

Pennsylvania, LAWS, STATUTES, ETC.

# L A W S

OF THE

## GENERAL ASSEMBLY

OF THE

### COMMONWEALTH OF PENNSYLVANIA,

PASSED AT THE

SESSION OF 1851,

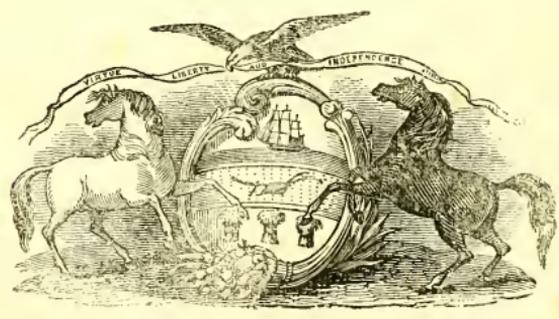
IN THE

SEVENTY-FIFTH YEAR OF INDEPENDENCE.

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WITH AN APPENDIX.

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PUBLISHED BY AUTHORITY.

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HARRISBURG:

THEO. FENN & CO., PRINTERS TO THE STATE.

1851.

found due him, to be paid out of any moneys in the treasury not otherwise appropriated.

JOHN CESSNA,  
*Speaker of the House of Representatives.*

BENJAMIN MATTHIAS,  
*Speaker of the Senate.*

APPROVED—The eighth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

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No. 242.

AN ACT

For the regulation and government of the Montgomery County Prison, to incorporate the Catfish, Brady's Bend, and Butler Plank Road Company, and in relation to the Easton Water Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the county prison now being erected by the commissioners of Montgomery county, shall be called "The Montgomery County Prison," and shall be managed by a board of six inspectors, citizens of said county to be appointed as hereinafter provided, who shall serve without compensation; a majority of whom shall constitute a quorum for the transaction of any business. At the first session of the Court of Quarter Sessions of said county, held after the passage of this act, the said court shall appoint three reputable taxable citizens of said county inspectors of said prison—one to serve till the first day of April, eighteen hundred and fifty-two—one to serve till the first day of April, eighteen hundred and fifty-three, and one to serve till the first day of April, eighteen hundred and fifty-four; and within thirty days after the passage of this act, the board of county commissioners of said county shall appoint three respectable taxable citizens of said county—one to serve till the first day of April, eighteen hundred and fifty-two—one to serve till the first day of April, eighteen hundred and fifty-three, and one to serve till the first day of April, eighteen hundred and fifty-four; and in case the court shall omit to appoint said inspectors at the time mentioned, the president of said court and one or more of the associate judges may appoint the said inspectors in vacation. And annually thereafter, the said court at the first session in each year, and the said board of county commissioners in the month of February in each year, shall each appoint one inspector of said prison, who shall serve for three years from the first day of April ensuing their appointment, and until a successor shall be appointed. When a vacancy occurs in the board of inspectors, the same shall be filled by the authority that appointed the inspector whose place is to be filled, within thirty days after receiving notice of such vacancy. And it shall be the duty of the*

Style.

Board of inspectors.

Inspectors, appointment of.

president of the board to give notice of every such vacancy as soon as practicable after the same may happen.

SECTION 2. That the inspectors, at their first meeting after their appointment, and at their first meeting held after the appointment of the two new inspectors, every year thereafter, shall appoint one of their number president of the board, and also appoint a secretary, who shall hold their offices one year, and until a successor shall be appointed. The secretary shall keep correct minutes of the proceedings of the board. The inspectors shall hold a meeting once in each month, and oftener if necessary. The board of inspectors shall make such rules and regulations as they may deem necessary for the government of the prison, not inconsistent with the Constitution and laws of the Commonwealth, or with the principles of separate confinement provided by this act. At the meeting at which a president and secretary are to be appointed in each year, and at such other times as may be fixed by the by-laws, the board of inspectors shall nominate, and with the approbation of the Court of Quarter Sessions, appoint a keeper, a matron, and a physician for the prison, and shall fix their compensation and the compensation of all the other persons employed about the prison. They shall direct the manner in which all articles and supplies necessary for the support and employment of the persons confined in said prison shall be purchased, and the sale of all articles manufactured therein, and shall direct the manner in which the convicts confined in said prison shall be employed. They shall determine the kind and quantity of food that shall be furnished daily to each person confined in said prison and the debtors' apartment. They shall determine the bedding of all convicts, prisoners, and debtors—the quality, form, and color of the uniform for the convicts. One or more of the inspectors shall visit the prison and the debtors' apartment once a-week, and oftener if necessary, and see that the duties of the several officers and attendants are duly performed; and they shall take proper measures to prevent oppression, peculation, and other abuses or mismanagement in the prison. They shall on their visits speak to each person confined in the prison, on which occasions they shall not be attended by any of the officers of the prison, unless their attendance be especially required by the visiting inspector or inspectors. The inspectors shall be furnished by the keeper with a calendar of the persons confined in the prison and debtors' department whenever required, so that they may know by actual inspection whether all the persons named in said calendar are confined in the respective cells and apartments assigned to them, and that the convicts are kept as shall have been directed by the board. They shall have power to examine any person upon oath or affirmation, or otherwise, touching any abuse or oppression in the prison and debtors' apartment, or touching any other matter within the purview of their duties. They may at any time, with the approbation of the president and one of the other judges of the Court of Quarter Sessions, dismiss any keeper, matron, or physician, and appoint another in his or her place, in the manner herein provided, and fill all other vacancies otherwise occurring in said offices. They shall make a report in writing to the Court of Quarter Sessions of said county, on the first day of the first term in every year, and at such other times as the court may direct, of the condition and state of the prison; which report shall contain the number of prisoners in confinement, their names, age, sex, alleged place of nativity, time of commitment, for what cause and offence committed, and of those, if any, who have escaped, and have been pardoned or discharged, with the particulars connected therewith, and their observations, experience, and opinions to the efficiency of the system of sepa-

Officers.

Meeting of Inspectors.

Powers of Inspectors.

Keeper, matron, &amp;c.

Visits to the prison by the Inspectors.

Powers.

rate confinement, and give such information as they may deem expedient for making the prison effectual in the punishment and reformation of offenders; whereupon the said court shall take such order on such report as they shall think necessary, and the same shall be filed in the office of the clerk of the court aforesaid.

May discharge  
under insolvent  
laws.

SECTION 3. That the board of inspectors of the prison may discharge from prison without any proceeding under the insolvent laws of this Commonwealth, every convict who shall have served out the term of his imprisonment, notwithstanding such convict shall not have paid the costs of prosecution, fine to the Commonwealth, or restored property stolen, or paid the value thereof, if in the opinion of the said board of inspectors such convict is unable to pay or return the same: *Provided always*, That such discharge shall in no way interfere with the rights of the Commonwealth, the public officers, or of any person interested in the payment of such costs or fine, or the restitution of property stolen; but no such discharge shall be allowed or granted by the said board of inspectors until such convict shall have exhibited to them on oath or affirmation, duplicate schedules of all his property, so far as he can ascertain the same; one of which schedules of property shall be filed and preserved with the papers of the prison, and the other forthwith delivered to the clerk of the Court of Quarter Sessions of Montgomery county, who shall file the same in his office.

Reception of  
convicts.

SECTION 4. That it shall be the duty of the Court of Quarter Sessions of the said county to determine at what time the prison shall be completed and prepared, and suitable to be delivered into the charge of the inspectors to receive convicts and other prisoners into their charge and control, from the custody of the sheriff; and when the court shall so determine and decree, an entry thereof shall be made on the record of said court, from which time this law shall go into full force and effect, and the custody and care of the sheriff of prisoners then confined and under his care in the present jail and in the new prison shall then cease.

When prison  
completed In-  
spectors to take  
charge, &c.

SECTION 5. That as soon as "The Montgomery County Prison" shall be completed and be prepared for the reception of prisoners, to be determined as aforesaid, the inspectors thereof appointed pursuant to this act shall take charge of said prison, and thereupon issue their order to the sheriff of said county (who is hereby authorized and directed to execute the same), commanding the sheriff forthwith to deliver all prisoners then in his charge in the present prison and in the new prison, to the keeper thereof, who shall each be confined in the cell or apartment assigned to him or her, and therein undergo the sentence or term of imprisonment imposed on such prisoners, as nearly as may be practicable, until the term of imprisonment shall expire, or until such person be otherwise legally discharged.

Official visitors.

SECTION 6. That the official visitors of the prison shall be the Governor, the members of the Legislature, the Secretary of the Commonwealth, the Judges of the Supreme Court, the President Judges of all courts in the State, the Attorney General and the President and Associate Judges, District Attorney, the Grand Jury, Commissioners, Sheriff, and Coroner of the county. No person who is not an official visitor, or who has not a written permission granted according to the rules the inspectors may adopt (excepting Attorneys-at-Law who shall desire to visit their clients confined for trial), shall be allowed to visit the prison. None but the official visitors shall have any communication with the convicts. No visitor whatever shall be permitted to deliver to, or receive from any convict or other person confined in the prison, any letter or message whatever, or to supply them with any articles of any kind,

excepting letters or messages to or from persons confined for trial, which shall have been before submitted or communicated to the keeper or one of the inspectors, and permission in writing granted by him; nor supply any person confined in prison with any article of any kind without such permission, under the penalty of one hundred dollars for each offence. Any visitor who shall discover any abuse, infraction of law, or oppression, in which any officer or other person employed about the prison is implicated, shall immediately make the same known to the board of inspectors, or to the Judges of the Court of Quarter Sessions if any of the inspectors are implicated.

SECTION 7. That the keeper shall, before entering on the duties of his appointment, be duly sworn or affirmed truly and faithfully to discharge the duties of his office, a copy of which oath or affirmation shall be filed among the papers of the inspectors. He shall also before entering upon the duties of his office, give bond to the Commonwealth of Pennsylvania in such an amount and with such security as the Judges of the Court of Quarter Sessions of the county shall determine and approve, conditioned for the faithful discharge of all duties enjoined on him by this act, or by any subsequent act that may be passed, or by the rules of the inspectors; for a just and accurate account of all moneys, goods, chattels, and effects of all kinds and description whatever that may come into his hands, or that may be placed under his care in pursuance of said appointment on behalf of said prison, or by any person confined therein: for the delivery to his successor in office of all books, papers, and documents; also, of all goods, chattels, and effects which he may have and hold in the right of said appointment; and for the payment of any balance of money belonging to said prison, or any person confined therein remaining in his hands, and for safe keeping of all prisoners and other persons committed to his charge; which bond shall stand for the use of any person or persons injured by the acts or delinquencies of said keeper, and may be proceeded on by any person aggrieved, in the same manner as is directed with regard to sheriff's bonds. And all other persons employed in or about the prison, shall, if the inspectors require it, give bond with security in such amount as they may direct, conditioned as near as expedient to that of the keeper, and in such manner as the inspectors shall fix and determine, said bond to be approved by said inspectors; said bond of treasurer and keeper to be taken and acknowledged before the Recorder of Deeds of the said county, and recorded in his office at the cost of the respective officers, and the original bonds shall be filed by the inspectors in their office; copies of the record of any of the said bonds acknowledged and recorded as aforesaid, and duly certified by the Recorder of Deeds for the time being, shall be good evidence in any action brought against such treasurer or keeper, or their sureties, on such bonds, according to its form and effect, in the same manner as the original would be if produced and offered in evidence.

SECTION 8. That the keeper of the prison when qualified to act, and when he shall have entered on the discharge of his duties, shall, and he is hereby required and directed to receive and take charge of all persons lawfully committed by any court, judge, alderman, or justice of the peace, or other officer having power to commit to prison; and said keeper shall be responsible for the safe keeping of all persons so committed in the same manner and to the same extent that sheriffs and jailors are now by law held liable.

SECTION 9. That the keeper shall reside in the prison, and shall not absent himself for a night without the consent of two of the inspectors in writing; he shall visit every cell and apartment, and see and inspect

Keeper to be sworn, &c.

Give bond.

Duties of keeper.

Keeper to reside in prison.

the condition of every person confined in the prison twice every day, and oftener if practicable, and when visiting the departments of the females shall be attended by the matron; he shall keep a journal in which he shall regularly enter the reception, discharge, death, pardon, or escape of the prisoners, the complaints that are made, and the punishments inflicted for breach of prison discipline, as they occur, the visits of the inspectors and physician, and all other occurrences of note that concern the state of the prison; he shall, with the advice of the inspectors, appoint the under keepers, if in the opinion of the inspectors any be necessary, and dismiss them whenever the inspectors direct him so to do; he shall report all infractions of the rules to the inspectors, and with the approbation of an inspector punish the offender in such manner as shall be directed by the rules of the prison; he shall take charge of, keep, and preserve all money, effects, and clothes found on any person brought into prison to be confined as a convict or prisoner, and shall deliver the same to such person or order when discharged, and at other times by the order of an inspector, who may at any time think such money or effects, or any portion thereof, would be necessary and proper for such person; he shall see that all meals are regularly delivered to the prisoners according to the prison allowance, and shall superintend the work of the convicts who may be employed in the prison; he shall give immediate notice to the physician whenever any person confined in the prison shall complain of sickness requiring medical aid; he shall obey all orders given by the inspectors, and conform to all rules established for the government of the prison.

Matron to reside  
in prison.

SECTION 10. That the matron shall reside in the prison and shall not absent herself for a night without the consent of the keeper and two of the inspectors in writing; she shall visit every cell and apartment occupied by a female, and see and inspect the condition of every female prisoner twice a-day and oftener if necessary; she shall faithfully inform the keeper daily, and oftener if necessary, of every matter of importance relative to the persons, cells, and of all other matters under her care; she shall direct the labor and occupation of the female prisoners under the general direction of the keeper, and give such instruction as may tend to their reformation, and render them useful members of society.

Physician, visits  
of.

SECTION 11. That the physician shall visit every prisoner once in every two weeks, and oftener if his or her state of health require it, and report in writing once in every three months to the inspectors; he shall attend immediately on notice from the keeper that any prisoner is sick, and prescribe and administer medical aid to such prisoner; he shall on the reception of any person into the prison as a convict, if present, or if not, at his next visit, examine the state of his or her health; he shall direct the diet of prisoners under his care, and such other matters as in his judgment will best promote their health, convenience, and comfort.

Under-keepers.

SECTION 12. That the under-keepers shall inspect the condition of every person committed to their care three times in every day, and oftener if directed. They shall see that all meals are regularly delivered to the prisoners according to the prison allowance and rules, and superintend, under the general direction of the keeper, the work of all prisoners who are employed. They shall give immediate notice to the keeper, or in his absence to the physician, whenever any person confined shall complain of illness requiring medical aid. Each one of the under-keepers shall have a certain number of persons confined assigned to his care by the keeper, and he shall make a daily report to the keeper of their health and conduct; and no under-keeper shall be present when

the keeper or any of the inspectors shall visit the persons confined under his particular care, unless required. They shall obey all orders given by the keeper, conform to all rules established for the government of the said prison. All orders to the male under-keepers must be given through or by the keeper, and to the female keepers through or by the keeper or matron. They shall not absent themselves from the prison during the hours of duty without permission in writing from the keeper.

SECTION 13. That on the reception of any person for imprisonment for debt, or for a fine, forfeiture, or penalty, or for costs consequent on any breach or violation of law, not an indictable offence, he or she shall be confined in the Debtors' Apartment, and kept in the manner provided by the laws of this Commonwealth in relation to debtors. Debtors apart-  
ment.

SECTION 14. That on the reception of any person committed for trial, he or she shall be examined by the keeper in the presence of the officer or other person delivering such prisoner, and such of the inspectors as may be present, and also such under-keepers as can conveniently attend: And all money and effects, clothing excepted, shall be taken from the prisoner so committed, of which an entry shall be made in a book provided for that purpose;—such entry shall be signed by the keeper and attested by the persons who may be present at the examination and taking of such clothing, money, and effects, which clothing, money, and effects shall be kept and preserved, and restored to the prisoner when discharged from imprisonment. The prisoner shall, if necessary, be bathed and cleansed and placed in the Debtors' Apartment, unless otherwise ordered by the board of inspectors and keeper. If deemed advisable and practicable by the board of inspectors, the female prisoners shall be confined in the second story of the prison. The prisoners mentioned in this section shall be numerically designated, by which each may thereafter be known during his or her imprisonment. Such prisoners shall be provided, when in the opinion of the inspectors it is necessary for their comfort, with suitable clothing to be worn while in prison. They shall be subject to such rules as the inspectors may adopt for the preservation of cleanliness, decorum, and order in the cells among the prisoners, and may be punished by closer confinement and deprivation of food to compel obedience to such rules. No such prisoner shall be discharged while laboring under any dangerous disease, unless by his or her own desire. Two changes of linen shall be furnished to each prisoner every week in summer, and one to each, every week in winter. Persons committed for trial shall not be compelled to labor, unless at their own desire, and should any such prisoner desire to work, he or she shall, as soon as practicable, be put to labor at such work as may be carried on in the prison; and in case of acquittal and discharge, he or she shall be paid for the labor performed, by the inspectors, out of the funds of the prison, such sum as the inspectors of the prison shall adjudge to be fair and proper; and every such person may procure books and writing material at his or her own expense, and shall be allowed to read and write, subject nevertheless to such restrictions as the inspectors may prescribe in relation thereto. Examination of  
prisoners.

SECTION 15. That on the reception of a convict, he or she shall be examined by the keeper in the presence of one or more of the inspectors who may be present, and of the under-keepers who can conveniently attend, touching his or her name, parentage, alleged place of nativity, profession, occupation or trade, complexion, color of hair, eyes, and have the convict's height and the length of his or her feet accurately measured; and take a note of all natural and accidental marks and peculiarities of feature or appearance, which may serve to identify the Examination of  
convicts.

person; and if the convict can write, he or she shall be required to write his or her name or signature to the description of his or her person. The convict shall then be examined by the physician if present, as to his or her health, and all money, effects, and clothes on the person shall be taken, kept and preserved, and afterwards delivered to the prisoner as before provided; all of which shall be entered in a book provided for that purpose. The prisoner shall then be bathed, cleansed, and clothed in the uniform of the prison, and placed in the cell assigned him or her. If deemed advisable and practicable by the board of inspectors, the female convicts shall be placed in cells in the second story of the prison, and the prisoners shall be numerically designated, by which he or she shall thereafter be known during his or her confinement in said prison. No convict shall be allowed the use of tobacco or ardent spirits in any form, unless under the special direction of the attending physician, nor be permitted to receive anything but the prison allowance. And any person who shall supply, or attempt to supply, any convict with any article herein forbidden, shall on conviction be fined not less than twenty nor more than one hundred dollars; and if a keeper, or other officer, or any person employed about the prison shall violate the said provisions, shall also be dismissed. No convict shall be discharged while laboring under any dangerous disease, unless by the convict's own desire. Nor shall any convict be discharged in violation of the act of Assembly passed the eighteenth day of February, Anno Domini, one thousand eight hundred and forty-seven, relative to the discharge of convicts. The uniform of the male convicts shall be a jacket of cloth and trousers of the same or other warm stuff for the winter, and lighter materials for the summer, the form and color of which, and the kind of dress to be worn by the female convicts, shall be determined by the inspectors. Two changes of linen shall be furnished to each convict every week in summer, and one change every week in winter. When a convict shall be discharged, the clothes belonging to the convict shall be taken off, and the clothes and money and effects taken from him or her at the time of reception into prison not before recovered, shall be restored. If he or she shall not possess any money or suitable clothing, the inspectors shall provide the convict with what in their judgment may be necessary, not exceeding in money and clothing five dollars in amount.

Sentence before  
the completion  
of prison.

SECTION 16. That every person who shall hereafter and before the completion of the Montgomery County Prison, be convicted in any court of criminal jurisdiction in the county of Montgomery of any crime or misdemeanor, the punishment of which shall be imprisonment and labor in the penitentiary; when sentenced by the court, also, then shall be sentenced by the court to undergo such imprisonment and labor in the Eastern Penitentiary until the Montgomery County Prison shall be completed and prepared for the reception of convicts, if the same shall be completed before the sentence expires, and then to be removed from said penitentiary to "The Montgomery County Prison," to undergo the imprisonment and labor in the Montgomery County Prison for the residue of the time of such sentence,—and the convict, upon the completion of the prison shall be delivered up to, and taken from said penitentiary and delivered into the Montgomery County Prison by the sheriff of said county, on the order of the court in which such person was convicted and sentenced.

Sentence after  
completion of  
prison.

SECTION 17. That every person who shall after the completion of the Montgomery County Prison be convicted in any court of criminal jurisdiction in said county of any such crime or misdemeanor, shall be sentenced by the proper court to undergo said punishment in said

prison; and every person who shall hereafter be convicted in Montgomery county of any offence now punishable by imprisonment in the county jail, shall be sentenced to undergo his or her imprisonment in the Montgomery County Prison, and in such case the said court shall designate in their sentence whether the said criminal shall be confined in the debtors' or other apartments of said prison; and every such person shall be kept in the present county jail until a suitable, safe, and comfortable cell or apartment in the new prison shall be prepared for their reception. And when the county commissioners shall have prepared any suitable cell or cells or apartments in the new prison now being built, and the same shall be in a dry and healthy condition, fit for the reception and accommodation of the prisoners convicted as last aforesaid, and such as may heretofore have been sentenced to imprisonment in the county jail, and other persons then confined in the county jail, the said commissioners shall certify the same to the inspectors of said prison appointed as aforesaid, who shall forthwith cause all persons then confined in the county jail to be removed therefrom to the cells and apartments prepared for them as aforesaid, and shall cause said persons to be kept and imprisoned in such cells and apartments until the Montgomery County Prison shall be completed, and said inspectors shall take charge of the same under the order of the court to be made as before provided. And when the persons confined in the county jail shall have been removed therefrom as aforesaid, the sheriff shall forthwith vacate the present county jail.

SECTION 18. That no inspector, keeper, or other person appointed or employed to execute any duty, trust, or work in and about the prison, shall, without permission from the board of inspectors, sell any article of any kind to any prisoner, or to or for the use of the prison, or be directly or indirectly in any way concerned in any contract connected with such sale, or derive any emolument or advantage from such sale or contract; nor shall either or any of them extend to any person confined in the prison any favor, lenity, or mitigation of punishment, or inflict any punishment not authorized by law or by the rules that shall be adopted by the inspectors in accordance with law; nor shall they receive under any pretence whatever, from any person confined in said prison, or from any one else on his or her behalf, any money, reward, gratuity, or gift whatever; and any violation of this law, or any subsequent act relating to said prison, shall be considered and adjudged to be a misdemeanor; and on conviction of any person of such offence in the Court of Quarter Sessions, the person so convicted shall be punished by a fine of not less than twenty nor more than three hundred dollars, and be imprisoned for any term not less than one nor more than twelve months, and shall be immediately removed from his office, appointment, or employment.

Sale of articles  
of any kind to  
prisoners pro-  
hibited.

SECTION 19. That from and after the passage of this act, no inquest shall be held on the body of any person who may die during his or her confinement in the Montgomery County Prison, unless the coroner of said county be thereunto required by the inspectors of said prison, except in cases of murder, suicide, manslaughter, or death caused by casualties. And it shall be the duty of the attending physician of said prison to certify to the inspectors thereof the name and age of every person who may die in said prison, and the disease or cause of death of each person, so far as he can ascertain the same, which certificate the inspectors of said prison shall cause to be entered in a book to be kept for that purpose, and the original shall be delivered to the clerk of the Court of Quarter Sessions of the county, to be filed in his office for the inspection of all persons interested. And the inspectors of said prison

Inquests.

shall, unless when the friends of the deceased will take charge of the body, have such dead person buried in the county burial ground in the borough of Norristown.

Recovery of penalties.

SECTION 20. That the penalties imposed by this act for the recovery of which is not herein specially provided for, shall be recovered in the name of the county of Montgomery, for the use of said county before any justice, alderman, or court of record having jurisdiction of sums of that amount.

Funds for the keeping, &c., of said prison.

SECTION 21. That for the funds necessary for keeping, furnishing, and maintaining said prison in conformity with the provisions of this act, the inspectors are hereby authorized to apply to the commissioners of said county, and if it shall appear to said commissioners that the sum applied for is reasonable, and that the accounts of the said inspectors are properly kept and adjusted, the said commissioners shall forthwith draw an order on the treasurer of said county in favor of the treasurer of said prison, for the use thereof, for such sum as shall be necessary to satisfy such demands.

Duties of county commissioners.

SECTION 22. That the treasurer of said county of Montgomery shall, in addition to his other duties, receive all moneys belonging to the "The Montgomery County Prison," and shall disburse the same on orders drawn on him by the board of inspectors of said prison. He shall keep a true separate account of all moneys received and disbursed, which account shall at all times be open for the inspection of the inspectors, and each of them, and the commissioners of Montgomery county. He shall once in each year state his accounts and produce his vouchers, which, after examination by the inspectors, shall by them be laid before the County Auditors for settlement at the time and place where the auditors meet for the purpose of settling the accounts of the commissioners and other officers, and be acted and reported on as accounts of county officers are by law authorized to be settled, and subject to the same laws relative thereto, and be subject to like appeal, issue, and judgment; which account when so settled the inspectors shall cause to be published as the annual accounts of the county commissioners and treasurer are published. The treasurer shall give bond to the Commonwealth for the use of the said county of Montgomery in such amount and with such security as the judges of the Court of Quarter Sessions of said county shall determine and approve, conditioned for the faithful discharge of all duties enjoined on him by law; for a just account of all moneys that may come into his hands in behalf of said prison;—for the delivery to his successor in office of all books, papers, and documents, and other things held in right of his office for said prison, and for the payment by him of any balance of money belonging to said prison remaining in his hands. The said treasurer shall receive such compensation for his services as shall be annually fixed by the inspectors, with the approbation of the county commissioners and county auditors.

Repeal.

SECTION 23. That when the Montgomery County Prison shall be completed and prepared to receive convicts, debtors, and others generally, as contemplated by this act, to be determined as aforesaid, and they shall be ordered to be taken out of the custody of the sheriff and delivered into the charge of the board of inspectors; all acts of Assembly heretofore passed on the subject of county prisons inconsistent with this act are hereby repealed, so far as regards Montgomery county, and "the Montgomery County Prison."

Removal of prisoners from the E. S. P.

SECTION 24. That whenever said court shall have determined that said prison is fit for the reception of convicts and prisoners, it shall also forthwith issue an order to the officers and keeper of the Eastern Peni-

tentiary of this State, for the removal of all prisoners who have at any time been sentenced to servitude in said penitentiary, to the said prison in which they shall serve out the unexpired time of their several sentences, which order shall be executed by the sheriff of Montgomery county.

SECTION 25. That J. E. Gould, J. M. Freeman, and William Criswell, of Clarion county, M. C. Sedwick, Henry Seibert, senior, Richard Jennings, James Selden, James K. Tittle, William Devinney, James Wilson, H. D. Dudley, and John Wosel, of Armstrong county, William M'Culloch, John Thompson, Marius Gillespie, John Goff, John Bredin, Samuel A. Purviance, Jacob Mechling, Jr., W. S. Boyd, and John Gilchrist, of Butler county, or any five of them, be, and they are hereby appointed commissioners to open the books, receive subscriptions, and organize a company by the name, style, and title, of "The Catfish, Brady's Bend, and Butler Plank Road Company," to locate and construct a plank road from Catfish Falls in the Allegheny river, by way of the Brady's Bend iron works to Butler, in the county of Butler, subject to all the provisions and restrictions of "An Act regulating turnpike and plank road companies," approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplements thereto, so far as the same are not inconsistent with this and the following sections.

SECTION 26. That the capital stock of said company shall consist of fifteen hundred shares of twenty dollars per share: *Provided*, That said company may from time to time at a meeting of the stockholders called for that purpose, increase the capital stock to such an amount as in their opinion may be required to complete the same according to the true intent and meaning of this act.

SECTION 27. That if the said company shall not commence the construction of said road within three years from the passage of this act and complete the same within ten years thereafter, this act so far as it relates to said road shall become null and void, except so far as to wind up the affairs of said company, and pay the debts of the same.

SECTION 28. That the county commissioners of the county of Northampton, and the town council of the borough of Easton, or either of them, are hereby authorized and empowered to subscribe to the capital stock of the Easton Water Company any such number of shares as they may deem right and proper, in which event the commissioners of said county and the town council of the said borough shall have the right to vote at the elections of the said company under the same provisions as private individuals.

SECTION 29. That the said corporation be empowered to borrow from time to time the sum of five thousand dollars in addition to the ten thousand dollars heretofore authorized.

JOHN CESSNA,  
*Speaker of the House of Representatives.*

BENJAMIN MATTHIAS,  
*Speaker of the Senate.*

APPROVED—The eighth day of April, A. D., one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.