

lect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," is hereby amended to read as follows:

Section 406. Appointment of Mercantile Appraisers and Their Clerks.—The Auditor General [and the city treasurer] shall [continue to] appoint mercantile appraisers [in cities of the first class, and the Auditor General shall continue to appoint them] in all counties, [not containing a city of the first class] as [now] provided by law.

The Auditor General shall also approve or disapprove all expense accounts of mercantile appraisers, or their clerks or assistants, and the number and compensation of clerks or other assistants appointed by mercantile appraisers to assist them in the performance of their duties.

The Auditor General shall, from time to time, certify to the Department of Revenue the names of mercantile appraisers appointed by him, [in conjunction with the city treasurer in cities of the first class, and by him in other counties] the salaries or rates of salary payable to such appraisers, the number, names, and compensation of clerks or assistants approved by him for appointment by mercantile appraisers, and all expense accounts which he has approved.

When effective.

Section 2. This act shall become effective immediately upon its final enactment.

APPROVED—The 21st day of June, A. D. 1937.

GEORGE H. EARLE

No. 375

AN ACT

Providing for the erection, construction, and equipment of a Maximum Security State Penitentiary; for the detention, care, maintenance, and employment of maximum security prisoners transferred thereto from the Eastern and Western State Penitentiaries; designating the manner of acquiring or setting aside of land for the erection and construction thereon of the penitentiary by The General State Authority; authorizing the Commonwealth to lease the penitentiary and its grounds from The General State Authority upon its completion, and the Department of Welfare to manage and operate the same; providing that the cost of maintaining convicts therein be borne by the Commonwealth and the counties to the extent and in the manner provided by law in the case of convicts in State penitentiaries; and conferring powers and imposing duties upon certain State departments, boards, commissions, and officers.

Preamble

WHEREAS, The Eastern State Penitentiary, located in Philadelphia, is antiquated, and many hazardous con-

ditions exist, due to deferred maintenance of more than a decade anticipating the removal of inmates therefrom; and

WHEREAS, There is urgent need for the erection of a new State penitentiary for the segregation of maximum security prisoners transferred from both the Eastern and Western State Penitentiaries, thus accomplishing one important step in the development of an adequate penal institution program for the Commonwealth; and

WHEREAS, It is the desire of the Commonwealth of Pennsylvania that The General State Authority construct such new penitentiary and lease the same to the Commonwealth; therefore,

Section 1. Be it enacted, &c., That the Department of Welfare, with the approval of the Governor, shall select for acquisition either by the Department of Property and Supplies in the name of the Commonwealth or by The General State Authority with funds of the Authority, a tract of land of not less than five hundred acres, centrally located, well supplied with water, and capable of being properly sewered and drained, for the erection and construction thereon, by The General State Authority, of an institution to be known as the Maximum Security State Penitentiary, for the confinement of not less than six hundred convicts, to be transferred from the Eastern and Western State Penitentiaries. The title to the lands so acquired shall be approved by the Attorney General. If it shall be found that the Commonwealth owns State forest lands or other lands suitable, in whole or in part, for such use, such lands may be designated by the Department of Welfare, with the approval of the Governor and the department, board, or commission having possession and control of the same, and used for the aforesaid purpose, and any additional lands necessary may be selected and acquired, as aforesaid.

Acquisition of site, etc.

Maximum Security State Penitentiary.

Section 2. Upon the acquisition of any land in the name of the Commonwealth, or designation of any land of the Commonwealth as provided in section one, the Department of Property and Supplies shall have authority to convey the same to The General State Authority for the purpose of having such Authority erect or construct thereon the Maximum Security State Penitentiary. The plans and specifications of the penitentiary, whether erected on land acquired directly by The General State Authority or by conveyance to it from the Commonwealth, shall be subject to the approval of the Department of Welfare, and shall provide for suitable buildings, and an adequate water supply system, sewage treatment works, heat and electric power plant or plants, service lines, and other necessary equipment,

Plans for erection of new penitentiary.

structures, and improvements. The buildings shall be of modern design, plain, and substantial, and capable of extension as the needs of the institution may require.

Use of inmates
of Eastern and
Western State
Penitentiaries.

Section 3. The Department of Welfare may enter into an agreement with The General State Authority, for the use of convicts in the Eastern and Western State Penitentiaries in improving the site of the new penitentiary, the preparation of building materials, the construction of any buildings and improvements pertinent thereto, or to engage in farming or dairying work. In the case of any such agreement, the Department of Welfare shall have power to transfer, from the Eastern and Western State Penitentiaries, such convicts as it may deem necessary for these purposes, provided that a suitable building or buildings are available for the custody of such convicts. Such agreement shall require that The General State Authority shall pay to the Manufacturing Fund in the State Treasury, for the labor of such convicts, such wages for each convict so employed as may be agreed upon in accordance with the laws regulating the employment of prison or inmate labor. The expense of maintaining such convicts at the site of the new penitentiary shall be borne by the respective counties in which they shall have been convicted, and shall be paid to the State Treasurer through the Department of Revenue, as provided by law in the case of convicts confined in the State penitentiaries; but such actual expense shall be paid in the first instance by the Department of Welfare, from appropriations made for such purposes. Upon the completion of their work, any convicts transferred for work in connection with such penitentiary shall be retransferred to the penitentiary from which they were originally transferred, unless they are detained in the new penitentiary as maximum security prisoners.

Wages.

Lease.

Section 4. The Department of Property and Supplies, with the approval of the Governor, is hereby authorized to enter into a lease for not more than fifty (50) years with The General State Authority, to acquire the use of the Maximum Security State Penitentiary, and any lands or farms connected therewith, for the purpose of having the same managed and operated by the Department of Welfare. In such case the management and operation of the penitentiary and the care, maintenance and employment of the convicts shall be the function of the Department of Welfare. Subject to, and in the manner provided in The Administrative Code of one thousand nine hundred twenty-nine, and its amendments, the Department of Welfare shall have power to employ and fix the compensation of a superintendent, deputy superintendent, chaplain, guards, physicians, mechanics, clerks, stenographers, and other em-

ployes as may be deemed necessary for the proper maintenance and management of the penitentiary and the safekeeping therein of maximum security prisoners. The compensation of all persons so appointed, and all other expenses in connection with the care and maintenance of convicts in said penitentiary, shall be paid from the appropriations made to the Department of Welfare for such purposes; but the Commonwealth shall be reimbursed for such expenditures by the respective counties in which such convicts were convicted, to the extent and in the manner provided by law in the case of convicts maintained in the Eastern and Western State Penitentiaries.

Section 5. Upon the completion of the Maximum Security State Penitentiary, and after the execution of a lease of the same by the Commonwealth of Pennsylvania from The General State Authority, the Department of Welfare shall, from time to time, transfer from the Eastern and Western State Penitentiaries such convicts as by their conduct in such penitentiaries and past records require provision for maximum security, in order to prevent their escape or to prevent the causing of riot and disorder in the State penitentiaries. Such convicts shall be known as maximum security prisoners. After the penitentiary herein provided for shall have been fully completed, only maximum security prisoners shall be detained in such penitentiary. The Department of Welfare shall be the sole judge of those convicts who shall be transferred to and detained in the Maximum Security State Penitentiary. The Department of Welfare shall have power to retransfer from the Maximum Security State Penitentiary, to the penitentiary from which originally transferred, any convict who by his or her conduct shall, in the opinion of the department, no longer require detention in the Maximum Security State Penitentiary. Any convict so transferred or retransferred shall serve out the unexpired term of his or her sentence in the penitentiary to which transferred or retransferred, in accordance with the laws in force with reference to the punishment of persons convicted of crime and sentenced to a State penitentiary, and as though such convict had been duly committed to such penitentiary and had already served there for such time as had been served in the penitentiary from which transferred or retransferred. All such transfers and retransfers shall be made only by and under the direction of the Department of Welfare. When any such transfer or retransfer is made, all records, or true and full copies thereof, relating to such convicts, shall be transmitted from the institution of transfer to the institution of transfer as is provided by law in the case of transfers between the Eastern and Western State Penitentiaries.

Determination
of inmates.

Management
and operation.

Section 6. In the management and operation of the Maximum Security State Penitentiary, the Department of Welfare shall have all the powers conferred, and perform all the duties imposed by the laws of this Commonwealth on the Boards of Trustees of the Eastern and Western State Penitentiaries; and all the laws of this Commonwealth relating to the care, maintenance, management, safekeeping, employment, pardon, and parole of convicts confined in State penitentiaries shall be deemed to apply to convicts detained in such penitentiaries.

When effective.

Section 7. This act shall become effective immediately upon final enactment.

APPROVED—The 21st day of June, A. D. 1937.

GEORGE H. EARLE

No. 376

AN ACT

Providing for the erection, construction and equipment of a new Pennsylvania Industrial School, to take the place of the present Pennsylvania Industrial School at Huntingdon; designating the manner of acquiring or setting aside of land for the erection and construction of the new school by The General State Authority; authorizing the Commonwealth to lease the new school and its grounds from The General State Authority upon its completion, and the Department of Welfare to manage and operate the same; providing that the cost of maintaining inmates therein be borne by the Commonwealth and the counties to the extent and in the manner provided by law in the case of inmates maintained in the Pennsylvania Industrial School at Huntingdon; and conferring powers, and imposing duties upon certain State departments, boards, commissions, and officers.

Preamble.

WHEREAS, The present Pennsylvania Industrial School at Huntingdon, originally intended as a Middle State Penitentiary, with its high walls and towers has all the aspects of a State Penitentiary, and the addition of a medium security bloc has detracted little from its forbidding appearance; and

WHEREAS, The internal arrangement of the cell blocs with barred windows and double locked switches contradicts the idea that this institution is a school devoted to rehabilitation; and

WHEREAS, The erection of a new industrial school and the use of the present institution at Huntingdon for the detention of defective delinquents will accomplish one important step in the development of an adequate penal institution program for the Commonwealth; and

WHEREAS, It is the desire of the Commonwealth of Pennsylvania that The General State Authority con-