

No. 396.

AN ACT

Creating a commission to select and acquire a site for the erection thereon of the Eastern State Penitentiary; defining its powers and duties.

Eastern State
Penitentiary Com-
mission.
Members.

Section 1. Be it enacted, &c., That a commission is hereby created to be known as the Eastern State Penitentiary Commission. The commission shall be composed of the Secretary of Welfare, the president of the Board of Trustees of Eastern Penitentiary, the President pro tempore of the Senate, and two members of the Senate to be appointed by the president pro tempore, and the Speaker of the House of Representatives, and three members of the House of Representatives to be appointed by the Speaker.

Organization.

Section 2. The commission shall not later than the first day of July, one thousand nine hundred and twenty-five, organize at the call of the Secretary of Welfare, by the selection of a chairman and secretary. It shall be the duty of the commission to make an investigation of and to acquire a site in the eastern part of the Commonwealth of sufficient acreage with proper facilities and location for the erection thereon of the Eastern State Penitentiary.

Duty.

Acquisition of
tract of land.

Section 3. When the said commission shall have selected a tract of land it shall endeavor to agree with the owners thereof upon a purchase price which it deems reasonable. The Attorney General shall approve the title of any tract, or any part thereof, acquired hereunder, and all land purchased shall be conveyed to the Commonwealth in fee simple.

Condemnation of
land.

Section 4. If the commission and the owners of any part or parts of the tract of land selected hereunder fail to agree on the terms of the purchase thereof the commission may enter upon, take possession of, and occupy such land and designate and mark the boundary lines thereof, and thereupon the same shall become a part of the property of the Commonwealth for the use of the said Eastern State Penitentiary.

Credit of Common-
wealth pledged for
damages.

Section 5. The credit of the Commonwealth is hereby pledged and made security to the owner or owners of any property taken for the purpose hereinbefore provided, for all damages which they may sustain on account of the taking of such property for said purposes.

Title.

Section 6. The title to all real estate acquired by condemnation proceedings hereunder shall be vested in the Commonwealth in fee simple.

Petition for
viewers.

Section 7. When the said commission shall have entered upon and occupied lands for the purposes hereinbefore provided, the Attorney General or the owners of such premises or any one of such owners, in

behalf of all of them, may present a petition to the court of common pleas of the county in which said land is situated, setting forth the facts, giving a description of the premises taken by metes and bounds, and the names of all the owners thereof, whereupon the said court shall appoint a jury of viewers, consisting of three members of the board of county viewers, and shall fix a time for hearing when they shall view said premises. Said time shall not be less than fifteen nor more than thirty days after their appointment, of which time and place ten days' notice shall be given by the petitioner to said viewers and other parties interested. If on account of non-residence, or for any other reason, personal notice cannot be given, notice shall be given of such view by registered letter or by advertisement or otherwise, as the court may direct.

Jury of viewers.

Hearing.

Notice.

Section 8. The said viewers, having first been duly sworn or affirmed to perform their duties with fidelity and according to law, shall view and examine the premises so taken, and after hearing such parties as may desire to be heard shall make a true report to said court concerning the matters set forth in such petition and submitted to them, and taking into consideration the quality and location of and the improvements upon the land so taken and occupied as aforesaid, and taking into consideration the damages sustained and the benefits accruing, shall estimate and determine what amount of damages, if any, have been sustained by the owners of such premises by reason of the taking of said land, and to whom payable. Such hearing may be adjourned from time to time, as such viewers may direct. The Attorney General and the parties interested shall have at least ten days' notice of the filing of such report. If the actual owner of such premises, or any part thereof, by reason of non-residence or otherwise, cannot be notified, notice of the filing of such report shall be given, as directed by the court.

Duties of viewers.

Notice of filing report.

Section 9. If no exceptions are filed to or appeal taken from said report by any party interested within thirty days after the filing thereof, the same shall be confirmed absolutely by the court, and the amount awarded therein to any person shall be a valid debt and obligation of the Commonwealth and shall be payable out of moneys appropriated under the provisions of this act.

Confirmation of report.

Award to be debt of Commonwealth.

Section 10. If exceptions to said report are filed by any interested party or if an appeal is taken the said exceptions or appeal shall be disposed of according to the rules of said court and the final judgment paid, as hereinbefore provided. The right to conduct said proceedings by appeal or otherwise, down to the final judgment, is granted to all parties in interest as final as if the Commonwealth were not a party thereto.

Exceptions or appeal.

Costs and fees.

Section 11. All costs and witness fees in any such case shall be paid by the Commonwealth out of any funds appropriated for the use of the commission: Provided, That in cases where an appeal is taken by any property owner from the award made by any board of viewers and appellant does not recover a verdict for a greater amount than the viewers awarded, the appellant shall pay all costs of such appeal and trial.

Proviso.

Report of commission.

Section 12. The commission shall make a report of its work to the General Assembly not later than the first day of February, one thousand nine hundred and twenty-seven.

Expenses of commission.

Section 13. The members of the commission shall serve without compensation, but shall be entitled to receive traveling, hotel, and other expenses actually incurred in the performance of their duties.

Repeal.

Section 14. All acts and parts of acts inconsistent with this act are hereby repealed.

APPROVED—The 14th day of May, A. D. 1925.

While I am convinced that a legislative commission is not the proper authority to select a site for a penitentiary, and while the attitude of the Philadelphia organization threatened that politics would be played with this important measure, I am approving it for the two following reasons:

First, because I believe that the publicity given to the threatened abuse of the commission's power for political purposes will be sufficient to prevent such abuse; and

Second, because of the pressing public necessity for proceeding as rapidly as possible to provide for a new and modern Eastern Penitentiary to replace the antiquated and unsuitable structure at Cherry Hill.

If the item of \$1,000,000 carried in the Budget for a new Eastern Penitentiary had been approved by the Legislature it would have been possible not only to acquire the land but to begin the construction of a new institution during the present biennium. The wording of the present appropriation excludes the possibility of beginning construction under it. Accordingly, I have approved this item in the General Appropriation Bill for \$300,000, an amount abundantly sufficient to acquire a suitable site.

GIFFORD PINCHOT.

No. 397.

AN ACT

Making an appropriation to the commission for the acquisition of the various toll-bridges over the Delaware River between the Commonwealth of Pennsylvania and the State of New Jersey, for the acquisition and maintenance of toll-bridges.

Delaware River toll-bridges.

Appropriation.

Section 1. Be it enacted, &c., That the sum of one hundred thousand dollars, or so much thereof as may be necessary, is hereby specifically appropriated to the commission of the Commonwealth of Pennsylvania created under the provisions of the act, ap-