

hereby empowered to improve, amend and alter the charter of incorporation granted them by the aforesaid act, in the same manner and with the same privileges and powers, as corporations established by virtue of an act of assembly, passed the sixth day of April, in the year of our Lord one thousand seven hundred and ninety-one, entitled "An act to confer on certain associations of the citizens of this commonwealth, the powers and immunities of corporations or bodies politic in law."

JOHN GILMORE, *Speaker*
of the *House of Representatives*.

WILLIAM MARKS, Junior,
Speaker of the Senate.

APPROVED—March the twentieth, one thousand eight hundred and twenty-one.

JOSEPH HIESTER.

CHAPTER LXIV.

AN ACT

To provide for the erection of a state penitentiary within the city and county of Philadelphia.

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,* That a state penitentiary capable of holding two hundred and fifty prisoners, on the principle of solitary confinement of the convicts, as the same now is or hereafter may be established by law, shall be erected at such place within the limits of the city or county of Philadelphia, as the commissioners hereinafter mentioned shall fix and appoint, to be called the state penitentiary for the eastern district, the expense whereof shall be defrayed in the manner and out of the funds hereinafter provided.

A state penitentiary to be erected at or near Philadelphia.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the following named persons, viz. Thomas Wis-tar, Dr. Samuel P. Griffiths, Peter Miercken, George N. Baker, Thomas Bradford, junior, John Bacon, Caleb Carmalt, Samuel R. Wood, Thomas Sparks, James Thackara and Daniel H. Miller, be, and they hereby are appointed commissioners for the erection of said penitentiary, whose duty it shall be to select and purchase a suitable site within the city

Commissioners appointed to superintend the building of the same.

and county of Philadelphia for the same, the title whereof shall be vested in the commonwealth of Pennsylvania, to make all the necessary contracts for the building of the said penitentiary, taking security 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 Governor shall appoint suitable persons to fill the vacancy.

Their duties.

How vacancies may be filled.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said penitentiary shall be constructed on the plan of the penitentiary of Pittsburg, subject to such alterations and improvements as the said commissioners or a majority of them may from time to time, with the approbation of the Governor, approve and direct: *Provided always,* That the principle of the solitary confinement of the prisoners be preserved and maintained.

Plan of the Penitentiary.

Proviso.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the sum of one hundred thousand dollars, be, and is hereby appropriated, to be paid after the first day of October, on warrants drawn by the Governor in favor of the said commissioners, on the treasurer of the commonwealth, to be by them applied in purchasing the site and thereon erecting the penitentiary aforesaid, and the said commissioners shall furnish a detailed statement of their accounts, to the accountant department quarterly, to be settled and adjusted in the usual manner: *Provided,* That the Governor shall have full power to draw warrants for said money, in such instalments only as in his opinion the progress of the work requires.

\$100,000 appropriated, and when & how to be paid and applied.

Proviso.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the said commissioners be, and they are hereby authorised to sell, or otherwise appropriate all the right, title, claim and interest of the commonwealth in the vacant lots yet undisposed of, the property of the commonwealth in the city of Philadelphia, unimproved by the state, in such manner and at such times as to them may appear most eligible, and the money arising from such sales is hereby appropriated in addition to the sum herein before granted, to defray the expenses of erecting the penitentiary aforesaid; the said commissioners to account for the proceeds of such sales and the expenditure thereof, in the same manner as is herein before provided for in relation to the monies to be drawn from the treasury: *Provided always,* That if the title to any lot sold by virtue of this act, shall prove to be defective, nothing herein contained shall be construed so as to bind the state to pay the value of the same, or make reparation for any damages which may arise by such defective title, but the amount of money received from the sale of such lot shall be refunded by the said commissioners, and the better to enable the said commissioners to carry into effect the provisions herein contained, it shall be the duty of the Surveyor Gen-

Sale of certain property authorised.

Proviso.

eral to furnish to said commissioners, on request made, free of charge for office fees or expenses, all information in his possession, or from the records of the office, which they may need relative to the vacant lots the property of the commonwealth in the city of Philadelphia, unimproved by the state, yet remaining unsold.

Proceedings to obtain and give possession of certain lots directed to be sold, &c.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the like proceedings may and shall be had, and the same remedies used by the said commissioners to obtain, and give possession of the lots hereby directed to be sold by virtue of this act, as are provided and given to the wardens of the city of Philadelphia, by the thirteenth section of the "Act for the better support of public credit," &c. passed the tenth day of April, seventeen hundred and eighty-one, in relation to vacant lots in the city of Philadelphia, the property of the commonwealth: *Provided,* That if the party in possession, shall plead title to the premises under any office right from this commonwealth, and produce the same, the justice of the supreme court shall proceed no further therein.

Proviso.

When the payment of 50,000 is secured to the state, the title to the new prison, &c.

SECT. 7. *And be it further enacted by the authority aforesaid,* That if the commissioners of the city and county of Philadelphia, shall secure to be paid into the treasury of the commonwealth, in three equal annual instalments, commencing on the first day of January, one thousand eight hundred and twenty one, the sum of fifty thousand dollars, then and in that case, all the right, title and interest of the commonwealth, of, in and to the new prison situate in the city of Philadelphia, on the south side of Mulberry street between Broad street and Eighth street from the river Schuylkill, shall be vested in the said commissioners of the city and county of Philadelphia and their successors, for the use of the said city and county, and the said prison shall from thenceforth be deemed, taken and held to be the prison of the city and county of Philadelphia, to be thereafter used, and subject to the like provisions and restrictions as are now or may hereafter be prescribed by law, for the prisons of the respective counties in the state: *Provided however,* That the appropriation made by the fourth section of this act shall not be paid, or any part thereof, until the commissioners of the county of Philadelphia, shall have secured to be paid as aforesaid the said sum of fifty thousand dollars.

Proviso.

No convicts of the several counties to be sent to the prison of Philadelphia, &c.

SECT. 8. *And be it further enacted by the authority aforesaid,* That if the said commissioners of the city and county of Philadelphia, shall comply with the provisions of the seventh section of this act, then and in that case, the right of sending the convicts of the several counties to the prison of the city and county of Philadelphia, reserved by the commonwealth by an act passed on the second day of April, one thousand eight hundred and three, entitled "An act to direct the sale of certain unimproved city lots, the property of this commonwealth, in the city of Philadelphia, and to appro:

prorate the proceeds thereof towards the erection of a building, for the purpose of more completely carrying into effect the penal laws of this state," shall from and after the completion of the state penitentiary hereby authorised to be built, cease and determine.

SECT. 9. *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 contract connected with the building of the said penitentiary, 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 five hundred dollars per annum, payable out of the monies placed in their hands by virtue of the provisions of this act.

Commissioners not to receive any compensation, nor to be concerned in any contract, &c.

Clerk, &c.

SECT. 10. *And be it further enacted by the authority aforesaid,* That so much of "An act to provide for the erection of a state penitentiary, on the public land adjoining the town of Allegheny, opposite Pittsburg, in the county of Allegheny, and for other purposes," passed March third, eighteen hundred and eighteen, as provides for the sale of the Philadelphia prison and the erection of a penitentiary, and so much of any other act or acts as are hereby altered or supplied, be, and the same are hereby repealed.

Parts of former laws repealed.

JOHN GILMORE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junior,
Speaker of the Senate.

APPROVED—March the twentieth, one thousand eight hundred and twenty-one.

JOSEPH HIESTER,

CHAPTER LXV.

A FURTHER SUPPLEMENT

To an act, entitled "An act to provide for the education of children at the public expense within the city and county of Philadelphia."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General*