

No. 123.

AN ACT

To provide for the erection of a new prison and a debtor's apartment within the city and county of Philadelphia, and for the sale of the county prison in Walnut-street, in said city.

SECT. 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,*

New prison to be erected, on the principle of separate confinement.

That a prison for the city and county of Philadelphia, capable of holding at least three hundred prisoners, on the principle of the separate confinement of the prisoners, shall be erected at such place within the city or county of Philadelphia, as the commissioners hereinafter mentioned shall fix and appoint, to be called the prison of the city and county of Philadelphia, and the expense whereof shall be defrayed in the manner and out of the funds hereinafter provided.

Appointment of commissioners to purchase site.

SECT. 2. *And be it further enacted by the authority aforesaid,* That immediately after the passing of this act, the court of common pleas of the county of Philadelphia, and the mayor's court of the city of Philadelphia, shall each appoint three respectable citizens, residing in the city or county aforesaid, to be commissioners for the erection of said prison, whose duty it shall be to select and purchase a suitable site within the city or county of Philadelphia for the same, the title whereof shall be vested in the county of Philadelphia; to make all necessary contracts for the building of the said prison, taking good security in the name of the said commissioners for the faithful performance of the said work in a good and workmanlike manner; and in case of the death or resignation of any of the said commissioners before the completion of their trust, the said court shall respectively appoint suitable persons to fill the vacancy, according as the same may occur.

Contract for building, &c.

Court to fill vacancies.

Plan of prison

SECT. 3. *And be it further enacted by the authority aforesaid,* That the prison aforesaid shall be constructed on such plan as the said commissioners, or a majority of them, may adopt: *Provided always,* That the principle of the separate confinement of the prisoners be preserved and maintained.

Commissioners to borrow \$150,000.

SECT. 4. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the said commissioners to borrow, from any person or persons, bodies politic or corporate, such sum or sums of money, not exceeding in the whole the sum of one hundred and fifty thousand dollars, at such times as they may think proper, as may be necessary to defray the expenses of erecting said prison; and it shall be the duty of the said commissioners to issue a cer-

tificate or certificates, under their hands, to the lenders, in such sums, not less than one hundred dollars each, for the payment of the sum lent, with interest not exceeding five per centum per annum, payable half yearly, which certificate shall be entered in a book to be kept for that purpose, and shall be severally transferable by the lenders or their legal attorney, executors, administrators or assigns, by endorsement thereof, at the office of the commissioners, and in the presence of one of them, or such officer as they may appoint for that purpose; and for the security of the persons who may become holders of the loans hereby authorised, the jail and penitentiary house of Philadelphia, commonly called the Walnut-street prison, and the Prune-street apartment, and the lots of ground on which they are erected, bounded by Walnut, Sixth, and Prune-streets, in said city, shall be, and are hereby specifically pledged; and the said loans shall be paid out of the proceeds of the sale of the said Walnut-street prison and Prune-street apartment, and the lots thereunto belonging, as is hereinafter provided.

To issue certificates of stock.

To be transferable.

Lot of Walnut street prison pledged for loan.

To be repaid out of proceeds of sale of prisons and lots.

SECT. 5. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners of the county of Philadelphia, to provide from time to time, and pay over to the said commissioners, sufficient sums of money to meet the interest which may become due half yearly on said loan, for that purpose they are hereby authorised and required to raise money in any mode or manner in which money for the ordinary purposes and expenses of said county may by law be raised or obtained.

County commissioners of Philadelphia to provide for payment of interest of loan.

SECT. 6. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said commissioners to select and purchase a suitable site in the city or county of Philadelphia, and erect thereon a building, to be called the debtor's apartment of the city and county of Philadelphia, the title to be vested in the county of Philadelphia, and the expense of erecting the same shall be provided for and defrayed by the county commissioners of said county, on warrants drawn on them by the commissioners for building the said prison; and the said county commissioners are hereby authorised to raise the money necessary therefor, in any mode or manner in which money for the ordinary purposes and expenses of said county may by law be raised or obtained.

Commissioners to build a debtors apartment.

Expense to be defrayed by county.

SECT. 7. *And be it further enacted by the authority aforesaid,* That so soon as the said new county prison and debtor's apartment shall be erected and prepared for the reception of prisoners, it shall be the duty of the inspectors of the prison of the city and county of Philadelphia to take charge of the same, and to remove, or cause to be removed thereto, all persons who may then be confined in the prison on Arch street, in the said city, and the officers who have them in charge, the debtors and persons confined as witnesses, to be

On completion of prison inspectors to remove Arch street prisoners.

removed to the debtor's apartment, and the others to the new prison of the city and county aforesaid; and such provision shall be made in the arrangement of the said debtors' apartment, as that persons confined as witnesses shall have no communication with debtors, and thenceforth all persons who, by the existing laws of this commonwealth, are liable to be confined in the Arch-street prison, as also all persons who may be confined for debts, or as witnesses, shall be respectively sent to the new prison of the city and county of Philadelphia, in the debtor's apartment, there to be kept, treated, and governed, according to such rules and regulations as the said inspectors, who have the charge thereof, with the approbation of the court of common pleas and quarter sessions of said county, and the mayor's court of said city, may from time to time ordain and establish: *Provided always*, That the same be not inconsistent with, or contrary to, the constitution and laws of this commonwealth, and the provisions of this act.

Debtors to be kept separate.

Thenceforth committals to be made to new prison.

Courts to prescribe regulations.

Proviso.

Convicts sentenced for less than one year to be sent to new prison.

SECT. 8. *And be it further enacted by the authority aforesaid*, That every person who shall be convicted, after the completion of said new prison, in any court of criminal jurisdiction, in the city or county of Philadelphia, of any crime, the punishment of which would be imprisonment in the jail and penitentiary house of Philadelphia, for a period of time under one year, shall be sentenced by the proper court, to suffer punishment in the new prison aforesaid, by separate confinement at labor, for and during the term of their sentence, and shall be fed, clothed and treated as nearly as may be practicable, in the same manner, as is provided by law, in relation to persons confined in the eastern state penitentiary, in solitary confinement at labor.

Building commissioners authorised to sell and convey Walnut street prison.

SECT. 9. *And be it further enacted by the authority aforesaid*, That the commissioners appointed under the provisions of this act, for erecting the new prison aforesaid, be and they are authorised to grant, bargain and sell, the jail and penitentiary house of Philadelphia, commonly called the Walnut street prison and Prune street apartment, together with the lots of ground, whereon the same are erected, bounded by Walnut, Sixth and Prune streets, in the city of Philadelphia, altogether, or in parts or parcels, at such time or times, and upon such terms and conditions, as they or a majority of them may determine, to make and execute a good and sufficient deed or deeds for the same, conveying a fee simple to the purchaser or purchasers: *Provided*, That the said prison shall remain in its present state, until the prisoners shall be removed therefrom to the new penitentiary, for the eastern district, in such manner as shall be provided for by law.

Proviso. Not until removal of prisoners.

To discharge loans & other debts.

SECT. 10. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the said commissioners, for erecting said prison, and they are hereby required, as soon

as they receive the monies arising from the sale of the said Walnut street prison, and Prune street apartment, and the lots thereto belonging, to pay off and discharge the loans they may have obtained, under the provisions of the fourth section of this act, and all other debts by them contracted, in relation to their duties, and to pay the residue to the commissioners, who are hereby authorised to apply the same to the ordinary purposes of said county.

And pay residue to county commissioners.

SECT. 11. *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 contracts connected with the building of said prison, or debtor's apartment, or derive any profit or advantage from the same; but they are authorised to employ a clerk, whose duty 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 six hundred dollars per annum, payable out of the monies to be raised by loan, under the provisions of this act; and it shall be the duty of said commissioners, to submit their accounts annually to the auditors of the county of Philadelphia, who are to examine and report them as is provided by law, in relation to the accounts of the county commissioners.

Commissioners not to receive pay nor to be concerned in contracts.
To employ a clerk.
His compensation.
Annual settlement of accounts.

SECT. 12 *And be it further enacted by the authority aforesaid,* That the commissioners aforesaid, previous to making any contract for building the said prison, or for furnishing materials for the same, shall first give notice, by public advertisement, in two or more of the daily papers, and continue the same at least three weeks, for the purpose of procuring the said materials, on the most economical terms.

Advertisement of contracts.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The thirtieth day of March, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.