charitable institutions, penitentiaries or houses of refuge.—*Section 42, Act of April 3rd, 1860.*

Money appropriated for specific purposes shall not be applied otherwise.

81

WARDENS OR SUPERINTENDENTS TO KEEP A RECORD
OF VIOLATION OF RULES.

Be it enacted, &c., That from and after the passage of this Act, it shall be the duty of the wardens or superintendents of the several penitentiaries and prisons of this Commonwealth in which criminals are confined, who have been convicted and sentenced, by any Court of Justice of this State, to undergo an im-

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prisonment of more than six months, to keep a book, in which shall be entered the name of each person so confined, and a record of every infraction or violation by him or her of the printed and published rules of such penitentiary or prison, with the punishment (if any) inflicted on account thereof, which said book shall be laid before the Inspectors, at their regular stated meeting, for examination and approval.—*Section 1, Act of May 1st, 1861.*

82

QUARTERLY STATEMENTS TO BE MADE TO THE
AUDITOR GENERAL.

That all corporations, penitentiaries, charitable institutions and educational institutions receiving and disbursing State appropriations, shall take proper vouchers for the money so expended by them, and shall make quarterly settlements with the Auditor General.—*Section 59, Act of April 6th. 1870.*

83

WARDENS TO ADVERTISE FOR BIDS TO FURNISH
SUPPLIES.

And Provided, That the Warden shall, as soon as practicable after the passage of this Act for two consecutive weeks, and yearly thereafter for the same length of time, commencing on the first Monday of April, advertise, in three newspapers of general circulation, for bids to furnish all needed supplies for the year beginning June first next ensuing. Said Warden shall furnish promptly, on application, to all persons desiring to bid, an itemized list of the kind and probable amount of supplies required. The managers

To furnish itemized list to bidders.

shall award the contract for such supplies to the lowest and best bidder, taking such security for the faithful performance of the contract as they may deem necessary.—*Act of June 22nd, 1883.*

84

SWORN STATEMENT TO BE FILED MONTHLY.

Be it enacted, &c., That hereafter, the Treasurer of the Board of Trustees, or Board of Directors, or Board of Management of any Institution receiving State aid, shall furnish to the Auditor General, to be placed on file in his office, on or before the fifteenth day of each month, a sworn statement of the items of receipt and payments on account of such Institution for the preceding month, and shall, if required by the Governor, the Auditor General or the State Treasurer, exhibit the original vouchers, or bills of items, for such payments.—*Act of June 10th, 1885.*

85

FOR IDENTIFICATION OF HABITUAL CRIMINALS.

Be it enacted, &c., That in every prison in this State to which persons convicted of any felonious offence are, or may be, committed by the Courts of this State the Warden, or other officer in charge, shall record, or cause to be recorded, in a register to be kept for that purpose, a description of every person committed to such prison under sentence of a FELONY, and also the criminal history of every person so committed, so far as the same may appear from the records of the Court of this State, or of any other State, or otherwise, as full and complete as may be obtainable, and shall attach thereto a photograph; or photographs of such person so recorded.

Section 2.—That for the purpose mentioned in Section 1 of this Act, the District Attorney of the district in which a criminal has been convicted and sentenced to prison for a felony, shall forward to the Warden or other officer, at the request of such Warden or officer in charge, and upon blanks furnished by him, a criminal history of such criminal, as fully as is known or can be ascertained, by such District Attorney.

On application, District Attorney to furnish criminal history of such felon.

Section 3.—The register herein provided for shall not be made public except as may be made necessary in the identification of persons accused of crime, and in their trial for offences committed after having been imprisoned for a prior offence. The record shall be accessible however to any officer of any court having criminal jurisdiction in this State, upon the order of the Judge of the Court or the District Attorney of the district in which the person is being held for a crime, which said order shall be attested by the Seal of the Court, and such record may be offered in evidence upon any trial of the offender, for the purpose of proving a former imprisonment or imprisonments, and the offence or offences for which imprisoned.

Record to be made public only for identification.

Section 4.—For the purpose of obtaining accurate descriptions of convicts, the Warden or other officers in charge of the several prisons in the State, are hereby authorized to adopt what is known as the Bertillon method of measurements and registration, or such other method as shall minutely describe convicts.

Bertillon method of measurements to be used.

Section 5.—A copy of the description, of the history and of the photograph or photographs, of any convict entered upon such register, shall be furnished upon request of any Warden or other officer in charge of a prison for felons in any other State of the United States, to such Warden or other officer in charge:

To whom copies of description to be furnished.

Proviso.

Provided, Such State has made provision by Law for recording the description of its convicts, and for furnishing such descriptions to the authorities of such other States as have made provision by Law for the keeping of registers of descriptions and histories of their convicts.

Section 6.—And that a copy of the description, history and photograph or photographs, of any convict entered upon such records, shall be furnished to any officer of the Bureau of Police in cities where State Penitentiaries are located, upon the order of the Superintendent of Police thereof. Also, That on or before the 28th day of each and every month, the Warden of the said State Penitentiaries, located in said cities, shall furnish the Superintendent of Police of said cities the names of convicts whose sentences expire the following month, together with the date when sentence commenced, the County from which committed, the crime for which convicted, and the exact day when convict will be discharged.—*Act of May 7th, 1889.*

Copies of description to be furnished to officers of police bureaus.

Duties of Wardens.

86

AUDITOR GENERAL SHALL DEMAND ALL TITLE PAPERS.

The Auditor General is authorized to demand and receive from the managers of all Institutions owned exclusively by the State, the title papers, insurance policies, plans of building and grounds, deeds and other legal evidence of ownership thereof. . . . And the managers of all State Institutions are hereby required to supply such evidences of title to the Auditor General, who shall become the custodian thereof.—*Portion of Section 3, Act of July 15th, 1897.*

ITEMIZED STATEMENTS TO BE MADE BY MANAGERS.

Be it enacted, &c., That all appropriations hereafter made to educational, penal, reformatory, charitable, benevolent, or eleemosynary institutions shall be paid on the warrant of the Auditor General on a settlement made by him and the State Treasurer, but no warrant shall be drawn on settlement made until the directors or managers of such institutions shall have made, under oath, to the Auditor General a report accompanied by the vouchers containing a specifically itemized statement of the receipts from all sources and the expenses of the Institution during the previous quarter, together with the cash balance on hand, and the same is approved by him and the State Treasurer, nor until the State Treasurer shall have sufficient money in the Treasury, not other wise appropriated, to pay the quarterly instalments due the Institution; and unexpended balances of sums appropriated for specific purposes, shall not be used for other purposes, whether specific or general, and shall revert to the State Treasurer at the close of the two fiscal years for which it was made.—*Act of March 15th, 1899.*

INSANE CONVICTS

LAWS RELATING TO THE INSANE CONVICTS IN THE PENITENTIARY.

88

THE CARE OF ADJOINING STREET, AND REPAIR OF BUILDINGS, ETC.

That the further sum of ten thousand dollars be, and the same is hereby appropriated to the Eastern Penitentiary, for the purpose of grading and curbing, and paving the street adjoining; preserving the buildings from decay, and altering and improving a part of them for the suitable accommodation of prisoners, whose mental or physical condition requires, in the opinion of the Inspectors, a temporary relaxation of the separate confinement system: Provided, That whenever, in the opinion of the Inspectors of the Eastern Penitentiary, any of the prisoners therein confined, shall develop such marked insanity as to render their continued confinement in said Penitentiary improper, and their removal to the State Lunatic Hospital necessary to their restoration, it shall be the duty of the said Inspectors to submit such cases to a Board, composed of the District Attorney of the County of Philadelphia, the Principal Physician of the

§10,000 appropriated to E. S. P. for certain improvements.

Pennsylvania Hospital for the insane at Philadelphia, and the Principal Physician of the Friend's Insane Asylum, at Frankford, in Philadelphia County, and in case a majority of them cannot, at any time when required attend, a competent physician or physicians to be appointed by the Court of Quarter Sessions of the County of Philadelphia, in place of such as cannot attend, upon whose certificate of insanity or the certificate of any two of them transmitted to the Governor, and if by him approved, he shall direct that the said insane prisoners shall be, by said Inspectors, removed to the State Lunatic Hospital, there to be received safely, kept, and properly provided for, at the charge and cost of the County from which they were sent to the penitentiary; and if, at any time during the period for which any such insane prisoner shall have been sentenced to confinement in the Eastern Penitentiary, they shall, in the opinion of the Trustees of said Lunatic Hospital, be so far restored as to render their return to said Penitentiary safe and proper, then the said Trustees shall cause the said prisoner to be returned to said Eastern Penitentiary, due notice to be given to the Clerk of the Court of Quarter Sessions of the County from which such prisoners were sent to the Penitentiary, of all such removals and transfers.—
Section 42, Act of May 4th, 1852.

Removal of insane convicts from E. S. P. to State Lunatic Asylum.

The above Act is probably repealed by Act of 1874.

TO PROVIDE FOR THE CUSTODY OF INSANE PERSONS
CHARGED WITH AND ACQUITTED OR
CONVICTED OF CRIME.

Be it enacted, &c., That whenever any person is imprisoned within the Commonwealth, convicted of any crime whatever or charged with any crime and ac-

Insane convicted or acquitted of crime may be removed to hospitals.

quited on the grounds of insanity, application, in writing, may be made by the Warden, Superintendent, Physician, or any Inspector of the Penitentiary or Prison in which such person is imprisoned, or by the General Agent of the Board of Public Charities, to the Court hereinafter named, or any Law Judge thereof, which application shall certify, under oath or affirmation, that such prisoner is believed to be insane, and shall request that such prisoner shall be removed to a hospital for the insane, whereupon it shall be lawful for any Judge learned in the Law of any Court within this Commonwealth having immediate cognizance of the crime with which such prisoner is charged, or of the Court by which such prisoner has been convicted, to appoint a commission of three citizens of this Commonwealth, of whom one shall be of the profession of medicine and one of the profession of the Law, whose duty it shall be to inquire into and report upon the mental condition of such prisoner, and if in a report signed by a majority or all of the members of such commission it shall appear that the prisoner inquired of is of unsound mind and unfit for penal discipline, it shall be lawful for the Judge issuing such commission, or for any other Judge of the same Court learned in the Law, to make an order, under the seal of such Court, directing the removal of such prisoner from the place of his or her imprisonment and that he or she shall be received, maintained and cared for by the Hospital for the Insane nearest to such place of imprisonment, and which shall or may receive aid or support from the Treasury of the State, and that such patient shall be detained in such hospital until an order, as hereinafter provided, shall be granted by the said Court, or any Judge thereof learned in the Law, for the return of such prisoner

Application to be made to Court or Judge.

This Act probably repeals Act of 1852, see section below.

to the Penitentiary or prison from which he or she was removed, or for his or her discharge from such hospital. Provided Always: That whenever any hospital shall be established especially for the care of insane patients who shall have been convicted of crime, whenever separate accommodations shall be made for such patients in any hospital aided from the Treasury of the State, the order, as aforesaid, for the removal of any such person from his or her place of imprisonment shall direct that he or she shall be received, maintained and cared for in such special hospital or in the separate accommodations of any hospital prepared for such purpose.—*Section 1, Act of May 14th, 1874.*

90

WHEN AND HOW PRISONERS TO BE REMANDED
TO PRISON OR FOR TRIAL.

Whenever the Superintendent or proper medical authority of any Hospital for the Insane, to which any patient shall have been sent under the provisions of this Act, shall, in writing, certify to the Judge or Court by whom the order for removal and detention has been made, that such patient has been so far restored to mental sanity as no longer to need the remedial or custodial care of such hospital, it shall be lawful for the said Judge or Court, if the term of imprisonment for which such prisoner was sentenced has not expired, to remand such prisoner to the place of imprisonment from which he or she was brought to such hospital, to serve out the unexpired term of sentence, or if such prisoner become unsound in mind after the alleged crime and before the conviction, to remand such prisoner for trial; but if the term for which such prisoner was sentenced shall have expired, or if the

crime wherewith such prisoner is charged shall have been committed during his or her probable insanity, and in all cases provided for in the second section of this Act, it shall be lawful for the said Judge or Court to order the discharge of such patient from the said hospital.—*Section 3, Act of May 14th, 1874.*

91

HOW EXPENSES OF REMOVAL, &C., TO BE PAID.

That the expenses incurred for the removal of any insane person from a place of imprisonment to any hospital, or for their removal from such hospital, in pursuance of the provisions of this Act, and of his or her detention, maintenance and care in the said hospital, shall be chargeable to and paid by the Commissioners of the County in which the alleged crime with which he or she was charged was committed ; and the said Commissioners shall have remedy over against the poor district, liable under existing laws, or against the estate and effects of every such prisoner, for the reimbursement of such expenses to the said County.

That all provisions of any Act or Acts of Assembly inconsistent with or supplied by the provisions of this Act be and the same are hereby repealed.—*Sections 5 and 6, Act of May 14th, 1874.*

92

REMOVAL OF INSANE CRIMINALS TO HOSPITAL.

Whenever any person detained in any gaol or prison is insane, or in such a condition as to require treatment in a hospital for the insane, it shall be the duty of any Law Judge of the Court, under whose

order the person is detained, upon application, to direct an inquiry into the circumstances, either by a commission, or otherwise, as he shall deem proper, with notice to the Committee on Lunacy; and if the Judge shall be satisfied that the person confined requires treatment in a hospital, he shall thereupon direct the removal of said person from the gaol or prison to a State Hospital, which order shall be executed by the Sheriff of the County or his Deputy, and the actual expenses of such removal, and the expenses of maintenance, shall be paid by the County liable for the maintenance of the said person in the gaol or prison from which he is removed.—*Section 29, Act of May 14th, 1883.*

Proceedings for removal of insane criminals to hospital under provisions of Act of 1883.

The above Act does not repeal the Act of 1874, see sections, 89, 90 and 91.

CONVICT LABOR.

LAWS RELATING TO CONVICT LABOR AND LABOR OF EMPLOYEES IN THE PENITENTIARY.

93

AN ACT GOVERNING THE WORKING HOURS OF CONVICTS.

This Act has probably become obsolete since contract labor was abolished in 1883.

Be it enacted, &c., That such offenders, unless prevented by ill health, shall be employed in work every day in the year, except Sundays; and the hours of work in each day shall be as many as the season of the year, with an interval of half an hour for breakfast, and an hour for dinner, will permit, but not exceeding eight hours in the months of November, December and January, nine hours in the months of February and October, and ten hours in the rest of the year; and when such hours of work are passed, the working tools, implements and materials, or such of them as will admit of daily removal, shall be removed to places proper for their safe custody, until the hour of labor shall return.—*Section 14th, Act of April 5th, 1790.*

AN ACT GOVERNING THE WAGES OF CONVICTS.

Be it enacted, &c., That in order to encourage industry as an evidence of reformation, separate accounts shall be opened in the said books for all convicts sentenced to hard labor, for six months and upward, in which such convicts shall be charged with the expenses of clothing and subsistence, and such proportionable part of the expenses of the raw materials upon which they shall be employed, as the Inspectors at their quarterly or other meetings shall think just, and shall be credited with the sum or sums from time to time received by reason of their labor, and if the same shall be found to exceed the said expenses, one half of said excess shall be laid out in decent raiment for such convicts at their discharge, or otherwise applied to their use and benefit, as the said Inspectors shall upon such occasions direct; and if such offender, at the end or other determination of his term of confinement, shall labor under any acute or dangerous distemper, he shall not be discharged, unless at his own request, until he can be safely discharged.—*Section 17, Act of April 5th, 1790.*

This section has never been repealed but has been modified and amended by Act of 1883.

AN APPROPRIATION TO PROVIDE MEANS FOR
EMPLOYING THE CONVICTS IN THE
EASTERN PENITENTIARY.

Be it enacted, &c., That the Board of Inspectors of the Eastern Penitentiary be and they are hereby authorized to draw from the State Treasury, upon warrants drawn in the usual manner, any sum or sums of money which shall not exceed in the whole four thousand dollars as a fund to provide the neces-

\$4000.00 appropriated for purchasing tools, &c., for convicts

sary tools, materials, fuel, food and clothing for the convicts confined in said penitentiary, which warrants shall be paid out of any unappropriated moneys in the Treasury.—*Section 1, Act of April 3rd, 1830.*

96

AN ACT RELATING TO THE EARNINGS OF CONVICTS.

Be it enacted, &c., That if on the annual settlement of accounts of the Eastern and Western Penitentiaries it shall be found that the net profits on the articles manufactured and labor performed shall be equal to the full amount of expenditures of said establishments that the Inspectors shall not make any charge to the Counties from whence prisoners are sent, and that whenever the whole number of convicts from any one County earn as much as the amount of expenses of said prisoners that the said Counties shall not be chargeable for the deficiency of any one individual prisoner.—*Section 3, Act of February 27th, 1833.*

This Act to be construed in connection with Act of 1883.

97

AN ACT APPROPRIATING MONEY TO THE EASTERN PENITENTIARY FOR MANUFACTURING PURPOSES.

Be it enacted, &c., That the sum of fifteen thousand dollars be, and the same is hereby appropriated to the Eastern Penitentiary, and the sum of five thousand dollars be, and the same is hereby appropriated to the Western Penitentiary, as funds to be applied exclusively to manufacturing purposes: Provided, That the articles manufactured in said prisons shall not be sold to persons within this Commonwealth at lower prices than articles of like quality are sold by others,

\$15000.00 appropriated for manufacturing purposes in the Eastern Penitentiary.

The proviso is inoperative now.

or in any manner come into competition with free labor; the sum of fifteen thousand dollars to be paid to the Inspectors of the Eastern, and the sum of five thousand dollars to be paid to the Western Penitentiary, out of any unappropriated moneys in the Treasury, to be paid by warrants drawn by the Governor, in favor of the Inspectors of the respective Penitentiaries.—*Section 2, Act of March 22nd, 1836.*

AN ACT RELATING TO THE KEEPING OF
MANUFACTURING ACCOUNTS.

Be it enacted, &c., That the respective Board of Inspectors shall cause to be kept separate and distinct accounts to be called the manufacturing accounts, which shall be charged with the said sums of fifteen and five thousand dollars respectively, and in their annual settlement, they shall forward a copy of the same to the accountant department, and the said fund shall be exclusively held as a capital for the purchase of the raw material for the manufacturing department, particularly stating the quality of the articles manufactured there, their different kinds, the quantity sold during the last year, as well as the quantity on hand, and the amount of profits, if any accrued, so as to show the exact state of the capital, as near as may be, at the time of making such statement, and the Inspectors shall not, under any contingencies, allow the same to be reduced to less than the respective sums of fifteen and five thousand dollars; Provided, That at the end of seven years, the sums hereby granted by the second section of this Act (see section above) shall be returned to the Commonwealth.—*Section 3, Act of March 22nd, 1836.*

Manufacturing
accounts to be
kept.

Profits.

Original appro-
priation to be
returned.

AN ACT ABOLISHING CONTRACT LABOR AND FIXING
WAGES OF CONVICTS.

Convict labor to
be employed for
the State.

Be it enacted, &c., That at the expiration of existing contracts the Board of Inspectors, Wardens, or other Officers of State Prisons and Reformatory Institutions are directed to employ the convicts under their control for and in behalf of the State.

Convicts to
receive wages.

Section 4.—All convicts under control of the State and County Officers, and all inmates of Reformatory Institutions engaged in the manufacture of articles for general consumption, shall receive quarterly wages equal to the amount of their earnings, to be fixed from time to time by the authorities of the Institution, from which board, lodging and clothing and the cost of trial, shall be deducted, and the balance paid to their families, or dependents; in case none such appear the amount shall be paid to the convict at the expiration of the term of imprisonment.

Appropriation
of wages.

Section 5.—That all Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.—*Act of June 13th, 1883.*

Repeal.

AN ACT RELATING TO THE BRANDING OF CONVICT
MADE GOODS.

Convict made
goods to be
branded.

Be it enacted, &c., That from and after the passage of this Act all goods, wares, merchandise or other article or thing made by convict labor, in any penitentiary, reformatory prison, school or other establishment in which convict labor is employed, whether for the direct benefit and maintenance of such peni-

penitentiary, reformatory prison, school or other establishment, or upon contract by the authorities of the same with any third person, all and every such goods, wares, merchandise, article or thing immediately upon completion of the same, shall be branded as hereinafter provided, and shall not be taken into or exposed in any place for sale at wholesale or retail without such brand.

Section 2.—That the brand herein required shall be in plain English lettering, and shall contain at the head or top of said brand the words “convict made,” followed by the year and the name of the penitentiary, reformatory prison, school or other establishment in which made. That the brand aforesaid shall in all cases, when the nature of the article will permit, be placed upon the same, and only where such branding is impossible it shall or may be placed upon the box or other receptacle or covering in which it is contained, and the same shall be done by casting, burning, pressing or other such process or means as that the same may not be defaced, and in all cases shall be upon the most conspicuous place upon such article or the box, receptacle, or covering containing the same: Provided, That goods, wares and merchandise shipped to points outside of the State shall not be so branded.

Otherwise on
the box.

Style and place
of brand.
Goods shipped
out of the State
exempt.

Section 3.—That it shall be the duty of the manager, principal or superintendent of any penitentiary, reformatory prison, school or other establishment within this Commonwealth wherein convict labor is employed, to see that the brand herein required shall be so placed as aforesaid before such goods, wares, merchandise or other article or thing shall be removed or taken from the place where made, and upon failure or neglect to do so, such manager, principal or superintendent shall be deemed guilty of a misdemeanor, and

Managers are to
see that goods
are branded.

Neglect to be deemed a misdemeanor.
Penalty.

upon conviction thereof, shall be sentenced to pay a fine not exceeding \$1,000 or undergo an imprisonment not exceeding one year, or either or both at the discretion of the Court.—*Act of June 20th, 1883.*

101

AN ACT REGULATING THE NUMBER OF HOURS
EMPLOYEES IN PENITENTIARIES SHALL
WORK PER DAY.

Eight hours to constitute a day's labor.

Be it enacted, &c., That from and after the passage of this Act, eight hours out of the twenty four of each day shall make and constitute a day's labor and service in the penitentiaries and reformatory institutions which shall receive support from appropriation made by the General Assembly of this Commonwealth, and by taxes levied and paid by the several counties thereof in whole or in part.

Superintendents and others prohibited from allowing more than eight hours service.

Section 2.—That all the superintendents and officers over, and all persons authorized to make contracts for, and to employ persons for labor and service, or appoint under officers in, for and around said penitentiaries and reformatory institutions mentioned in the first section of this Act, are hereby forbidden and prohibited under the penalties mentioned in the third section of this Act, from allowing or compelling any of said employees or under officers to give and serve any more than eight hours out of each twenty-four hours in such service or labor.

Governor authorized to carry out the foregoing sections.

Section 3.—That the Governor of this Commonwealth is hereby authorized and directed to execute and carry out the foregoing sections of this Act, and is hereby authorized, empowered and directed, upon complaint and petition of any of the laborers and under officers mentioned in the foregoing sections,

that he or they have been compelled or required to serve contrary to the provisions of the foregoing sections of this Act, to hear and determine the same and in the event of it appearing to him that the provisions of this Act have been violated or in any manner evaded, he is authorized and empowered to suspend or dismiss from his office or post the officer, superintendent or other person determined to be guilty of violating or evading the same, and that such vacancy caused by the suspension or dismissal of said officers, superintendents or other persons so determined to have violated the provisions of this Act, shall be filed in the manner heretofore provided by Law.

Section 4.—All Acts or parts of Acts inconsistent herewith be and the same are hereby repealed: Provided, That this Act shall not be construed to have reference to any institution wherein the employees are resident.—*Act of May 20th, 1891.*

Shall not apply where employees are resident.

102

AN ACT REGULATING THE EMPLOYMENT OF INMATES OF STATE PRISONS.

Be it enacted, &c., That, from and after the passage of this Act, no warden, superintendent or other officer of any State prison, penitentiary, or State reformatory, having control of the employment of the inmates of said institutions, shall employ more than five per cent of the whole number of inmates of said institutions in the manufacture of brooms and brushes and hollow-ware, or ten per cent in the manufacture of any other kind of goods, wares, articles or things that are manufactured elsewhere in the State except

Employment of inmates of State prisons regulated. Percentage to be employed.

Proviso.

mats and matting, in the manufacture of which twenty per cent. of the whole number of inmates may be employed : Provided, That this Act shall not apply to goods manufactured for the use of the inmates of such institutions.

Machinery not to be used. Exception.

Section 3.—That no machine operated by steam, electricity, hydraulic force, compressed air, or other power, except machines operated by hand or foot power, shall be used in any of the said institutions in the manufacture of any goods, wares, articles or things that are manufactured elsewhere in the State.

Violations of this Act a misdemeanor.

Section 4.—Any warden, superintendent, or other officer, or person having control of the employment of inmates of any of the within mentioned State or County institutions, or other penal institutions wherein convict labor is employed within the State of Pennsylvania, violating the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars, or undergo an imprisonment not exceeding one year, or both at the discretion of the Court.—*Act of June 18, 1897.*

Penalty.

AN ACT AMENDING THE ACT OF JUNE, 1897.

This Act fixes the number of convicts to be employed at 35 per cent.

Be it enacted, &c., That section one of "An Act of Assembly," entitled "An Act limiting the number of inmates of State prisons, penitentiaries, State reformatories and other penal institutions within the State of Pennsylvania, to be employed in the manufacturing of goods therein and prohibiting the use of machinery in manufacturing said goods," shall be and the same is hereby amended to read as follows : That from and

after the passage of this Act no warden, superintendent or other officer of any State prison, penitentiary or State reformatory having control of the employment of the inmates of said institutions, shall employ more than five per cent. of the whole number of inmates of said institutions in the manufacture of brooms, brushes and hollow-ware, and ten per cent. in the manufacture of any other kinds of goods, wares, articles or things that are manufactured elsewhere in the State, except mats and matting, in the manufacture of which twenty per cent. of the whole number of inmates may be employed.—*Act of April 28th, 1899.*

This Act fixes the number of convicts to be employed at 35 per cent.

104

AN ACT DESIGNATING DAYS TO BE OBSERVED AS
LEGAL HOLIDAYS.

Be it enacted, &c., That the following days and half days, namely : The first day of January, commonly called New Year's Day ; the twelfth day of February, known as Lincoln's Birthday ; the third Tuesday of February, Election Day ; the twenty-second day of February, known as Washington's Birthday ; Good Friday ; the thirtieth day of May, known as Memorial Day ; the fourth of July, called Independence Day ; the first Monday of September, known as Labor Day ; the first Tuesday after the first Monday of November, Election Day ; the twenty-fifth day of December, known as Christmas Day ; and every Saturday after twelve o'clock noon until twelve o'clock midnight, each of which Saturdays is hereby designated a half holiday, and any day appointed or recommended by the Governor of this State or the President of the United States as a day of thanks-

giving or fasting and prayer, or other religious observance, shall for all purposes whatever as regards the protesting and giving notice of the dishonor of bills of exchange, checks, drafts, and promissory notes, made after the passage of this Act, be treated and considered as the first day of the week, commonly called Sunday, and as public holidays and half-holidays.—*Section 1, Act of June 23rd, 1897.*

BOARD OF PUBLIC CHARITIES.

LAWS RELATING TO THE APPOINTMENT AND
DUTIES OF THE BOARD OF PUBLIC CHARITIES.

105

GOVERNOR TO APPOINT COMMISSION.

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 Governor with advice and consent of the Senate, shall as soon as practicable after the passage of this Act, appoint five commissioners, who together with the General Agent and Secretary hereinafter mentioned, shall constitute a Board of Public Charities ; one of the persons so appointed shall hold office for one year, one for two years, one for three years, one for four years, and one for five years, unless sooner removed ; appointments to fill vacancies caused by death, resignation or removal before the expiration of terms, may be made for the residue of such terms, by the Governor, subject to the consent of the Senate, and all appointments to fill vacancies caused by expiration of terms shall be made in the same manner, and shall be for the period of five years each.

Terms of office.

Vacancies

Commission to be sworn.

To elect President, appoint General Agent, Secretary, &c.

Meetings of the Board.

Term of office of General Agent and Secretary.

Section 2.—The Commissioners, before entering upon their duties, shall, respectively, take and subscribe the oath required of other State officers, which shall be filed in the office of the Secretary of the Commonwealth, who is hereby authorized and directed to administer said oath; they shall have power to elect a President out of their own number, to appoint a General Agent and Secretary, and to adopt such regulations for the transaction of the business of the Board and the management of its affairs as they may deem expedient.

Section 3.—The said Board shall be provided with a suitable room in the State Capitol, in which it shall hold its meetings, and it shall meet therein at least once in every three months; the time for such regular meetings to be fixed at the time of its organization; the Commissioners shall receive no compensation for their services but their actual traveling and other necessary expenses, which shall be paid by the State Treasurer, upon the certificate of the Auditor General.

Section 4.—That the General Agent and Secretary of the Board of Public Charities shall hold his office for three years, unless sooner removed, he shall be a member of the Board ex-officio, and it shall be his duty, subject to the control and direction of said Board, to keep a correct record of its proceedings, perform such clerical services as it may require, oversee and conduct its outdoor business, visit all charitable and correctional institutions in the State at least once in each year, except as hereinafter provided, and as much oftener as the Board may direct, examine the returns of the several cities, counties, wards, boroughs and townships in relation to the support of paupers therein, and in relation to births, deaths

and marriages ; and he shall prepare a series of interrogations, with the necessary accompanying blanks, to the several institutions of charity, reform and correction in the State and to those having charge of the poor in the several counties thereof or any subdivision thereof, with a view to illustrate, in his annual report the causes and the best treatment of pauperism, crime, disease and insanity ; he shall also arrange and publish in his said report all desirable information concerning the industrial and material interests of the Commonwealth bearing upon these subjects, and shall have free access to all reports and returns now required by Law to be made ; and he may also propose such general investigations as he may think best for the approval of the Board. He shall be paid annually the sum of three thousand dollars, and his actual traveling expenses.

Section 5.—The said Commissioners shall have full power, either by themselves or the General Agent, at all times, to look into and examine the condition of all charitable, reformatory or correctional institutions within the State, financially and otherwise, to inquire and examine into their methods of instruction, the government and management of their inmates, the official conduct of trustees, directors, and other officers and employees of the same, the condition of the buildings, grounds and other property connected therewith, and into all other matters pertaining to their usefulness and good management ; and for these purposes they shall have free access to the grounds, buildings and all books and papers relating to said institutions ; and all persons now or hereafter connected with the same are hereby directed and required to give such information and afford such facilities for inspection as the said Commissioners may require ;

Powers of
Commissioners.

and any neglect or refusal on the part of any officer or person connected with such institution to comply with any of the requirements of this Act, shall subject the offender to a penalty of one hundred dollars, to be sued for and collected by the General Agent, in the name of the Board.

To visit charitable institutions receiving State aid.

Section 6.—The said Commissioners, by themselves or their General Agent, are hereby authorized and required, at least once in each year, to visit all the charitable and correctional institutions of the State receiving State aid, and ascertain whether the moneys appropriated for their aid are or have been economically and judiciously expended; whether the objects of the several institutions are accomplished; whether the laws in relation to them are fully complied with; whether all parts of the State are equally benefited by them, and the various matters referred to in the fifth section of this Act; and in their annual report to the Legislature, to embody the result of their investigations, together with such other information and recommendations as they may deem proper.

General Agent to visit prisons and almshouses.

Section 7.—The said Board shall also require their General Agent, at least once in every two years, to visit and examine into the condition of each of the City and County jails or prisons and alms or poor houses, and shall possess all the powers relative thereto, mentioned in the fifth section of this Act, and shall report to the Legislature the result of the examination, in connection with the annual report authorized by this Act.

Duty of persons having charge of prisons, &c.

Section 8.—It shall be the duty of all persons having charge or oversight over the poor in any City or County of this State, or in any subdivision thereof, and all persons having charge or control of County jails, or prisons, or workhouses,

and of all other persons having charge or control over any other charitable, reformatory or correctional institution, not now by Law required to make an annual report of the condition of the same, to make report, annually, to the said General Agent, at such time and in such manner as he shall prescribe, of such facts and statements concerning the same as he may require; and all charitable, reformatory and correctional institutions now required by law to make annual reports, shall hereafter make and transmit the same to the said General Agent on or before the first day of January in each year; and all such institutions now receiving or that may hereafter desire to receive State aid, shall annually give notice to the said General Agent, on or before the first day of November in each year, of the amount of any application for State aid they may propose to make, and of the several purposes to which such aid, if granted is to be applied.

Institutions desiring State aid, to notify General Agent.

Section 9.—Whenever any such institution shall thus give notice of asking for State aid, the General Agent shall inquire carefully into the ground of such request, the purpose or purposes for which the aid is asked, the amount which will be required, and into any matters connected therewith; and in the annual report the result of such inquiries shall be given, together with the opinions and conclusions of the Board thereon.

Agent to inquire into grounds of request, &c.

Section 10.—The several members of said Board are each hereby authorized to administer oaths in examining any person or persons, relative to any matters connected with the inquiries authorized by this Act.

Members of Board may administer oaths.

Section 11.—No member of said Board shall be interested directly or indirectly in any contract for

Not to be interested in certain contracts.

building, repairing or furnishing any institution, which by this Act they or any one of them are authorized to visit or inspect; nor shall any trustee, or other officer of any of the institutions embraced in this Act, be eligible to the office of Commissioner or General Agent hereby created.

To make annual report of their doings.

12.—The Board of Public Charities shall annually prepare and print, for the use of the Legislature, a full and complete report of all their doings during the year preceding, stating fully in detail all expenses incurred, all officers and agents employed, with a report of the General Agent and Secretary, embracing all the respective proceedings and expenses during the year, and showing the actual condition of all charitable and correctional institutions within the State with such suggestions as the Board may deem necessary and pertinent; and the said General Agent and Secretary is hereby authorized to prepare the necessary blanks and forward the same, in good season, to all institutions from whom information or returns may be needed, and to require a prompt return of the same, with the blanks properly filled.

Section 13.—The said Board may at its discretion, if the General Agent shall be unable by press of duties to conduct the correspondence of the Board, appoint a corresponding secretary, at a salary not exceeding one thousand dollars per annum, who shall conduct the correspondence of the Board, and perform such other clerical duties as may be required of him.—*Act of April 24th, 1869.*

STATEMENTS TO BE MADE BY PRISON INSPECTORS TO
BOARD OF PUBLIC CHARITIES.

The statements required to be made by the inspectors, sheriffs or other persons having charge of

any penitentiary or jail within this Commonwealth, under the provisions of the first section of the Act approved February 27th, 1847, entitled "An Act requiring the inspectors of prisons, sheriffs, prothonotaries and clerks of Criminal Courts and others, to make annual returns to the Secretary of the Commonwealth, and for other purposes," shall hereafter be made to the Board of Public Charities of this Commonwealth; and that it shall be the duty of the inspectors, sheriffs or other persons having charge of any penitentiary or jail within this Commonwealth, to keep the records of the penitentiary or jail under their charge, after forms to be prepared for and furnished them by the said Board of Public Charities, so that the information and statistics intended to be obtained by the said first section of this Act of February 27th, 1847, and such other information and statistics as the said Board of Public Charities may deem necessary, may be presented with accuracy and uniformity.

Section 1st, Act of April 5th, 1872.

[For Act of February 27th, 1847, referred to above see under head of management.]

107

AN ACT RELATING TO THE TIME STATEMENTS ARE TO
BE RETURNED.

That it shall be the duty of said inspectors, sheriffs or other persons to make return of the statements required by the first section of this Act, to the said Board of Public Charities, within ten days after the first day of January, April, July and October in each year, if required by said Board; and upon neglect or refusal to make statements in the manner and at the times required by this Act, such inspector, sheriff, or other person so neglecting or refusing, shall forfeit and pay a fine of not less than one hundred dollars.

Return of statements to be made within certain periods.

to be sued for and collected by the General Agent, in the name of the Board of Public Charities, for the use of the Commonwealth.—*Section 2, Act of April 5th, 1872.*

108

RECORDS IN CHARITABLE AND OTHER INSTITUTIONS
TO BE KEPT.

That it shall be the duty of the Overseers and Directors of the Poor, or other persons having charge of the poor in the several counties, cities, boroughs and townships of this Commonwealth, and of all directors and managers of charitable and correctional institutions of the Commonwealth receiving State aid, to keep their records after the manner and in the form to be prescribed by the Board of Public Charities, and to make returns thereof to said Board at such times as they may direct, and in default thereof, the person or persons so offending shall forfeit and pay a fine of not less than one hundred dollars, to be sued for and collected by the General Agent, in the name of the Board of Public Charities, for the use of the Commonwealth.—*Section 3, Act of April 5th, 1872.*

Managers of charitable and correctional institutions, &c., to keep records in form prescribed by Board.

109

PLANS OF PRISONS, ETC., TO BE INSPECTED BY THE
BOARD.

That before any County prison or County almshouse shall be erected within this Commonwealth, the plan of construction of such prison or almshouse, drawn sufficiently in detail for clear comprehension thereof shall be submitted by the Commissioners of the County in which the same is to be built, to the Board of Public Charities, and shall be inspected and approved by said Board, and so certified by the Sec-

Plan of prisons almshouses, &c., to be inspected and improved by Board.

retary of said Board upon the plan, a copy of which shall be furnished by the Commissioners at the time of their submitting the original as aforesaid, and shall be signed by the Secretary of said Board, and shall be filed and remain in the office of the Secretary of the Commonwealth.—*Section 4, Act of April 5th, 1872.*

110

BOARD MAY APPOINT VISITORS TO VARIOUS
INSTITUTIONS.

Be it enacted, &c., That the said Board shall have power, by a resolution, to be entered on its minutes, subject to such terms and regulations as it may prescribe, to designate three or more persons in any County to act, without compensation, as visitors in said County of the several poor-houses and other institutions therein, subject to the visitation of the Board, in aid of and as representatives of such Board; and all public officers and others in charge of such institutions shall admit to such institutions all persons so designated upon the production of a copy of such resolution, certified by the President or Secretary of said Board, to visit, examine and inspect the grounds and buildings of every such institution and every part thereof, and all its hospital and other arrangements, and to have free access to all its inmates. Any public officer, superintendent or person in charge of any such institution, who shall refuse to admit any person so designated, or shall refuse to give said visitors all requisite facilities for the examination and inspection herein provided for, shall be subject to a penalty of two hundred and fifty dollars for each such refusal, which penalty may be sued and recovered in

Officers of such
institutions to
admit visitors.

the name of the people of the State, by the District Attorney of the County in which said Institution is situated, and the sum so recovered shall be paid into the Treasury of the State.—*Section 1, Act of May 7th, 1874.*

PENNSYLVANIA PRISON SOCIETY.

RELATING TO THE PHILADELPHIA SOCIETY FOR
ALLEVIATING THE MISERIES OF PUBLIC PRISONS,
AND TO THE PENNSYLVANIA PRISON SOCIETY.

111

PRISON SOCIETY INCORPORATED.

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 all and every of the persons who shall at the time of the passing of this Act, be members of the society called "The Philadelphia Society for Alleviating the Miseries of Public Prisons" shall be and they are hereby created and declared to be one body politic and corporate, by the name, style and title of "The Society for Alleviating the Miseries of Public Prisons," and by the same name shall have perpetual succession, and shall be able to sue and be sued, implead and be impleaded in all courts of record and elsewhere, and to take, receive, hold and enjoy, by purchase, grant, devise or bequest to them and their successors, lands, tenements, rents,

Privileges and
liabilities.

Income limited.

To make by-
laws, &c.

Objects of the
Association.

annuities, franchises, hereditaments, goods and chattels of what nature, kind or quality soever real, personal, or mixed, or choses in action, and the same from time to time, to sell, grant, devise, alien or dispose of: Provided, That the clear yearly value or income of the necessary houses, lands and tenements, rents, annuities, or other hereditaments and real estate of the said corporation, and the interest of money by it lent, shall not exceed the sum of five thousand dollars; and also to make and have a common seal, and the same to break, alter and renew at pleasure; and also to ordain, establish and put in execution such by laws, ordinances, and regulations as shall appear necessary and convenient for the government of the said corporation, not being contrary to this charter, or the Constitution and Laws of the United States or of this Commonwealth, and generally do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation, and the due management and ordering of the affairs thereof: And Provided further, That the objects of this Society shall be confined to the alleviation of the miseries of public prisons, the improvement of the prison discipline, and the relief of discharged prisoners.—*Section 1, Act of April 6th, 1833.*

112

\$3000.00 APPROPRIATED FOR DISCHARGED PRISONERS

To the Society for Alleviating the Miseries of Public Prisons, in the City of Philadelphia, the sum of three thousand dollars to be applied to the relief of prisoners discharged from the Eastern Penitentiary.—*Section 66, Act of May 27th, 1871.*

\$3000.00 TO PRISON SOCIETY FOR CARRYING ON
THEIR WORK.

Be it enacted, &c., That the sum of three thousand dollars be and the same is hereby specifically appropriated to the Philadelphia Society for Alleviating the Miseries of Public Prisons, to enable the Society to carry out the objects of the Association for the year commencing on the first day of June, 1876, to be paid out of any money in the Treasury not otherwise appropriated.—*Act of May 13th, 1876.*

APPROPRIATION FOR 1889.

Be it enacted, &c., That the sum of five thousand dollars is hereby specifically appropriated to the Pennsylvania Prison Society, for the relief of prisoners discharged from the Eastern Penitentiary, to-wit : for the year beginning on the first day of June, 1889, twenty-five hundred dollars ; for the year beginning on the first day of June, 1890, twenty-five hundred dollars, to be paid out of any money in the Treasury not otherwise appropriated : Provided, That the said Pennsylvania Prison Society, shall file quarterly with the Auditor General an itemized account under oath or affirmation of the expenditure of said appropriation—*Act of the 6th of May, 1889.*

Appropriation
for relief of
discharged
prisoners from
E. S. P.

APPROPRIATION FOR 1891.

Be it enacted, &c., That the sum of five thousand dollars is hereby specifically appropriated to the Pennsylvania Prison Society, for the relief of prisoners discharged from the Eastern Penitentiary, to-wit : for

Appropriation
for the relief of
prisoners dis-
charged from
E. S. P.

the year beginning on the first day of June, 1891, twenty-five hundred dollars; for the year beginning on the first day of June, 1892, twenty-five hundred dollars. The appropriation to be paid on the warrant of the Auditor General on a settlement made by him and the State Treasurer, but no warrant shall be drawn or settlement made until the Directors or Managers of said Society shall have made, under oath to the Auditor General a report containing an itemized statement of the expenses of said Society during the previous quarter and the same is approved by him and the State Treasurer, nor until the Treasurer shall have sufficient money in the Treasury not otherwise appropriated to pay the quarterly instalments due.—*Act of the 16th of June, 1891.*

116

APPROPRIATION FOR 1893.

Be it enacted, &c., That the sum of six thousand dollars, or so much thereof as may be necessary, be and the same is hereby specifically appropriated to the Pennsylvania Prison Society for the two fiscal years beginning June 1st, 1893, for the relief of prisoners discharged from the Eastern Penitentiary.—*Act of May 26th, 1893.*

Since 1893 the Society has received no aid from the Legislature.

\$6000.00 for relief of prisoners for 1893 and 1894.

THE WARDEN.

AN ACT AMENDING ARTICLE TWO OF AN ACT ENTITLED "A FURTHER SUPPLEMENT TO AN ACT ENTITLED 'AN ACT TO REFORM THE PENAL LAWS OF THIS COMMONWEALTH' APPROVED APRIL, TWENTY-THIRD ANNO DOMINI ONE THOUSAND EIGHT HUNDRED AND TWENTY-NINE" *BY PROVIDING THAT THE WARDEN OF A PENITENTIARY MAY RESIDE OUTSIDE THEREOF.*

117

BE AND THE SAME IS HEREBY AMENDED TO READ
AS FOLLOWS.

Be it enacted, &c., That the Warden may reside outside of the grounds of the Penitentiary but his place of residence must be in the vicinity thereof and convenient thereto; he shall visit every cell and apartment and see every prisoner under his care at least once in every day; he shall keep a journal in which shall be regularly entered the reception, discharge, death, pardon or escape of any prisoner, and also the complaints that are made and the punishments that are inflicted for the breach of prison discipline as they occur, the visits of the Inspector and the Physician and all other occurrences of note that concern the state of the prison except the receipt and expenditures, the account of which is to be kept in the manner hereinafter directed. The Warden shall appoint the under-keepers, who shall be called Overseers and all necessary servants and

An Act, providing that the Warden of a Penitentiary may reside outside thereof.

FELONIES.—*Continued.*

	Penalty	Fine
Bastards, concealing death of a bastard child.....	3 years	.....
Breaking and Entering.....	10 “	500
Burglary	10 “	\$1000
Counterfeiting, making or coloring counterfeit coin with intent to pass the same.....	5 “	1000
Counterfeiting, impairing coin	3 “	500
Counterfeiting, buying and selling counterfeit coin	5 “	1000
Counterfeiting, making copper coins ..	3 “	1000
Counterfeiting, altering and passing bank notes, having possession of plates, bank note paper, bank notes U. S., or corporation bonds, making or having possession of plates for counterfeiting bonds; printing and publishing circulars advertising green goods.....	5 “	1000
Felonious entry	10 “	500
Horse stealing	10 “	500
Kidnapping infants or persons with intent to extort money for their restoration	Life imprisonment	
Kidnappers, their aiders and abettors..	25 years,	\$5000
Larceny, simple.....	3 “	500
Larceny by bailee	3 “	500
Larceny from the person.....	5 “	1000
Larceny from houses or other buildings	4 “	500
Larceny, stealing metal and other fixtures.....	3 “	500
Larceny, servants stealing chattels received on account of their masters	3 “	500
Larceny of bank bills and other securities	3 “	500
Larceny of school books.....	3 “	500

FELONIES.—*Continued.*

	Penalty	Fine
Larceny, letters patent, wills, deeds, &c.	2 years	500
Malicious mischief by explosives	3 “	500
Malicious mischief to railroads.....	10 “	10000
Malicious Mischief, removing packing from journal box	5 “	500
Murder, first degree.....	Death	.....
Murder, 2nd degree	20 years	.....
Murder, 2nd degree, 2nd conviction...	Life	.....
Murder, wilful obstruction of railroad signals resulting in death.....	Death	.....
Voluntary manslaughter.....	12 years and \$1000 security for good behaviour	balance of life.
Railroad train-breaking and entering railroad cars with intent to commit a felony.....	4 years	\$500
Rape, felonious.....	15 “	1000
Receiving stolen goods	3 “	500
Robbery.....	20 “	10000
Robbery and larceny from the person	5 “	1000
Robbery, being armed with an offensive weapon.....	10 “	1000
Robbery, by threats to accuse of an infamous crime.....	10 “	1000
Robbery of bank vaults by force or drugging	20 “	10000
Sodomy and Buggery	10 “	1000

MISDEMEANORS.

Adulteration, selling unwholesome provisions or adulterated liquors and medicine.....	6 mos.	100
Advertisement of medicines to procure abortion or prevent conception.....	6 mos.	1000

MISDEMEANORS.—*Continued.*

	Penalty	Fine
Accessory after the fact	2 year	500
Adulteration, selling unwholesome provisions or adulterated liquors or medicines.....	3 mos.	100
Adultery	1 year	500
Arson, firing buildings not dwellings	10 “	2000
Arson, firing with intent to defraud insurers	7 “	1000
Arson, firing woods.....	1 “	100
Arson, firing woodland.....	1 “	300
Arson, firing timberland.....	.....	100
Attempt and solicitation to commit sodomy and buggery.....	3 years	300
Assault and battery, simple.....	1 “	1000
Assault and battery, aggravated.....	3 “	1000
Assault and battery with intent to ravish.....	5 “	1000
Assault and battery on health officer..	3 “	200
Banks, receipt of deposits by officers of insolvent banks,.....	3 “	Double amt received
Banks, penalty of violation of oath by bank officer.....	3 “	1000
Banks, penalty for omitting to make statement.....	.....	1000
Barratry	1 year	100
Bawdy house, keeping or leasing house for that purpose.....	2 “	1000
Buying or receiving of junk, rope, scrap iron, or brass, or other metal from minors or irresponsible parties	1 “	500
Bigamy	2 “	1000
Blackmail	3 “	1000
Blasphemy	3 mos.	100
Bottles, refilling or trafficking in registered	6 “	500

MISDEMEANORS.—*Continued.*

	Penalty	Fine
Bribery	5 years	1000
(The penalty varies in the different classes of the crime.)		
Cattle, killing maiming or poisoning cattle, horses, etc.....	3 “	500
Constables, failure to return list of liquor sellers.....	2 “	500
Counterfeit gold and silver coin, utter- ing of	5 “	1000
Coining tools, making or having in possession	6 “	1000
Compounding Crime	3 “	1000
Conspiracy.....	2 “	500
Conspiring to indict falsely.....	3 “	1000
Convict made goods, penalty for not branding	1 “	1000
Co-operative Associations, making false account of receipts and pay- ments, making false statement of assets and liabilities	1 “	1000
Corporate officers, fraudulent accounts kept by corporate officers.....	6 “	1000
Criminals, importing	1 “	300
Cruelty to Animals	1 “	200
Dead bodies, trafficking in.....	1 “	200
Deadly weapons, carrying concealed deadly weapons.....	1 “	500
Deadly weapons, selling deadly weap- ons to minors.....	.....	300
Deadly weapons, manufacture and sale of deadly weapons.....	1 “	500
Deadly weapons, playfully or wantonly pointing a pistol.....	1 “	1000
Detectives, carrying on business as a detective without a license	1 “	500
Disorderly house	1 “	500
Divulging contents of telegraph or telephone message	6 mos.	100

MISDEMEANORS.—*Continued.* *

	Penalty	Fine
Duelling.....	3 years	500
Elections, all violations of the election laws are misdemeanors.....	5 “	1000
Electricity, interference with electrical machinery.....	1 “	1000
Employment of minor children in performances and exhibitions		
Embezzlement.....	10 “	Double sum embezzled
Embracery.....	1 “	500
Escape	Term not exceeding original sentence	
Escape, aiding a prisoner to	2 years	500
Escape, voluntary by officers	5 “	500
Extortion.....	1 “	500
False Pretense	3 “	500
Fast driving, trains, etc.....	5 “	500
Fire alarms, giving false alarms	2 “	500
Forgery	10 “	1000
Fornication and bastardy	Imprisonment or fine	
Fortune telling.....	5 year	500
Fraudulent confession of judgment ...	2 “	1000
Fugitives, removal of fugitives from justice from the state without requisition	1 “	.....
Gambling.....	1 “	500
Importing criminals.....	1 “	300
Incestuous fornication	3 “	500
Indecency	1 “	100
Infants, kidnapping or enticing children from parents	7 “	2000
Infants, cruelty to infants or apprentices	2 “	500
Infants, abandoning infants	1 “	100
Infants, taking minors for sexual intercourse	5 “	1000
Insanity, giving false certificate of insanity.....	1 “	500

MISDEMEANORS.—*Continued.*

	Penalty	Fine
Insanity, keeping insane asylum without license	At discretion of Court	
Insanity, violating rules and regulations of committee on lunacy.....	“	“
Insanity, detention of person in insane asylum in violation of Act of Assembly.....	“	“
Insanity, giving false certificate of admission to insane asylum.....	“	“
Insolvency, fraudulent.....	7 years	1000
Insolvent, collusion with to conceal effects.....	2 “	10000
Insurance, penalty for frauds upon insurance companies.....	1 “	1000
Insurance, unauthorized policies of insurance forbidden	costs and	\$200
Insurance, penalty on agents of foreign insurance companies for transacting business.....	.....	5000
Insurance, discrimination between policy holders forbidden.....	.....	500
Insurance, penalty for contracting with foreign insurance companies...	.....	500
Insurance, agents of foreign insurance companies to have certificate of insurance.....	.....	500
Insurance, insurance brokers to have certificate of insurance.....	.....	300
Insurance, transacting business of unauthorized foreign companies.....	1 year	1000
Insurance, penalty for advertising as agent of an unauthorized insurance company.....	.....	1000
Insurance, penalty for acting on behalf of foreign mutual assessment, life and accident insurance companies not complying with act	90 days	500

MISDEMEANORS—*Continued*

	Penalty	Fine
Insurance, penalty for illegal boiler insurance..... (in County Jail)	2 years	5000
Involuntary manslaughter.....	2 “	1000
Illegal letting of contracts in cities of the third class.....	1 “	1000
Knowingly marrying husband or wife of another	2 “	500
Labor union, penalty for unlawfully wearing certain decorations	10 days	20
Labor unions, penalty for illegally wearing insignia of labor organizations, etc.....	.....	100
Labor unions, penalty for coercion of employers in regard to labor organizations prohibited.....	1 year	2000
Larceny of coal and iron ore in mines	1 “	1000
Libels.....	1 “	1000
Liquors, violations of liquor laws.....	1 “	5000
Lotteries, violations of lottery laws...	2 “	1000
Malicious mischief.....	3 “	1000
Mayhem.....	5 “	1000
Manufacture and sale of fire crackers containing dynamite	1 “	100
Obscenity, sale of obscene labels and prints	1 “	500
Obscenity, public exhibition of indecent pictures.....	.....	300
Obscenity, selling, lending, giving or advertising indecent books or pictures.....	2 “	500
Obscenity, drawing or posting indecent pictures or writings in public places	1 “	500
Obscene literature, making and publishing	1 “	500
Opium joints, keeping apparatus for opium smoking.....	1 “	500

MISDEMEANORS—*Continued*

	Penalty	Fine
Opium Joints, soliciting persons to visit opium joints.....	1 years	500
Partnerships, fraudulent conversion of co-partnership property	2 “	1000
Partnerships, fraudulent entries by partner in firm books	2 “	1000
Perjury	7 “	500
Prize fighting	2 “	1000
Public contracts, no city contract or warrant to be drawn without preceding appropriation..... and for ever disqualified for holding office of trust under state or municipality	3 “	5000
Public debt, unlawful increase of indebtedness of municipalities	1 “	10000
Public moneys, loaning public money	5 “	1000
Public money, depositing public money for gain	1 “	1000
Public moneys, selling or making profit out of public moneys.....	\$500 fine. Ineligible for re-election	
Public officers, contractors with a corporation not to offer its officers a reward.....	.....	500
Public officers, misuse of public property by public officers.....	1 “	1000
Public officers, not to be concerned in public contracts.....	\$500 fine. Removal from office	
Public officers, penalty for receiving gratuities or percentages	Refund money so received. Imprisonment	
Public officers, misapplication of special funds.....	1 year, amount misapplied	
Public officers, withholding money by road supervisors .....	.....	.....
Public officers, school directors not to be interested in furnishing school books.....	.....	.....
Public officers of cities of third class not to purchase warrants or claims against city.....	.....	100
Public officers, violation of oaths of office by officers of third class.....	1 “	1000

MISDEMEANORS.—*Continued.*

	Penalty	Fine
Public officers, misuse of city property by officers of third class	1 year	1000
Public officers of cities of third class not to be surety for each other.....	.....	500
Public Presentation of unpublished plays and compositions.....	3 mos.	500
Railroad employees, negligence and disobedience of, resulting in death..	5 years	5000
Railroad tickets, unauthorized persons not to sell	1 “	500
Railroad tickets, larceny and forgery of	5 “	1000
Re-hypothecation of stocks and bonds	5 “	5000
Riot	3 “	500
Riotous destruction of buildings, &c...	7 “	.....
Seduction.....	3 “	5000
Threatening letters	3 “	1000
Trespass	1 “	1000
Venerual diseases, advertising nos- trums and medicines for cure of....	6 mos.	1000
Witnesses, dissuading, hindering or preventing witnesses from testifying	1 year	500
Violation of act regulating foreign mutual savings fund building and loan associations	1 “	500
Violations of bribery act	5 “	1000
Unlawfully advertising as a lawyer..	1 “	500

UNCLASSIFIED CRIMES.

Contempt of Court.....	At discretion of court	
Forceful entry and detainer.....	1 year	\$ 500
Treason	12 “	2000
Train robbery.....	Not less than 15 “	.....

SECOND CONVICTION.

If any person who has been convicted of any offence, other than murder of the second degree, for which the punishment prescribed by this code is imprisonment by separate or solitary confinement at labor, shall, after such conviction, be guilty of a similar offense, or of any offense for which such punishment is directed, he shall in either case, upon conviction, be sentenced to undergo an imprisonment, and be kept at labor, not exceeding double the whole period of time which may, by the penal laws of this Commonwealth, be prescribed for the crime of which he is convicted.—Act of March 31st, 1860

APPROPRIATIONS.

THE FOLLOWING SUMS OF MONEY HAVE BEEN
APPROPRIATED TO THE EASTERN STATE PENI-
TENTIARY BY THE LEGISLATURE OF THE
STATE SINCE 1821.

FOR BUILDINGS.

Year	Amount	Year	Amount	Year	Amount
1821	\$100,000	1827	1,000	1838	10,000
1824	80,000	1828	4,000	1871	1,000
1825	60,000	1833	130,000	1877	55,000
1826	89,124.09	1835	60,000	1878	29,250
					\$619,374.09

FOR SALARIES.

Year	Amount	Year	Amount	Year	Amount
1843	\$ 8,000	1864	14,800	1885	38,925
1844	8,000	1865	17,500	1886	38,925
1845	8,000	1866	17,800	1887	45,179
1846	8,000	1867	17,800	1888	38,925
1847	8,000	1868	20,000	1889	21,500
1848	8,000	1869	20,000	1890	21,500
1849	8,000	1870	20,000	1891	47,000
1850	8,000	1871	27,000	1892	47,000
1851	8,000	1872	27,000	1893	47,000
1852	8,000	1873	27,000	1894	47,000
1853	8,000	1874	27,000	1895	50,000
1854	8,000	1875	27,000	1896	50,000
1855	9,500	1876	29,675	1897	50,000
1856	8,700	1877	29,675	1898	50,000
1857	9,200	1878	38,000	1899	60,000
1858	12,895	1879	38,925	1900	60,000
1859	12,895	1880	38,925	1901	62,500
1860	12,800	1881	38,925	1902	62,500
1861	12,800	1882	38,925	1903	63,500
1862	12,800	1883	38,925	1904	63,500
1863	12,800	1884	38,925		

BOOKS, STATIONERY AND LIBRARY.

Year	Amount	Year	Amount	Year	Amount
1863	\$250	1877	\$500	1891	\$500
1864	250	1878	500	1892	500
1865	250	1879	500	1893	500
1866	650	1880	500	1894	500
1867	650	1881	500	1895	500
1868	650	1882	500	1896	500
1869	650	1883	500	1897	500
1870	1,000	1884	500	1898	500
1871	1,000	1885	500	1899	500
1872	500	1886	500	1900	500
1873	500	1887	500	1901	500
1874	500	1888	500	1902	500
1875	500	1889	500	1903	500
1876	500	1890	500	1904	500

REPAIRS TO BUILDINGS.

Year	Amount	Year	Amount	Year	Amount
1853	\$10,000	1875	\$1,000	1891	\$1,500
1857	3,000	1876	1,500	1892	1,500
1859	2,423	1877	1,500	1893	1,500
1861	15,000	1878	1,500	1894	1,500
1862	1,500	1879	1,500	1895	1,500
1863	1,500	1880	1,500	1896	1,500
1865	5,900	1881	1,500	1897	1,000
1868	2,000	1882	1,500	1898	1,000
1869	3,700	1883	1,500	1899	1,500
1870	1,600	1884	1,500	1900	1,500
1871	2,360	1885	1,500	1901	1,000
1872	2,000	1886	1,500	1902	1,000
1873	1,500	1887	4,000	1903	1,500
1874	1,000	1888	1,500	1904	1,500

MISCELLANEOUS.

Year	Amount
1829 For water	\$ 5000
1863 For water	3000
1864 For water	10000
1901 For water	3000
1829 For manufacturing purposes	1000
1836 For manufacturing purposes	15000
1830 For manufacturing purposes	4000
1838 For manufacturing purposes	10000

MISCELLANEOUS.—*Continued.*

Year		Amount
1901	For engine and boiler house	\$5000
1852	For paving, &c.....	10000
1857	For paving, &c.....	2000
1858	For paving, &c.....	1000
1901	For tunnels.....	3000
1901	For Engines, dynamos, &c.....	6000
1901	For boiler for cell department.....	5000
1901	For extra foundations.....	2000
1901	For pipings and fittings, &c.	3000
1901	For revision of electric light.....	3000
1903	For revision of electric light.....	2000
1901	For repairs to drainage.....	2000
1903	For addition to cook house and mill.....	10000
1903	For covering yard walls and improving ground outside of wall.....	10000
1901	For belt line water pipe.....	1400
1901	For alteration to boiler house.....	1500
1901	For heating.....	4000
1903	For heating.....	15000
1868	For alteration to blocks.....	43000
1872	For alteration to blocks.....	3600
1903	For alteration to blocks.....	1650
1863	For introduction of gas.....	2500
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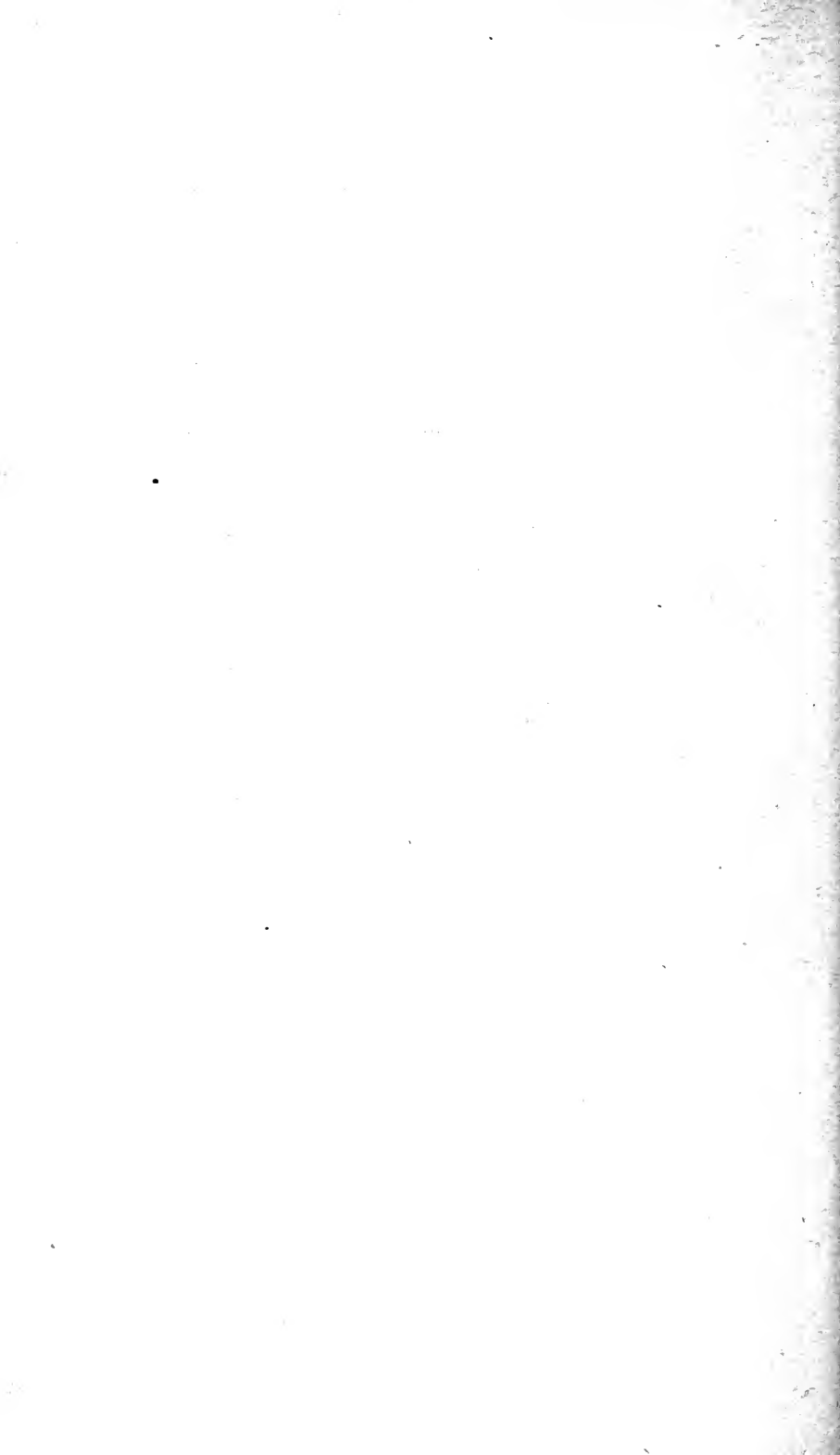
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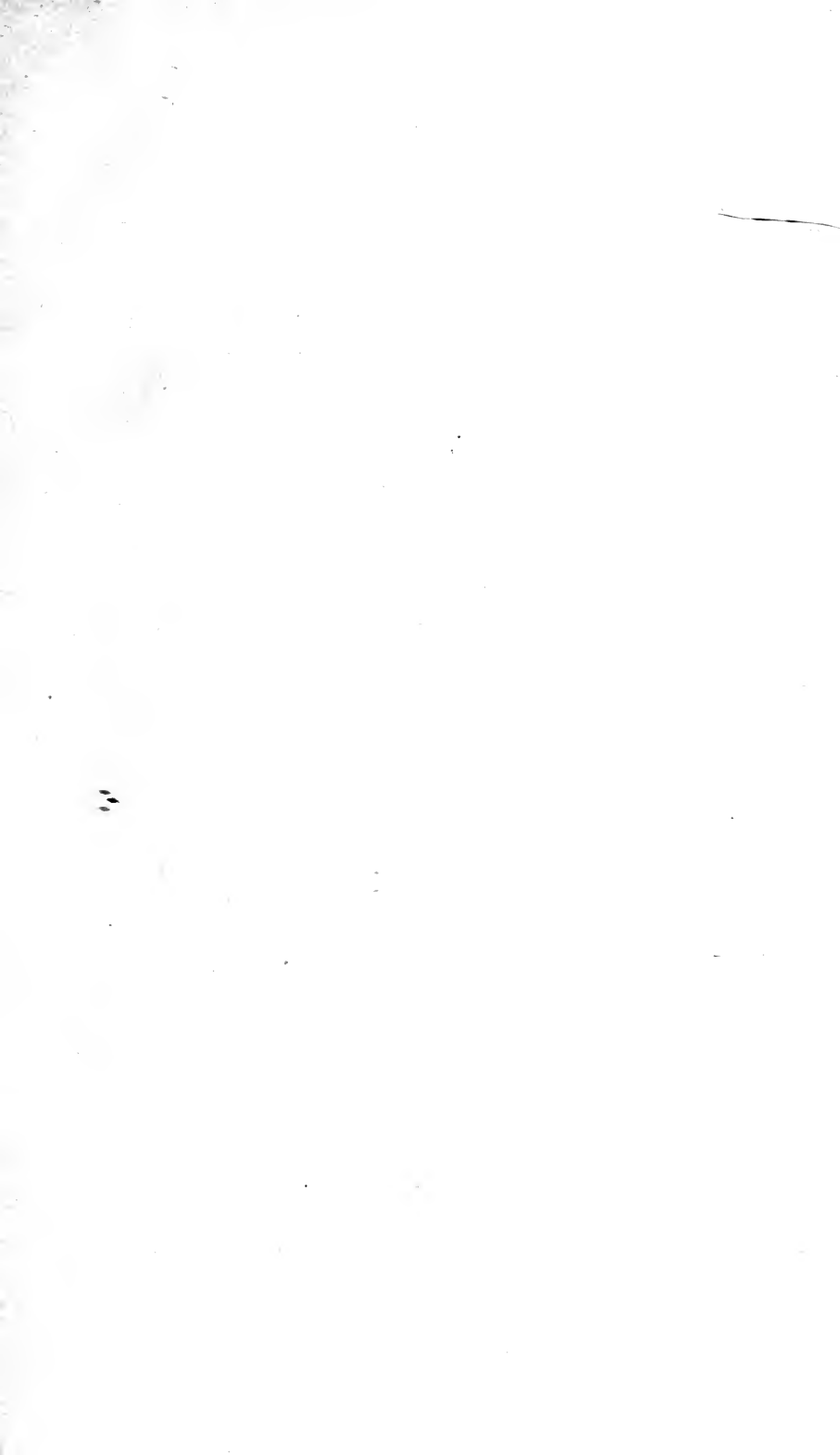
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