

of the said corporation heretofore made or to be made touching the premises.

[Section V.] (Section VI, P. L.) Provided always and be it enacted by the authority aforesaid, That no by-laws nor ordinances of the said corporation hereafter made shall be binding upon the members or officers thereof unless the same shall be proposed at one regular meeting of the said corporation and enacted and received at another after the intervention of at least thirty days and that no sale or alienation or lease for above three years of any part of the real estate of the said corporation shall be valid unless the terms and nature of such sale or lease be proposed at a previous meeting of the said corporation.

Passed March 26, 1789. Recorded L. B. No. 3, p. 490.

CHAPTER MCDIX.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT FOR AMENDING THE PENAL LAWS OF THIS STATE."¹

(Section I, P. L.) In order to remedy several abuses arising from certain defects in the act entitled "An act for amending the penal laws of this state," and to render the provisions therein contained more beneficial and effectual:

[Section I.] (Section II, P. L.) Be it 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 the county commissioners of the several counties of this state except the county of Philadelphia shall and they are hereby enjoined and required as soon as conveniently may be after the passing of this act to cause to be set apart and prepared in their respective county gaols and in the yards thereof suitable and sufficient places and apartments for the accommodation of such persons as are or may be con-

¹Passed September 15, 1786, Chapter 1241.

fined therein on account of debt or [upon] civil process and also as witnesses in cases of criminal prosecutions, which places and apartments shall be exclusively appropriated to the reception and accommodation of the foregoing description of prisoners and no felon charged or convicted shall be permitted to have access to the same or any communication with any person of the description aforesaid.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That all persons who shall be confined in the gaol of the city and county of Philadelphia upon civil process or as witnesses in criminal prosecutions or charged with or convicted of misdemeanors only, shall upon [due] notice from the persons hereinafter mentioned to the sheriff of the said city and county that the workhouse in the said city is altered and prepared for their reception in the manner hereinafter directed, be removed to the said workhouse, and that so much thereof as shall be necessary together with the east yard to the same belonging shall be set apart and appropriated to the reception and safekeeping of such persons only, which shall be and remain under the care and custody of the sheriff of the said city and county, and shall and is hereby declared to be the gaol of the city and county of Philadelphia.

[Section III] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the mayor, aldermen and citizens of Philadelphia together with the commissioners for the county of Philadelphia shall as soon as conveniently may be cause such alterations to be made in the said workhouse and yard as shall be necessary for the safe and comfortable keeping of such prisoners and when the same shall be completed give notice thereof to the said sheriff for the purpose aforesaid.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the residence of the said workhouse with the west yard thereto belonging shall be reserved for the uses to which it is at present applied, and if the present building shall be found upon experience to be too small for the purpose of safely keeping, accommodating and employ-

ing the number of persons who are or shall be confined there-
[in] it shall and may be lawful for [the] said mayor, aldermen, citizens and commissioners, to cause such additional buildings to be erected contiguous thereto as they shall find necessary and expedient for the purposes aforesaid.

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the mayor and any three [of the] aldermen of the said city and any four justices of the peace of the county of Philadelphia shall be and they are hereby authorized and required to fix and regulate from time to time the fees of the keeper of the said workhouse and for securing the payment thereof from the vagrants and other disorderly persons who shall be committed to the same, the said keeper shall have power notwithstanding any rule or order to the contrary to detain any such person in confinement until payment or satisfaction thereof shall be made.

[Section VI.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the said mayor, aldermen, citizens and commissioners shall as soon as conveniently may be cause to be prepared, separated and set apart such parts of the present gaol of the city and county of Philadelphia as may be necessary for the reception and safe keeping of all persons charged with or convicted of felonies or other crimes to which the provisions hereinafter contained do not extend, and that the residue of the said gaol shall be reserved for the reception, safe keeping and employment of all felons sentenced to hard labor and confinement, and that the said mayor, aldermen, citizens and commissioners shall cause the rooms [and] apartments thereof and such parts of the yard as shall be so reserved from the last mentioned purposes to be divided from the rest, and cells, sheds and other suitable buildings to be constructed for the purpose of separating, confining and keeping employed at hard labor all felons of the last mentioned description and that as well such apartments, cells and sheds as the residue of the said gaol where necessary shall be properly walled up and secured to prevent all communication among the same felons and with the persons abroad and that the [same] gaol from and after the passing of this act shall

be called and styled the common prison of the city and county of Philadelphia.

[Section VII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That all felons convicted in any county in this state of any felony or felonies for which he, she or they shall be sentenced to hard labor for the space of twelve months or upwards may at the discretion of the justices of the court in which such felon shall be convicted within three months after such sentence shall have been given, be removed at the expense of the said county under safe and [secure] conduct to the said prison and be therein confined, fed, clothed and put to hard labor in the manner by the act entitled "An act for amending the penal laws of this state,"¹ and by this act directed for the remaining space of time for which by such sentence they shall be liable to imprisonment.

[Section VIII.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said mayor and aldermen of the said city in the mayor's court for the said city and for the justices of the peace of the several counties in their general [courts of] quarter sessions of the peace and they are hereby enjoined and required to appoint annually or oftener if necessary six suitable and discreet persons within the said city and the respective counties as inspectors of the said prison and the several gaols and workhouses within the said city and the respective counties, whose powers and duties shall be as follows:

First. To provide a proper quantity of suitable raw materials and to see that the same is duly distributed by the prison keeper or his deputies among the felons sentenced to hard labor as aforesaid.

Secondly. To receive and dispose of the produce of their labor and apply the same in the manner hereinafter directed.

Thirdly. To examine into all breaches and neglects of duty on the part of the prison keepers and their deputies and of all keepers of gaols and workhouses and report in writing the special instances thereof to the said mayor and aldermen and to the said justices at their courts aforesaid quarterly if occasion be.

¹Ante.

Fourthly. To inquire into and report to the mayor, aldermen or justices of the peace such repairs, alterations or additions to the buildings provided for the purposes aforesaid as may be necessary and expedient.

[Section IX.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said mayor and aldermen annually to appoint a suitable and proper person to be keeper of the said common prison in the city of Philadelphia who shall however be liable to be removed by the said mayor and aldermen when occasion may require, in which case another such person shall be appointed in the manner aforesaid, who, besides the care and custody of the prisoners, shall superintend the felons employed at hard labor; that it shall be the duty of the said keeper to prevent all communication between the men and woman felons and to separate the men felons from each other as much as the construction of the buildings and the nature of their employment will admit of; to admit no persons whatever except officers and ministers of justice or counsellors or attorneys at law employed by the prisoners, ministers of the gospel or persons producing a written license from one of the said inspectors to enter within the walls where such felons shall be confined. To suffer no spirituous liquors to be conveyed to the said prisoners unless in cases of sickness and with the consent of one of the said inspectors in writing first obtained. To punish the obstinate and refractory and to reward those who shall show signs of reformation by lightening or increasing their tasks and by increasing or lessening their food, as occasion may require. To prevent profligate or idle conversation and demeanor and to preserve the utmost possible cleanliness in the persons and apartments of the prisoners.

[Section X.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That such keeper shall have power with the approbation of the said mayor and aldermen to appoint a suitable number of deputies and assistants for whose faithful execution of their offices he shall be accountable and he shall also be punishable at the discretion of the court hav-

ing cognizance thereof for all escapes wilfully or negligently assistants so much per annum as shall be allowed and agreed assistants, and neither he, his deputies or assistants shall ask, demand or receive any fee, emolument or reward of any kind except the salaries hereafter mentioned.

[Section XI] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the said keeper of the said prison shall receive as a full compensation for his services including the expense of hiring and retaining his deputies and assistants so much per annum as shall be allowed and agreed on by the said mayor, aldermen, citizens and commissioners, which shall be paid to him quarterly by orders to be drawn in his favor on the treasurer of the county of Philadelphia by the mayor of the said city for the time being and he shall moreover receive from the said inspectors of the prison a commission or allowance of ten per centum on the moneys arising from the labors of the said prisoners.

[Section XII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That before such prison keeper, his deputies or assistants shall exercise any part of the said office he shall give bond with two sufficient sureties to the said mayor, aldermen and citizens in the sum of five hundred pounds upon condition that he, his deputies and assistants, will well and faithfully perform the trust and duty in them reposed, according to the form and effect of the several acts of assembly of this state thereto relating, which bond, the due execution thereof being proved [before] and certified by any one of the aldermen of the said city, shall be recorded in the office of the recorder of deeds for the city and county of Philadelphia and copies thereof exemplified by the said recorder of deeds, shall be good evidence in all courts of law [in any suit brought] against such prison keeper or his sureties.

[Section XIII.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That if any felon sentenced to hard labor and confinement shall escape, he shall on conviction thereof suffer such additional confinement at hard labor agreeably to the directions of this and of the said recited act

and shall also suffer such corporal punishment as the court in their discretion shall adjudge and direct. And if any such felon or felons shall after his or their escape be guilty of any offense for which on conviction he she or they would have been sentenced to death under the law as it stood before the passing the act entitled "An act for amending the penal laws of this state,"¹ he, she or they shall suffer death accordingly as if no such act had been passed.

[Section XIV.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That if any felon or felons who may have served or shall hereafter serve out the term or time for which he, she or they was or were or shall be sentenced agreeably to the terms of the act entitled "An act for amending the penal laws of this state,"² or of this act, or hath or have been or shall hereafter be pardoned for the offenses or crimes of which he, she or they hath or have been or shall hereafter be convicted agreeably to the said act or of this act, provided the offense or offenses for which he, she or they was or were or shall be convicted was or were by the former laws of the late province or of this commonwealth declared capital and is, are or shall be convicted of a second offence which was by the laws of the late province or of this commonwealth made capital, he, she or they being duly convicted of such second offense shall suffer death on such conviction without benefit of clergy.

[Section XV.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the commissioners for the county of Philadelphia with the assent and concurrence of the mayor, recorder and any three aldermen of the city of Philadelphia and any three of the justices of the peace for the county of Philadelphia, and they are hereby required to assess and levy in the manner directed by the acts of assembly for raising county rates and levies so much money as they shall judge necessary for the pur-

¹Ante.

²Ante.

poses of altering, accomodating and enlarging the said [gaol] prison and workhouse in manner aforesaid and also so much per annum as shall be necessary for the payment of the salary of the said prison keeper and for providing the materials, tools and implements for the labor of the said felons.

[Section XVI.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That the charges of clothing, feeding and maintaining the said felons sentenced to hard labor as aforesaid, of providing the necessary materials, tools and implements for labor [and the profits of such labor] shall be equally and annually apportioned and divided by the said inspectors of the said common prison among the said city and the several counties in proportion to the number of criminals from each of them respectively who shall be so confined at hard labor in the said common prison, in which settlement and distribution the city and county of Philadelphia shall be allowed the sum of one hundred pounds annually as a compensation for the additional expenses arising from the provisions of this act. Provided always, That it shall and may be lawful for the commissioners of any such county to appeal from such settlement and distribution to the supreme executive council who shall upon examination and due notice to the parties, revise, alter or confirm the same as shall be just and reasonable. And provided also, That nothing herein contained shall alter, lessen or defeat the estate and interest of the city and county of Philadelphia in the said common prison [or] lot of ground thereunto belonging and their appurtenances.

[Section XV.] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That if the expenses attending the necessary alterations of the said [common prison] and employment of the said felons shall be found to exceed the profits arising from their labor it shall and may be lawful for the supreme executive council and they are hereby required upon the application of a majority of the inspectors of the said prison of the said city and county to draw orders upon the treasurer of the respective counties for such sums of money to be paid to the commissioners of the county of Philadelphia or their orders as upon and equal rate and [apportion]ment of

such expenses according to the principles aforesaid such counties may be severally liable to.

[Section XVIII.] (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That if any keeper of the said common prison of the city and county of Philadelphia or any of his deputies or assistants shall suffer any spirituous liquors, except as is before excepted, to be introduced into the places so reserved for the employment of felons at hard labor or shall willingly suffer any communication between the men and women felons so confined or shall ask, demand or receive of or from any person whatsoever by color of his office or under any pretence whatever any sum or sums of money or other fee, gratuity or reward other than the salaries and allowances hereinbefore mentioned, he or they on conviction thereof shall be liable to a fine of ten pounds to be applied to the purchase of materials, tools and implements for the labor and employment of the said felons in the manner by this act directed for the support and maintenance of such felons.

Passed March 27, 1789. Recorded L. B. No. 3, p. 500.

The Act in the text was repealed by the Act of Assembly passed April 5, 1790, Chapter 1516.

CHAPTER MCDX.

AN ACT FOR THE MORE EFFECTUAL COLLECTION OF THE POOR TAX IN THE CITY OF PHILADELPHIA, THE DISTRICT OF SOUTHWARK AND THE TOWNSHIPS OF MOYAMENSING AND THE NORTHERN LIBERTIES AND TO PROVIDE IN A MORE CONVENIENT AND SALUTARY MANNER FOR THE CONFINEMENT OF DISORDERLY PERSONS, FOUND AND APPREHENDED IN THE SAID CITY, DISTRICT AND TOWNSHIPS.

(Section I, P. L.) Whereas by the eventual operation of an act entitled "An act to amend an act entitled 'An act for the better employment of the poor of the city of Philadelphia, the district of Southwark, the townships of Moyamensing, Passayunk and the Northern Liberties,' and to revive and perpetu-