

fuel in the manufacture thereof, shall be extended three years from the passage of this act.

JAMES THOMPSON,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The fourteenth day of April, Anno Domini, eighteen hundred and thirty-five.

GEO: WOLF.

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No. 140.

A Supplement

To the act entitled An act to provide for the erection of a new prison and a debtors' apartment within the city and county of Philadelphia, and for the sale of the county prison in Walnut street in said city.

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 prison erected in pursuance of the provisions of the act to which this is a supplement, shall, when completed, be known and called by the name of 'The Philadelphia County Prison, and shall be managed by a board of inspectors, consisting of twelve citizens, residing in the city or county of Philadelphia, who shall serve without any pecuniary compensation, four of whom shall be appointed by the mayor, recorder and aldermen of the city of Philadelphia, four by the judges of the court of Quarter Sessions, and four by the judges of the District Court of the city and county of Philadelphia: they shall serve for four years, or until their successors shall be appointed. In case of vacancy, by death, resignation or otherwise, the same shall be supplied by the court who appointed the individual who has caused the vacancy, upon notice of such vacancy from the president of the board of inspectors. The first appointment of inspectors under this act, shall be made on the first Monday in May next ensuing, and annually thereafter: the persons then chosen shall hold themselves in readiness to take charge of said prison as is hereinafter provided for. At the first meeting of the inspectors chosen as aforesaid, they shall divide themselves by lot into classes of three each, the first class to serve one year, the second class to serve two years, the third class three years, and the fourth class four years; which result shall be regularly entered upon the minutes of the board of inspectors.

Name.

Board of inspectors.

By whom appointed.

Vacancies, how filled.

First appointment the first Monday in May next. Annually thereafter.

Classification

SECTION 2. The said inspectors 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. The inspectors shall annually appoint a superintendent, a matron for the female department, a physician and a clerk for the institution, and shall fix their salaries and compensation, as also the salaries or compensation of the keepers and all other persons employed in and about the institution. A majority of the said inspectors shall constitute a board, and do any of the acts required of the said inspectors, and make such rules for the internal government of the prisons as may not be inconsistent with the principles of separate or solitary confinement, as set forth in this act or the act to which this is a supplement, or any of the provisions of said act.

Duties of inspectors.

Treasurer to give bond.

Appointm'ts to be made by inspectors.

Majority to constitute a board.

SECTION 3. It shall be the duty of the inspectors to appoint, monthly, three of their number, who shall be the visiting inspectors, whose duty it shall be to visit the prison at least once a week, and oftener if necessary, 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 institution, and report in writing to the board of inspectors monthly or oftener, if necessary, of the state of the institution, for their information and government. The visiting inspectors shall be furnished by the superintendent with a calendar of the persons confined in the prison, and shall see that the persons named in said calendar are in their respective cells assigned to them. On their visits to the cells, the visiting inspectors shall not be attended by any of the officers, unless thereto especially required by them. It shall be the duty of the inspectors to make the necessary contracts for the purchase of clothing, provisions, and all articles and supplies necessary for the support and employment of the persons confined in said prison, and to direct the manner in which they shall be employed and the articles manufactured shall be sold, and also to affix and determine the quantum and kind of food that shall be furnished daily to each person so confined in said institution. The inspectors 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; and shall cause accurate accounts to be kept by the clerk of all receipts and expenditures in said institution, which accounts shall be annually examined and settled by the auditors of the county of Philadelphia.

Visiting inspectors, their duties.

Superintend't

SECTION 4. The superintendent shall reside in the institution, and not absent himself for a night without the consent of two of the inspectors in writing; he shall visit every cell and

where to reside.

his duties.

apartment, and see every person confined, under his care, at least twice in every week, 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 shall be regularly entered the escape or discharge of any person confined in said prison, 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 visiting inspectors and physician, and all other occurrences of note that concern the state of the prison.

Keepers and servants, by whom appointed. Penalty for selling any article for use of prison.

The superintendent, under the direction and advice of the board of inspectors, shall appoint the keepers, and necessary servants, and dismiss them whenever he thinks proper, or the inspectors direct him to do so; he shall not, nor shall the matron or any inspector, sell any article to, or for the use of the said prison, or be concerned in any contract connected with such sale, or derive any emolument from such sale or contract, nor shall he or they, or either of them receive under any pretence whatever, from any person confined in said prison, or any one else 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. It shall be the duty of the superintendent to take charge of and keep any money or property which shall be found on the persons of those who are brought to the prison, to be confined, and to deliver the same to said individuals when discharged or to their order.

Superintendent to take charge of property of prisoner.

Matron, where to reside.

SECTION 5. The matron shall reside in the institution, and not absent herself for a night, without the consent of the superintendent and two inspectors in writing; she shall visit every cell and apartment occupied by the females, and see every female prisoner at least once every day, and keep the superintendent faithfully informed of every thing of importance, relative to the persons, cells, and all other matters under her care; she shall direct the labor and occupations of the female prisoners, under the general direction of the superintendent, and give them such instruction as may tend to their reformation, and to render them useful members of society.

Duties of the keepers.

SECTION 6. It shall be the duty of the keepers to inspect the condition of the persons committed to their care at least twice a day, and oftener if practicable; to see that the meals are regularly delivered according to the prison allowance, and to superintend the work of such as are employed; they shall give immediate notice to the superintendent or physician whenever any of the persons so confined shall complain of such illness as to require medical aid; each keeper shall have a certain number of persons so confined, assigned to his care, shall make a daily report to the superintendent of their health and conduct, and shall not be present when he or the inspectors visit the persons confined under his particular care unless thereto required by

them. The keepers shall obey all legal orders given by the superintendent, and all rules established by the board of inspectors for the government of the prison; all orders to the male keepers, must be given through or by the superintendent, and to the female keepers through or by the superintendent or matron, and no keeper shall absent himself from the prison during the hours of duty, without permission from the superintendent; and if discharged for any offence whatever shall never again be employed in or about said institution. No keeper shall receive from any one confined in the prison or from any one in his behalf, any emolument or gift, present or reward whatever, or the promise of any, either for services, favors or supplies, or as a gratuity, under the penalty of one hundred dollars, and imprisonment for sixty days in said prison, and when any violation of this provision shall come to the knowledge of the superintendent or inspectors, the keeper or keepers so offending, shall be immediately discharged from his office, a majority of the inspectors consenting thereto, and prosecuted for the said offence according to law.

Penalty and imprisonment for receiving emolument, gift, &c. from prisoners.

SECTION 7. It shall be the duty of the physician to visit the prison daily, visit and prescribe for all who are sick, and at least once a month visit every convict confined in said prison and report monthly in writing to the inspectors, as to the health of the convicts in the institution: he shall attend immediately, on notice from the superintendent that any person is sick, and he shall examine every person that shall be brought into the institution as a convict as to the state of his or her health, and shall keep a journal in which he shall record the name of all convicts as they come in, and the state of their health, also of all persons confined who may come under his care for medical treatment, together with such remarks as he may deem important, which journal shall be open to the inspectors and superintendent whenever they may require it: the persons confined, when under the care of the physician, shall be allowed such diet as he shall direct: the inspectors shall appropriate as many cells, together with the infirmary, as they may deem necessary for the special occupation of the sick, and have the same so fitted up as will best promote the health, convenience and comfort of the inmates. Whenever in the opinion of the physician any prisoner is so ill as to require removal from the ordinary cells to those thus appropriated, the superintendent shall direct such removal, in the prisoner shall be there kept until the physician shall certify that he may be returned to his former cell without injury to his health; should the physician have reason to believe that any persons confined in said institution is materially affected by the discipline, treatment or diet, he shall if he thinks proper, order an alteration therein, which order shall be entered on his journal and a copy thereof furnished to the superintendent, who shall carry the same into effect until the next visit of the visiting inspectors who shall inquire into the case and con-

Duties of physician.

firm or annul said order, or refer the same to the board of inspectors.

Of visiting
and commu-
nication with
prisoners.

SECTION 8. No person shall be permitted to visit the said prison excepting the official visitors hereinafter specified, or who has not a permission in writing from one of the inspectors: *Provided always nevertheless*, That the attorneys at law may be permitted to visit their clients confined for trial, as is now provided for by law. The official visitors are the Governor, the Members of the Legislature, the Secretary of the Commonwealth, the Attorney General, the deputies for the city and county of Philadelphia, the President and Associate Judges of the District Court of the city and county of Philadelphia, the court of Common Pleas and Quarter Sessions, and the Grand Juries of the court of Oyer and Terminer of the county of Philadelphia, Commissioners of the county of Philadelphia, and the acting committee of the Philadelphia society for alleviating the miseries of public prisons, the Mayor and Recorder of the city of Philadelphia: None but the official visitors shall have any communication with the convicts nor shall any visitor whatever be permitted to deliver to or receive from any of the convicts or other person confined, any letter or message whatever, or to supply them with any articles, excepting such letters or messages to or from persons confined for trial as may be first submitted or communicated to the superintendent or one of the inspectors and approved by them or either of them, under the penalty of one hundred dollars fine, to be recovered, as hereinbefore provided for other fines imposed by the act.

On reception
of prisoners
physician to
examine.

How clothed.

Description
of prisoner to
be entered in
a book.

Effects and
clothing to be
entered in a
book.

Restoration
made when
discharged.

Where
confined.

Uniform of
male convict

SECTION 9. On the reception of a person sentenced to separate or solitary confinement with labor, in said prison, the physician if present, or if not at his next visit, shall examine the state of his or her health, he or she shall be stripped of their clothes bathed, cleaned and then clothed in the uniform of the institution as is hereinafter provided; the prisoner shall then be examined by the clerk and superintendent in the presence of as many of the keepers as can conveniently attend: the name, height, apparel and alleged place of nativity, trade, complexion, color of hair and eyes, and length of feet, (to be accurately measured,) shall be entered in a book provided for that purpose, together with such other natural and accidental marks or peculiarity of feature or appearance as may serve to identify the person, and if the convict can write, his or her signature shall be written under the description of the person. All the effects on the person of the convict, as well as the clothing shall be taken from him or her and recorded in a book to be kept for that special purpose, and preserved under the care of the superintendent, to be restored to him or her on his or her discharge. If the convict is not in such ill health as to require to be sent to the cells or infirmary for the sick, 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. The uniform of the male convicts shall be a jacket and trowsers

of cloth or other warm stuff for the winter, and lighter materials for the summer, the form and color to be determined by the inspectors, who shall also fix the kind of dress to be worn by the female convicts in summer and winter. Two changes of linen shall be furnished to each convict every week in summer and one in winter: no convict is to receive any thing but the prison allowance.

SECTION 10. When a convict shall be discharged by the expiration of the term for which he or she was sentenced or by pardon, the clothes belonging to the institution shall be taken off, and the clothing belonging to the convict restored, together with such property, if any, that was taken from him or her at the time of reception into the prison, which has not been otherwise legally disposed of; if he or she shall not possess suitable clothing, the inspectors shall provide them with what may in their judgment be necessary; the inspectors and superintendent may furnish the discharged convict with a sum of money or clothing not exceeding five dollars in amount.

Restoration
of property
on discharge.

SECTION 11. All persons confined in said prison other than convicts, shall be confined in the cells, separate and apart from each other; the females to be kept in a different apartment or story of the building from the males, and apprentices and servants in separate cells and apart from the wing or story in which sentenced prisoners are kept, so that no possible intercourse or conversation may take place among the several classes of persons so confined; and it shall be the duty of the inspectors to provide for said prisoners, suitable provisions and bedding, and when necessary for their comfort, suitable coarse clothing to be worn while in the cells in confinement, and to adopt such rules and regulations for the preservation of cleanliness, decorum and order in the cells among the persons so confined, as may be necessary, and to punish any who offend the rules and regulations, by closer confinement and deprivation of food until obedience is enforced: *Provided always*, That the said rules and regulations be not inconsistent or contrary to the constitution of this commonwealth and the provisions of this act. No person confined in said prison whether for trial or otherwise, shall be allowed the use of any ardent spirits, except by direction of the physician; and any one who shall supply them with it, or with wine, or any spirituous or intoxicating fermented liquor, unless by order of the physician shall be fined fifty dollars, to be recovered as other fines are by this law made recoverable, and if an officer be dismissed. No person confined for trial, as a disorderly apprentice or servant or vagrant, shall receive any thing but the prison allowance, unless by permission of the visiting inspectors, or in cases where the health of the person so confined in the opinion of the physician require it.

Of persons
confin'd other
than convicts

Proviso.

Penalty on
supplying
prisoners
with ardent
spirits.

Prison allow-
ance only
allowed,
unless by
permission.

On deficiency
orders to be
drawn on
treasurer of
county.

SECTION 12. For any deficiency in keeping, furnishing and maintaining said prison, in conformity with the provisions of this act, the inspectors are authorized to apply to the commis-

sioners of the county of Philadelphia for such sum or sums as may be necessary or required, if it shall appear reasonable, and that the accounts of said inspectors are properly kept and adjusted, the commissioners of the said county shall draw an order on the treasurer of the county of Philadelphia for such sum or sums as may be necessary to satisfy such demands.

SECTION 13. Every person who shall after the completion of said prison, be convicted 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 gaol and penitentiary house of Philadelphia, for a period of time under two years, shall be sentenced by the proper court, to suffer punishment in the Philadelphia county prison, by separate or solitary confinement at hard labor, for and during the term of their sentence, and shall be fed, clothed and treated as is hereinbefore provided for in this act.

SECTION 14. All persons who may be convicted according to the existing laws of this Commonwealth before the mayor, recorder or any alderman of the city of Philadelphia, or before any alderman or justice of the peace of the county of Philadelphia, as a vagrant or disorderly person shall be sentenced to suffer separate confinement at hard labor in the Philadelphia county prison for the term of one month, and be fed, clothed and treated as convicts in said prison are directed to be fed, clothed and treated: *Provided*, That the inspectors may discharge persons committed as vagrants and disorderly, or send them to the House of Employment of the Alms House, there to be dealt with according to the provisions of the fourteenth section of the act, passed the fifth March, one thousand eight hundred and twenty-eight, entitled An act for the relief and employment of the poor of the city of Philadelphia, the district of Southwark, and the township of the Northern Liberties.

SECTION 15. So soon as said prison shall be completed and prepared for the reception of prisoners, it shall be the duty of the inspectors appointed under this act to cause to be removed to said prison, all persons who may be confined in the prison in Arch street in said city, excepting debtors and witnesses, and the said inspectors are hereby authorized to call upon the sheriff of the city and county of Philadelphia for such aid as they may think requisite, to remove said prisoners, and thenceforth all persons who by the existing laws of this Commonwealth are liable to be confined in the Arch street prison, shall be respectively sent to the Philadelphia county prison, there to be kept in separate and solitary confinement, and fed, clothed and treated according to the provisions of this act, and the rules and regulations to be made by the inspectors in conformity therewith.

SECTION 16. So soon as the said prison shall be completed and prepared for the reception of convicts, it shall be the duty of the said inspectors to remove or cause to be removed from the prison in Walnut street in said city, all criminals who may

On convict'n
of a term less
than 2 years,
imprisonm't
in Philadelph.
Co. prison.

On convict'n
of a vagrant
or disorderly
person, sen-
tence one
month,
clothed, &c.

Proviso.

Removal of
prisoners
from Arch st.
prison.

Removal of
prisoners
from Walnut
st. prison.

have been convicted in any court of criminal jurisdiction in the city or county of Philadelphia, for a term under two years, and may remove them to the aforesaid Philadelphia County prison, there to be kept in separate and solitary confinement, at labor, fed, clothed and treated as is herein provided for, by the act in relation to convicts, for the remaining period of their sentence, and until duly discharged.

SECTION 17. The commissioners for the erection of the prison and debtors' apartment of the county of Philadelphia, are hereby authorized to borrow any sum, not exceeding seventy thousand dollars, in addition to the amount already authorized, as they may think necessary to defray the expenses of erecting and furnishing said prison, and preparing it for the reception of prisoners, agreeably to the provisions of the act entitled An act to authorize a loan for the completion of the new prison and debtors' apartment in the county of Philadelphia," passed the sixth day of February, one thousand eight hundred and thirty-four.

May borrow
in addition
any sum not
exceeding
\$70,000.

SECTION 18. So soon as the prisoners, now in the Walnut-street and the Arch-street prisons, are removed to the Philadelphia County prison and the Eastern State penitentiary, as provided in the act of twenty-eighth of March, one thousand eight hundred and twenty-eight, and by this act, that all the rights, powers and privileges, at this time vested in and exercised by the board of inspectors of the jail and penitentiary house of the county of Philadelphia, shall be transferred to and vested in the board of inspectors of the Philadelphia County prison; and the board of inspectors of the jail and penitentiary house of the county of Philadelphia, are hereby authorized and directed, immediately on the removal of the said prisoners, to deliver over to the inspectors of the Philadelphia county prison, all moneys, notes, bonds, books, papers, stock and all other property then in their possession, which shall be received and properly disposed of by the said board of inspectors of the Philadelphia county prison, and the duties, rights and privileges of the said board of inspectors of the jail and penitentiary house shall forthwith cease and determine.

On removal
of prisoners
powers
transferred.

SECTION 19: So much of any act or acts of Assembly of this Commonwealth, as is altered or supplied by this act, be and the same is hereby repealed.

Repeal.

JAMES THOMPSON,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The fourteenth day of April, Anno Domini, eighteen hundred and thirty-five.

GEO. WOLF.