

An act to provide compensation to the state directors of the Delaware and Raritan canal and Camden and Amboy railroad and transportation companies.

P. L. 1847, p. 147.

Compensation of state directors.

Approved March 4, 1847.

31. SEC. 1. That the directors, on the part of the state, of the Delaware and Raritan canal and the Camden and Amboy railroad and transportation companies, shall each be entitled to receive three dollars per day for each day they may be so employed in the discharge of their duties.

[By section 2 of "An act to amend an act entitled 'An act to validate and confirm certain agreements between the companies owning the railroad lines between New York and Philadelphia,' " approved March 14th, 1872, but *one* director is to be appointed by the legislature in joint meeting. P. L. 1872, p. 567.]

V. Governor's private secretary and assistants.

An act relative to the private secretary of the governor.

P. L. 1866, p. 530.

Governor may appoint private secretary.

Duties.

Approved March 20, 1866.

32. SEC. 1. That the governor of this state may appoint and commission a private secretary, to hold his office during the pleasure of the governor, who shall keep a correct record of all executive proceedings and decisions, and do all other acts appertaining to his office which shall be required of him by the governor, for which services he shall receive a salary at the rate of the sum of fifteen hundred dollars per annum, and a certificate from the person administering the office of governor, directed to the comptroller, stating the sum due, shall authorize the comptroller to draw on the treasurer of this state for the payment thereof.

An act with reference to assistants in the executive department.

P. L. 1869, p. 1192.

Governor may employ assistance in executive department.

Approved April 1, 1869.

33. SEC. 1. That the governor may employ such additional assistance in the conduct of the business of the executive department as he may deem necessary; *provided*, the compensation paid shall not exceed fifteen hundred dollars per annum for such additional assistance. [See Secs. 1 and 2, on page 2959, *ante*.]

State Prison.

1. Amended by sections 21 and 28.
2. Superseded by sections 36 to 40.
3. Amended by section 31.
4. Rules and regulations of state prison.
 - Article I. Inspectors and their duties.
 - II. Of the supervisor.
 - III. Principal keeper and his duties.
 - IV. Deputy keepers.
 - V. Physician.
 - VI. Clerk.
 - VII. Reception and treatment of prisoners.
 - VIII. Visitors.
5. Deputies and clerk to give bond.
6. Oath of officers.
7. Moral instructor.
8. Amended by section 19.
9. Daily record of prisoners' conduct.
10. Remittance of sentence for orderly conduct.
11. Further remittance.
12. In case of second sentence, prisoner to serve out term remitted.
13. All sentences to be subject to this act.
14. No visitor to be furnished refreshments.
15. Salaries to be paid monthly.
16. Repealer.
17. Manufacture of hats prohibited.
18. Not more than one hundred prisoners to be employed by contractors in any special branch of industry, &c.
19. Proceedings where prisoner appears to be insane.
20. Certain insane prisoners to be removed to Morristown asylum for insane.
21. Amended by section 28.
22. Amended by section 31.
23. Repealer.
24. Goods, wares and merchandise made in state prison to be stamped.
25. Act not to apply to articles manufactured under existing contracts.
26. Additional moral instructor to be employed by inspectors.
27. Pregnant convicts may be removed from state prison until delivered of child.
28. Supervisor at state prison, how appointed. Term of office. Salary and bond.
29. Expiration of term of existent supervisor.

30. Repealer.
31. Keeper of state prison, residence and salary. Power to appoint assistants and deputies, their salaries, how paid. Principal keeper's bond, how recorded and filed, and when copies thereof to be legal evidence.
32. Repealer.
33. Appointment of resident physician, denominated "assistant physician." Compensation and bond, and condition thereof.
34. Residence of assistant physician and duties.
35. Repealer.
36. Governor, with advice and consent of senate, to appoint six inspectors. Term of office and vacancies, how filled.
37. Salary of inspectors. When to meet.
38. Keeper, with consent of inspectors, to appoint deputy keepers, &c. Deputies, how dismissed.
39. Certain existent officers dismissed.
40. Offices of existent inspectors to cease. Repealer.
41. Artesian well to be sunk.
42. Cost of work, how paid.
43. Supplies for state prison to be purchased by contract.
44. Supervisor to establish standard of qualities of articles needed, &c.
45. To advertise semi-annually for proposals.
46. Separate proposals and contracts to be made.
47. When bids to be opened, and contracts, how awarded.
48. Amount of contractor's bond, how determined.
49. Contracts, when to take effect.
50. Unlawful to contract for labor of prisoners in state prison.
51. Or in any prison, jail, reformatory institution, &c.
52. Penalty for violation.
53. Repealer.
54. How prisoners in this state shall be employed.
55. Managers may purchase tools, &c.
56. To advertise bids for labor of prisoners or sale of goods, &c.
57. Act not to affect boards of chosen freeholders except in certain cases.
58. Parties employing prisoners may place instructors in prisons, &c.
59. Repealer, with provisos.
60. Keeper and inspectors authorized to establish rules for conditional release of prisoners, with provisos.
61. Repealer.
62. Building committee, how constituted.
63. Powers and duties of committee. Work to be done by contract.
64. Appropriation of \$150,000 for improvements.
65. Commissioners to give bonds.
66. Repealer.

An act for the government and regulation of the state prison.

Passed April 21, 1876. P. L. 1876, p. 246.

1. [Amended by Secs. 21 and 28, *post.*]
2. [Superseded by Secs. 36 to 40, *post.*]
3. [Amended by Secs. 22 and 31, *post.*]
4. That the following rules and regulations for the better ordering of the state prison shall be in force until altered by the legislature, or in the manner hereinafter directed : Rules, &c.

ARTICLE I.

OF THE INSPECTORS AND THEIR DUTIES.

The said inspectors shall hold stated meetings once a month at the said prison, and special meetings whenever they deem necessary ; they shall, at their first meeting, elect out of their number a president and secretary, and two acting inspectors, who shall continue such for so long a term as a majority of said inspectors shall direct ; *provided*, that neither the comptroller nor treasurer shall be elected acting inspectors ; and at said meeting they shall also elect a suitable person to be the physician of said prison, who shall hold his office for three years and until another is chosen, subject to removal by the unanimous action of the board of inspectors upon good cause shown, and he shall receive such compensation as the board of inspectors or a majority of them shall deem just, to be paid to him quarterly by the treasurer of the state, upon warrant of the comptroller, and upon orders drawn by said inspectors, or any two of them ; they shall keep full and regular minutes of their proceedings ; they shall have power to make such rules and regulations for the general government and regulation of the state prison and matters relating thereto, as they may deem necessary and proper, consistent with the principles of separate confinement, the laws of this state and the independent powers specially given to their officers ; and they shall cause the same to be written or printed, and copies thereof to be furnished to the supervisor, the keeper, and his deputies and assistants, the moral instructor, physician, and clerk of the prison ; and all officers and persons connected with the prison shall conform to and obey the same ; they shall, from time to time, as often as they think proper, carefully inspect the accounts of the supervisor and examine into his dealings, contracts and transactions in relation to the prison and the business thereof ; they shall have power to make general regulations to govern the supervisor in the purchase of materials and supplies, and articles necessary for the prison, the employment and hiring out of the labor of the prisoners, and the sale of articles

Inspectors shall hold stated meetings.

Proviso.
Election of physician.

Compensation.
How paid.

Shall keep minutes.
Make rules, &c., for the government of the prison.

Copies of rules to be furnished supervisor, keeper, &c.

Inspection of accounts.

May make regulations to govern the supervisor in purchase of supplies, &c.

May require contracts to be made.

Repairs to prison.

Power to close contracts for labor.

Shall have general charge of the government and police of the prison.

Inspection of accounts, &c.

Power to examine persons under oath.

Shall see that duties are performed.

Annual report shall be made to the governor.

Inspectors to be furnished with a list of all the prisoners.

Report to be made to the governor in case of neglect or mismanagement on the part of the keeper.

manufactured or prepared therein ; and they may, if they think proper, at any time and by special resolution, require that all or any of such purchases, hirings, or sales shall be made by contract, awarded after advertisement, to the best bidders, as hereinafter provided ; they shall have power to cause such repairs to be made in said prison as may, from time to time, be necessary and proper for the carrying on the business thereof, and the bills thereof shall be audited by the supervisor, and approved by the said inspectors, and shall be then presented to and audited by the comptroller, and paid by the treasurer of the state, upon the warrant of the comptroller ; they shall have power, with the consent of the supervisor, to close up as they think proper, all contracts in relation to the labor of the prisoners, which have now expired by their own limitation or by the conduct of the parties thereto, and which still remain unsettled, and to settle and determine the same and all work thereunder ; they shall have general charge of the government, and police of the prison and shall cause such repairs to be made in the said prison and the walls and grounds thereof, as may be, from time to time, necessary and proper, and the expenses of such repairs shall be audited by the comptroller, and on his warrant, paid by the treasurer of the state ; they shall cause the keeper, from time to time, to lay before them his accounts and other books of the prison, and shall carefully inspect and examine the same ; they shall have power to examine, under oath or affirmation, any person or persons relative to any abuse or breach of duty in any of the officers of said prison ; they shall see that the duties of the supervisor, keeper, and the several officers and attendants of the prison are duly performed, and shall prevent all mismanagement, oppression or other abuse ; they shall, on the thirty-first day of October in each year, make a report of the state of the prison to the governor, to be by him submitted to the legislature, which report shall contain the number of prisoners in confinement, their age, sex, place of nativity, term of commitment and term of imprisonment, noticing those who have escaped or died, the diseases which have prevailed and proved mortal, and the names of those who have been pardoned or discharged, designating also the offense for which each has been committed, and whether for the first or repeated offense, and by what court or by whose order ; they shall have power to remit the costs of prosecution of any prisoner, and any debt due from him to the state for his support in said prison, upon a recommendation from the keeper certifying that such prisoner is, in his opinion, unable to earn more than is sufficient for his clothing and maintenance, or that said prisoner has conducted himself in an orderly and proper manner ; a majority of the inspectors shall constitute a quorum for the transaction of business ; the acting inspectors shall, at least once a week, visit the cells or place of confinement of each prisoner, out of the presence and hearing of the keeper and all other persons employed in the prison ; they shall examine into the truth of all complaints of oppression or ill treatment of the prisoners ; on such visits said inspectors shall be furnished by the keepers with a list of all the prisoners, and shall ascertain by actual inspection, whether all prisoners named in the list are in the situation therein stated ; and they shall make a report of the result of such visits, and examinations, and of all such matters and things connected with said prison as they may deem necessary to the meetings of the inspectors, and oftener if required by them, which report shall be entered in the minutes of said inspectors ; if it shall appear by the report of the acting inspectors, or otherwise, to the satisfaction of the board of inspectors, that the keeper of the prison does not strictly perform his duties, or does in any way mismanage the affairs of the prison, then it shall be the duty of the board forthwith, in writing, to notify the keeper of their disapproval of such neglect or failure, particularly specifying the conduct, neglect or failure complained of and disapproved ; and if said keeper shall continue such conduct, neglect or failure, the board shall report the same forthwith to the governor, and it shall be the duty of the governor thereupon to institute in a summary way, such inquiry into the truth of the facts charged as he may think fit.

ARTICLE II.

OF THE SUPERVISOR.

The supervisor, subject to the power, restriction and regulation above given to the board of inspectors, shall have the sole power, except as herein otherwise provided, to regulate and prescribe the work and employment of the prisoners confined in said prison (except in regard to such work as may be necessary, lawful and proper for any of them to be employed in for the general sanitary and household affairs of said prison, which shall be regulated by the keeper); and he shall have power, with consent of the board of inspectors, to hire out and contract with any person or persons for the labor of the prisoners, or any part of them, for any period not exceeding four years; (a) *provided*, that if any contract shall be for a period extending beyond the term of office of the supervisor making the contract, the said contract shall require to render it valid, the approval of the governor, or person administering the government of the state for the time being; he may, with the consent of the board of inspectors, permit any contractor to name and employ an instructor or instructors, to direct the work of the prisoners whose labor is contracted for; but such instructors shall be subject to the laws, rules and regulations of the prison, and shall, before they enter upon their duties, enter into a bond to the supervisor, with such penalty and security as he shall deem reasonable for the observance thereof; and if any such shall break any of the said laws, rules and regulations, the keeper or the acting inspectors may report the same to the supervisor, who, if satisfied of the truth of the charge, shall forthwith discharge the person offending; or, if he fails to discharge him, the board of inspectors may, upon the application of the keeper, do so if they think it proper under the circumstances; he shall have the sole power, subject to the power of restriction and regulation above given to the board of inspectors, to contract for and purchase all clothing, provisions, supplies and other articles required under the laws of the state for the proper support, comfort and maintenance of the prisoners, and the materials and implements for any kind of labor in which they may be employed, and the bills for such purchases shall be approved by the board of inspectors, audited by the comptroller, and upon his warrant, paid by the treasurer of the state; and he shall sell and dispose of all articles manufactured or prepared by the prisoners whose labor is not hired out, and shall receive all moneys for the articles sold and work done, and all moneys on the contracts for the labor of the prisoners, as the same shall come due, and shall make monthly statements thereof to the comptroller and the board of inspectors, and shall pay over the same, monthly, to the treasurer of the state, except that he may make petty disbursements thereout for current expenses of the prison, where necessity requires, not exceeding one hundred dollars per month, nor fifty dollars in any single disbursement, and he shall present the vouchers therefor to the comptroller with his monthly statement; which vouchers must be approved by the board of inspectors; he may appoint, with the consent of the inspectors, one or more agents at any place he may think proper, for the sale of articles manufactured in the prison, and allow them reasonable commissions; and he may, subject as aforesaid, if he thinks proper, advertise for proposals or bids for contracts for the labor of the prisoners, or any part of them, or the purchase of any articles manufactured or prepared in the prison, or for the furnishing of any clothing, provisions, materials, or other articles of any kind required for the use of the prison, or the maintenance, support or employment of the prisoners; and such advertisement shall be made for at least thirty days, in at least three newspapers published in this state, and the contracts made thereon shall be with the best bidders, subject to approval as hereinbefore required; he shall cause

General powers
of the supervisor.

Proviso.

Powers of the
supervisor con-
tinued.

May contract for
and purchase
supplies, &c.

May sell and dis-
pose of manufac-
tured articles.

May appoint
agents, &c.

May advertise
for proposals for
contracts.

(a) See *Trask v. State*, 3 Vr. 477.

Shall keep regular books of accounts.

Time when accounts shall be ready for examination and settlement.

Proceedings in case of petition for removal of the supervisor.

full and regular accounts of the stock, materials, tools and implements, provisions, clothing, supplies and other articles by him purchased and supplied to the prison, and of all the articles manufactured or prepared therein, and sold or disposed of, and the sums for which they were sold, and to whom, to be entered and kept by the clerk of the prison, under his supervision, in books provided for the purpose; and he shall close his accounts for each year on the thirty-first day of October in each year, and shall have them ready for examination and settlement on the second Tuesday of November following, and shall lay the same before the board of inspectors, the committee appointed by the legislature to settle the accounts of the state prison, and the legislature itself, at such times as it shall direct; if, in the opinion of the board of inspectors, the supervisor shall be at any time willfully or repeatedly guilty of misconduct in his office, or of gross or continued neglect and failure properly to discharge the duties thereof, they may immediately petition the governor to institute proceedings for his removal from office; and it shall be the duty of the governor upon such petition being presented to him, to call a meeting of the officers by whom it is provided that the supervisor shall be appointed, and they shall institute in a summary way, such inquiry into the truth of the facts charged as they shall think fit; and if upon hearing the allegations of the board, and the defense, if any, of the supervisor, they shall be of opinion that the said supervisor should be removed from his office, they shall thereupon remove him, and his appointment, commission and office shall thereupon be vacated, and all his authority and power as supervisor or by virtue of his office, shall immediately cease, and his successor shall be appointed according to law. [See Secs. 17 and 18, *post.*]

ARTICLE III.

OF THE PRINCIPAL KEEPER AND HIS DUTIES.

General powers and duties of the keeper.

United States prisoners.

Journal to be kept, &c.

Further duties of the keeper in regard to prisoners.

The keeper of said prison shall receive from the hands of the sheriff or other proper officer, every person convicted under the laws of this state, and sentenced to imprisonment and hard labor for any term not less than six months, and safely keep him in his said prison according to the laws of this state and the rules and regulations of the prison, until he is discharged according to law; he shall receive and safely keep in said prison, at the expense of the United States, all persons committed under the authority of the United States, until they shall be discharged in the due course of the laws thereof; he shall visit every cell and apartment in the prison at least twice a week, and shall at least once in each week make a close and critical examination of each cell, to ascertain whether any prisoner is attempting to escape; he shall keep a journal, in which shall be regularly entered the reception, discharge, death, pardon, or escape of every prisoner, 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 inspectors and physicians, and such other occurrences of importance as concern the state of the prison; he shall not absent himself from the prison, except on business of the prison, without permission in writing from two of the inspectors, but the board of inspectors may, by rule, make such modification or alteration in this item as they may find necessary from time to time; he shall, at the expense of the state, furnish each prisoner with a copy of the Bible, and such other books as he, with the approbation of the acting inspectors, may deem useful in producing the moral reformation of the convicts; he shall suffer no letter or communication in writing to be conveyed or delivered to or for any prisoner, or from him, without first inspecting and approving it; if any prisoner shall escape, the keeper shall, with the consent of the governor, advertise a reasonable reward for his or her apprehension, and take all proper measures to effect his arrest; of all which he shall make a written report to the board of inspectors at their next meeting, which

reward shall be paid by the treasurer of this state, upon warrant of the comptroller, upon an order drawn by the acting inspectors; he shall on Sunday, at all proper hours, admit to the hall of the prison a sufficient number of pious, intelligent persons, competent to give instruction to the prisoners in the doctrines of the Christian religion, and desiring to be admitted for that purpose, and shall, with his deputies, give such persons every attention and aid to enable them to perform that office in a suitable manner; he shall assign to each deputy keeper a certain number of prisoners, to be under the particular care of such deputy for such length of time as he shall direct; he shall obey the instructions of the physician with regard to the treatment and disposition of the sick prisoners, unless inconsistent with their safe keeping; it shall not be lawful for the keeper of the state prison, or for any other officer thereof, to furnish any entertainment of food, liquors, or refreshments, to any officer, inspector or inspectors, or to any visitor or visitors, official or otherwise, of the said prison, at the expense of the state; to enable the keeper to pay to the convicts such sums as they are by law to receive on their discharge, the sum of two thousand dollars shall be paid to him each year by the treasurer, on the warrant of the comptroller; and if said sum shall be exhausted at any time during the year, the treasurer may, on the warrant of the comptroller, make an additional payment of such sum as the keeper may think requisite for such purposes; and any portion of this deposit not expended shall be paid over to the treasurer by the keeper, each year, on or before the thirty-first day of October, at which time the keeper shall furnish to the comptroller a detailed statement of the moneys expended for this purpose during the fiscal year.

ARTICLE IV.

OF THE DUTY OF THE DEPUTY KEEPERS.

It shall be the duty of each deputy keeper to inspect the condition of each prisoner under his care at least three times a day, to see that the meals are regularly furnished according to the prison allowance, and to superintend the work of the prisoners, and at least once a day make a close and critical examination of each cell, to ascertain whether any prisoner is attempting to escape; the deputy keepers on guard at night shall, at least once between midnight and five o'clock in the morning, inspect the exterior walls of the ranges of cells and the main building; whenever any prisoner shall complain of sickness to any deputy keeper, he shall give immediate notice to the principal keeper; each deputy shall give full and particular care and attention to the prisoners assigned to his charge by the principal keeper, and shall make a daily report to the keeper of their health and conduct, and a like report to the inspectors when required; the deputy keepers shall punctually and promptly obey all legal orders given by or through the principal keeper, and all rules established for the government and regulation of the prison; the deputy keepers shall not absent themselves from the prison without the permission of the principal keeper; all orders to the deputy keepers must be given by or through the principal keeper; they shall not converse with the prisoners further than may be absolutely necessary for the performance of their duties, and shall, in no case, give information to any prisoner of anything that occurs out of his cell; they shall not furnish any prisoner, nor permit a prisoner to have in his cell any other article than such as is allowed by the rules of the prison; they shall not deliver to or receive from any prisoner any letter, communication in writing, or message, but to or from the principal keeper; the principal keeper shall designate one of the deputy keepers to act in his stead, in case of his absence from the prison, and all the duties and powers of the principal keeper, so far as the same relate to the safe keeping of the prisoners and the discipline of the prison, shall devolve upon and be executed by the deputy keeper so designated until the principal keeper returns to the prison.

General duties of
the deputy
keepers.

STATE PRISON.

ARTICLE V.

OF THE DUTIES OF THE PHYSICIAN.

Physician to
make report each
month to the
inspectors.

The physician shall visit each prisoner once in each week, and as much oftener as the state of the health of any prisoner may, in his opinion require it, and shall report once in each month to the board of inspectors; he shall attend immediately, on being notified that any prisoner is sick; he shall give such directions for the sanitary condition of the prison, for the health and cleanliness of the prisoners, and, when necessary, for such alteration in their diet, as he shall deem proper, all of which the principal keeper shall observe and cause to be obeyed, unless the same shall be contrary to law or inconsistent with the safe custody of the prisoners.

ARTICLE VI.

OF THE CLERK.

Appointment of
clerk.

The clerk of the prison shall be appointed by the inspectors and shall hold his office for three years and until another be chosen, subject to removal by their action; he shall keep the books and accounts of the prison, and of each prisoner, and perform the necessary and proper writing of the establishment under the direction of the supervisor, inspectors and keeper; he shall receive such compensation as the inspectors shall deem just, to be paid to him upon orders drawn by the inspectors and the warrant of the comptroller, by the treasurer of the state.

Compensation,
how paid.

ARTICLE VII.

OF THE RECEPTION AND TREATMENT OF PRISONERS.

Examination of
convicts, by
whom and how
made.

Each convict upon being received at the prison, shall be examined by the principal keeper, clerk and as many of the deputy keepers as can conveniently attend, in order to their becoming acquainted with the person and countenance of such convict, his or her name, height, apparent and alleged age, place of nativity, trade, complexion, color of hair and eyes, and length of feet, together with such natural and other marks, and such peculiarity of features or appearance as may serve to identify such convict; all which shall be entered in a book provided for that purpose; and if the convict can write, he or she shall sign his or her name under such description of his or her person; and in such description shall be stated the clothes and other articles brought to the prison by such convict; all of which shall be taken from him, and carefully preserved, to be restored to him at the time of his discharge, unless they shall be otherwise disposed of by order of the inspectors; every convict shall be confined in one of the cells of the prison, separate and alone^(a) except in such cases of sickness as are by this act provided for, and shall be comfortably clothed in habits of coarse materials, uniform in color and make; the males shall have their hair cut short at least once a month, and their beards close shaven at least once in every week; each convict shall be sustained upon plain food, at the discretion of the keeper, with the approbation of the inspectors, and shall every day, except Sundays, be kept, as far as may be consistent with their sex, age, health and ability, strictly at hard labor^(b) of some sort in which the work is least liable to be spoiled by ignorance, neglect or obstinacy, and in which the materials cannot be easily embezzled or destroyed; if the work to be done requires previous instruction or constant oversight of the convict, the keeper shall,

Description, &c.,
to be entered in
a book.

Confinements of
convicts.

Convicts to be
kept at hard
labor.

May employ
instructor.

(a) See *Dodge v. State*, 4 Zab. 455.

(b) A prisoner cannot be put to hard labor, where he has been

convicted of an offense the penalty of which does not include such hard labor. *State v. Gray*, 6 Vr. 368.

with the approbation of the board of inspectors, employ suitable persons for the purpose and a just compensation, fixed by said board, shall be paid them by the treasurer, upon orders drawn by the keeper and certified by the comptroller ; in order to encourage industrious and proper habits, a separate account shall be opened and kept in books provided for that purpose for each convict, in which he shall be credited with the amount of labor performed by him, and above what, in the opinion of the keeper and acting inspectors, he ought to perform, due regard being had to his ability for labor ; which sums so credited shall, at the discharge of such convict, be paid to him or laid out in decent raiment for him, or otherwise applied to his use, as the acting inspectors shall direct ; but no credit shall be given for overwork to any convict whose whole weekly earnings do not exceed the whole weekly expense of his maintenance in the prison ; no convict shall be employed to act as under-keeper ; nor shall any convict act as clerk, cook or servant in the said prison, except in such manner as is consistent with the principles of separate confinement ; no convict shall receive or have any other clothing or food than is prescribed by law and the rules of the prison ; the convicts shall be supplied, as far as practicable and consistent with the interests of the state, with articles manufactured by the prisoners ; no person shall take anything into or out of the prison for any prisoner without the consent of the keeper ; if the physician shall report to the keeper that any prisoner is in such a situation as to need the care of a nurse, the keeper may, with the approbation of the acting inspectors, employ one of the prisoners as nurse so long as the physician shall deem necessary ; and whenever, in the opinion of the physician, the enlargement of any prisoner confined in the cells of said prison shall be absolutely necessary to the preservation of life, the keeper shall from time to time, and for such length of time as the physician shall direct, cause said prisoner to be removed from his or her cell ; but the prisoner shall in every such case be kept from the society of the other prisoners, except such as may attend as nurses, and shall in no case be permitted to go beyond the walls of the prison ; if any deputy keeper shall report that any prisoner has violated any of the rules and regulations for the government of the prison, the keeper shall have before him said prisoner and deputy keeper who charges him with such offense, and shall inquire into such charges, adjudge the case, and award such measure of punishment as he may deem proper, not exceeding close confinement in a dark cell, on bread and water, with chain on the leg or handcuffs, or both, for six days ; and if, in his opinion, the convict should receive further punishment, he shall refer the case to the acting inspectors, who shall order such further punishment as they shall think proper ; *provided*, that corporal punishment shall in no case be inflicted ; if a prisoner entitled to his discharge by expiration of his term of confinement, or by pardon, shall be laboring under an acute or dangerous disease so as to render him, in the opinion of the physician, unable to take care of himself, or unfit to be set at large, he shall not be discharged except at his own request, until the physician shall deem that it may be done with safety to the prisoner and others ; upon the discharge of each prisoner who has not money to the amount of five dollars, the keeper shall pay him any sum not exceeding that amount out of the moneys of the state, to the end that all temptation to commit offenses against society before employment or the means of living can be procured may be removed ; each prisoner, upon his discharge, shall take off the prison dress, and have restored to him the clothes and all other articles which he brought to the prison, and which were then taken from him, unless the same have been sold or disposed of by the keeper, under the direction of the inspectors ; and then such prisoner shall have the value thereof paid to him by the keeper.

Convict to be credited with amount of labor performed.

Credits for overwork.

Convicts not to be employed in certain offices.

Food and clothing, how supplied to each convict.

Physician to report in case of need of nurse.

Punishment of prisoner in case of violation of rules.

Proviso.

Prisoner not to be discharged in case of sickness.

Payment allowed to prisoner on discharge.

Clothing, &c., to be restored.

STATE PRISON.

ARTICLE VIII.

OF VISITORS.

Official visitors. The official visitors of the state prison shall be the governor, the members of the legislature, the secretary of state, the chancellor, the six judges of the court of errors and appeals, the justices of the supreme court, and the attorney-general; the official visitors may at any time visit the said prison, and examine the same and the cells thereof, and the keeper shall give them every facility for so doing; the board of inspectors shall make such rules and regulations, and give the keeper such authority respecting the admission of other visitors than the official visitors as they shall deem proper.

Other visitors.

Miscellaneous provisions.

Deputy keepers and clerk to give bond. 5. That each deputy keeper and assistant shall hereafter give a bond to the principal keeper, in such sum as he shall require, not exceeding two thousand dollars, and with such sureties as he shall approve, and the clerk of said prison shall give bond to the supervisor and keeper, with two sufficient sureties, to be approved by them, in any sum required by them, not exceeding the amount before mentioned, which bond shall be conditioned for the faithful performance of the duties of said officers respectively.

Form of oath of supervisor, inspectors, &c. 6. That the said supervisor, inspectors, keeper, deputy keeper and assistants, and the clerk of said prison, shall not be authorized to enter upon the duties of their respective offices until they shall have taken and subscribed, before a justice of the peace, and delivered to the secretary of state to be filed in his office, the following oath or affirmation, viz.: "I, _____, do solemnly swear (or affirm, as the case may be) that I will well and faithfully serve the state of New Jersey, in the office of _____, and will faithfully and diligently execute all the duties required of me as said officer, and carry into execution all the laws and regulations of the state prison of New Jersey, so far as they pertain to my said office, according to the best of my ability, so help me God."

Employment of moral instructor and compensation. 7. That the governor of this state shall be authorized to employ a suitable person as a teacher and moral instructor to the convicts in said prison, who shall devote his whole time to the duties of his office, at a salary not exceeding one thousand dollars per annum, to be paid by the treasurer of this state on the warrant or warrants of the comptroller.

Daily record of conduct of each prisoner shall be kept. 8. [Amended by Sec. 19, *post.*]
9. That it shall be the duty of the keeper of the state prison to assign to the clerk, or some other officers thereof, the keeping of a correct, impartial daily record of the conduct of each prisoner and of his labor, whether satisfactory or otherwise; and it shall be the duty of the keeper to see that the said record is regularly made and preserved under his care, and to lay the same before the inspectors as often as they may require.

Remittance of sentence for orderly conduct, &c. 10. That when the inspectors shall be satisfied that the said record is properly kept, they shall direct the keeper, for every month of faithful performance of assigned labor by any convict in the state prison, to remit to him two days of the term for which he was sentenced; for every month of continuous orderly deportment two days, and for every month of manifest effort at intellectual improvement and self-control, to be certified by the moral instructor, one day; *provided, nevertheless*, that in any month in which a convict shall have merited and received punishment, no such remission of sentence shall be made; and in case of any flagrant misconduct by any prisoner, it shall be lawful for the inspectors to declare a forfeiture of the time previously remitted to him, either in whole or in part, as to them shall seem just.

Proviso. 11. That on the recommendation of the keeper and moral instructor, it shall be lawful for the inspectors to remit an additional day per month to every convict who for twelve months preceding shall have merited the same by his continuous good conduct in the particulars above mentioned, and for

Remittance of sentence on recommendation of keeper and moral instructor.

each succeeding year of uninterrupted good conduct, progressively to increase the remission one day per month for that year.

12. That if any person who has partaken of the clemency of this act shall be again convicted and sentenced to the state prison, he shall, in addition to his said sentence, be required to serve out the number of days remitted to him or her on the previous term.

In case of second sentence, prisoner to serve out term remitted.

13. That all sentences of imprisonment in the state prison made by any court of this state for a term of months or years, shall be construed and understood to be made under and subject to the provisions of this act.

All sentences to be subject to this act.

14. That from and after the passage of this act, it shall not be lawful for the keeper of the state prison, or for any other officer thereof, to furnish any entertainment of food, liquors, or refreshments to any inspector or inspectors, or to any visitor or visitors, official or otherwise, of the said prison at the expense of the state.

No visitor to be furnished refreshments.

15. That the salaries of the supervisor, keeper, deputy keepers, and assistants, physician and clerk of the state prison shall be paid monthly in the manner prescribed by law.

Salaries to be paid monthly.

16. That this act shall take effect immediately, and that all acts and parts of acts inconsistent with this act, be and the same are hereby repealed.

Repealer.

Supplement.

Approved March 14, 1878.

P. L. 1878, p. 95.

17. SEC. 1. That section four of an act entitled "An act for the government and regulation of the state prison," approved April twenty-first, eighteen hundred and seventy-six, and which section reads as follows [see P. L. 1876, p. 246], be and the said fourth section is hereby amended by adding to article two of said section the following proviso :

[*Provided*, that nothing in this section shall be deemed or taken or construed to authorize said supervisor or board of inspectors to contract with any person or corporation to hire or contract out the labor of the prisoners, or any part of them, in or about the business of the making or manufacture of felt and silk hats, or the manufacture of any part or parts thereof.] [See Sec. 5, and Secs. 50 to 53 inclusive, *post*.]

Manufacture of hats prohibited.

Supplement.

Approved March 25, 1881.

P. L. 1881, p. 280.

18. SEC. 1. That section four of an act entitled "An act for the government and regulation of the state prison," approved April twenty-first, one thousand eight hundred and seventy-six, and which section, as amended by a supplement approved March fourteenth, one thousand eight hundred and seventy-eight, be amended as follows :

[*Provided further*, that nothing in section four shall be deemed, taken or construed to authorize said supervisor or board of inspectors to contract with any person or corporation to hire or contract out the labor of the prisoners, or any part of them, exceeding one hundred persons in number, at any time, in the prosecution or conduct of any special branch of industry, trade or business, or making or manufacturing goods, wares or merchandise of any kind whatsoever.] [See Secs. 50 to 53 inclusive, *post*.]

Not more than 100 prisoners to be employed by contractor in any special branch of industry, &c.

Supplement.

Approved March 23, 1883.

P. L. 1883, p. 151.

19. SEC. 1. That section eight of the act to which this is a supplement be and the same is hereby amended to read as follows :

[That if any person confined in said prison under sentence of imprisonment shall appear to be insane, the judge of the circuit court of the county in which the prison is situated shall, upon information of the fact from the physician of the prison, institute a careful investigation, call two respectable physicians, and other credible witnesses if necessary, invite the attorney-general to aid in the examination, and, if he shall think it necessary, call a jury, and for that purpose he is hereby fully empowered to compel

Proceedings where person confined in prison appears to be insane.

the attendance of witnesses and jurymen ; and if it be satisfactorily proved that said prisoner is insane, said judge shall, in case the conviction of such prisoner was or shall be had in either of the counties of Atlantic, Cape May, Cumberland, Salem, Gloucester, Camden, Burlington, Mercer, Ocean, Monmouth, Hunterdon, Somerset or Middlesex, order his custody and removal to the state lunatic asylum at Trenton ; and in case the conviction of such prisoner was or shall be had in any other county of this state, then said judge shall order the custody and removal of such prisoner to the state asylum for the insane at Morristown ; and such prisoner shall remain at the expense of the state in the asylum to which he shall be removed as aforesaid until restored to his right mind, and then, if his term of imprisonment shall not have expired, the superintendent of such asylum shall inform the said judge and the attorney-general of his recovery, whereupon he shall be remanded to the prison to serve out the unexpired portion of his term of imprisonment.]

Certain insane prisoners to be removed to Morristown asylum for insane.

20. SEC. 2. That all insane prisoners heretofore removed by the order of said judge from the state prison to the state lunatic asylum at Trenton, and now there remaining, and whose respective sentences of imprisonment in the prison were pronounced or imposed by any court in either of the counties of Union, Essex, Hudson, Bergen, Passaic, Morris, Sussex and Warren, shall be removed from the said state lunatic asylum to the state asylum for the insane at Morristown, and shall be delivered by the superintendent of the state lunatic asylum at Trenton, and at the expense of the managers thereof, to the superintendent of the asylum for the insane at Morristown, there to remain, at the expense of the state, until restored to his right mind and returned to the state prison, or discharged according to law.

Supplement.

P. L. 1885, p. 198.

Passed April 2, 1885.

21. SEC. 1. [This section amends Sec. 1, *ante*, which is again amended by Sec. 28, *post*.]

22. SEC. 2. [This section, amending Sec. 3, *ante*, is amended by Sec. 31, *post*.]

Repealer.

23. SEC. 3. That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and this act shall take effect immediately.

Supplement.

P. L. 1887, p. 242.

Approved April 30, 1887.

All goods, wares and merchandise made in the state prison to be stamped.

24. SEC. 1. That it shall be the duty of every contractor carrying on in the state prison any manufacturing business in which the labor or skill of the prisoners is employed whether under contract or otherwise, and of the manager or superintendent in charge for such contractor to cause all goods, wares, and merchandise made in whole or in part, within said prison and which are intended for sale, to be stamped in a legible and conspicuous manner with the words "manufactured in the New Jersey state prison ;" *provided*, that whenever from the nature of any of the articles made or manufactured in the said prison it shall be impracticable to stamp each article, or if any articles shall be manufactured which are usually put up in packages, it shall be sufficient for the purposes of this act to put a stamp, label or tag upon such packages, showing where such articles were made ; *provided*, that said tag, stamp or label shall be put on said package in a good, lasting and permanent manner, and it shall be the duty of the principal keeper, supervisor and board of inspectors to insert in every contract for convict labor hereafter made on behalf of the state such terms, covenants and provisions as will bind the contractor to comply with the requirements of this act ; any contractor, manager or superintendent who shall willfully violate the provisions of this act shall be guilty of a misdemeanor.

Proviso.

Proviso.

Provisions of act not to apply to articles manufactured under existing contracts.

25. SEC. 2. That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately, but the provisions of this act shall not apply to articles manufactured under any contract now in existence.

Supplement.

Approved March 22, 1888. P. L. 1888, p. 197.

WHEREAS, By reason of the great increase in the number of convicts in the state prison, it is found impossible for one moral instructor or teacher, now provided for by law, to fulfill all the requirements of the office; therefore,

Preamble.

26. SEC. 1. That the board of inspectors of the state prison, when in their judgment it shall be necessary, shall be authorized to employ for such time and at such compensation as they shall see fit, a clergyman of good repute and standing to act as additional teacher and moral instructor to the convicts in the said prison; *provided*, that the annual compensation to the moral instructors of the said prison shall not exceed the sum of two thousand dollars.

Inspectors may employ additional moral instructor.

Proviso.

Supplement.

Passed March 26, 1889. P. L. 1889, p. 95.

27. SEC. 1. That whenever it shall appear to the satisfaction of the physician of the New Jersey state prison that any convict confined therein is pregnant, and likely to be delivered of the child before the expiration of her term of imprisonment, it shall be lawful for said physician to order the removal of said person to a place, in his discretion other than said prison, there to remain until she shall be delivered of the said child, and for such further time as in his judgment the circumstances of the case may require, and when he shall deem her condition suitable then he shall order her return to the said state prison, there to serve out her term.

Pregnant convicts may be removed from state prison until delivered of child

Supplement.

Approved April 20, 1889. P. L. 1889, p. 323.

28. SEC. 1. That section one [see Sec. 21, *ante*] of the said act be and the same is hereby amended so that the same shall read as follows:

[That the governor of the state, immediately upon the passage of this act, and as often thereafter as the office hereby created shall become vacant, shall appoint, by and with the advice and consent of the senate, a competent and suitable person to be supervisor of the state prison, who shall be commissioned as such by the governor, and shall hold his office for three years and until his successor is appointed as aforesaid and qualified; such supervisor shall receive a salary of three thousand dollars per annum, payable by the treasurer in the same manner as the salaries of state officers are paid; he shall perform all the duties which now are or may hereafter be imposed by law upon the supervisor of the state prison; he shall, before entering upon the duties of his office, take and subscribe before a justice of the supreme court of this state an oath that he will well and truly execute the office of state prison supervisor and will well and faithfully discharge all the duties imposed upon him by law as such supervisor; and he shall give bond to the state of New Jersey with not less than two sufficient sureties, to be approved by the governor and to be filed in the office of the secretary of state, in the sum of twenty-five thousand dollars, with condition that he will well and faithfully discharge all the duties imposed upon him by the laws of this state, and will well and faithfully use, account for and pay over to the treasurer of the state, as may be required of him by law, all the moneys of the state which may be received by him as state prison supervisor of the state of New Jersey.]

Supervisor of state prison, how appointed.

Term of office and salary.

Bond.

29. SEC. 2. That the term of the present state prison supervisor shall expire upon the appointment of a state prison supervisor as provided for in this act.

Expiration of term of present supervisor.

30. SEC. 3. That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Repealer.

A supplement to an act entitled "An act for the government and regulation of the state prison," passed April second, eighteen hundred and eighty-five.

P. L. 1891, p. 498.

Approved April 17, 1891.

31. SEC. 1. That section three [see Sec. 22, *ante*] of the act to which this is a supplement be and the same is hereby amended so as to read as follows :

Principal keeper of the state prison residence, salary, &c.

Power to appoint assistants and deputies.

Salaries, how paid.

Keeper may dismiss.

Principal keeper's bond.

Recorded and filed.

Copies thereof to be legal evidence.

Repealer.

[That the principal keeper of said prison shall reside at said prison during the term of his office, and shall receive a salary of three thousand five hundred dollars per annum, and at that rate for a shorter period, to be paid monthly by the treasurer of this state upon the warrant of the comptroller, and upon order drawn on him by any two of the inspectors, together with his necessary fuel and light ; and said keeper shall have sole power to appoint such assistants and deputies as may be necessary and proper to enable him to execute the duties of his office, which said deputies and assistants shall have such compensation and allowances as the board of inspectors shall deem just and proper ; which shall be paid by the treasurer monthly upon the warrant of the comptroller, and upon orders drawn by any two of said inspectors ; and the said keeper may dismiss any or all of the said deputies and assistants at any time that he shall deem it for the best interests of the institution to do so ; and before the said keeper shall exercise any part of his office he shall give bond to this state, with two sufficient sureties, to be approved by the treasurer of the state, in the sum of five thousand dollars, with the condition that he and his deputies shall well and faithfully perform the duties imposed on them by law ; and said keeper, with his sureties, shall acknowledge the execution of said bond, or cause the same to be proved before the governor or one of the justices of the supreme court of this state, and shall then deliver the same to the secretary of state, who shall cause the same to be recorded and filed in his office ; and copies of said record, legally exemplified by said secretary, shall be legal evidence in all courts of this state in any suit against said keeper and his sureties, or any of them.]

32. SEC. 2. That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Supplement.

Approved March 24, 1892.

P. L. 1892, p. 287.

Appointment of resident physician denominated "assistant physician."
Compensation.

How paid.

Assistant physician to give bond.

Condition of bond.

Where the resident physician shall reside.

Duties.

Repealer.

33. SEC. 1. That the principal keeper of said prison shall have power to appoint, subject to the approval of the board of inspectors, a competent and suitable person to be a resident physician of the state prison of this state, who shall hold office for three years, and until his successor is chosen and appointed as aforesaid and qualified ; such assistant physician shall have such compensation and allowances as the said board of inspectors shall deem just and proper, which shall be paid by the treasurer monthly upon the warrant of the comptroller, and upon orders drawn by any two of said inspectors ; and before said assistant physician shall exercise any part of his office, he shall give a bond to the principal keeper, with two sufficient sureties, to be approved by the board of inspectors, in the sum of two thousand dollars, with the condition that he will well and faithfully perform all duties imposed upon him by law, and all rules established for the government and regulation of the state prison.

34. SEC. 2. That the resident physician shall reside in the prison, and shall attend and prescribe for the sick at all times when the physician of the prison is not present, and during such times as the prison physician shall be present render him such professional assistance as he may desire ; he shall also have charge of and account for all medicines and appliances purchased for the use of the sick of the prison, and further perform such other duties in connection therewith as the principal keeper may direct.

35. SEC. 3. That this act shall take effect immediately, and that all acts or parts of acts inconsistent with this act, be and the same are hereby repealed.

Supplement.

Passed May 17, 1894.

P. L. 1894, p. 396.

36. SEC. 1. That there shall be appointed by the governor, with the advice and consent of the senate, at the present session of the legislature and every five years thereafter, six persons to be inspectors of the state prison, who shall hold their office for five years and until their successors are duly qualified; appointments made to fill vacancies caused by death, resignation or otherwise shall be for the unexpired term only; of the original appointments, three shall be members of each of the two leading political parties of this state, and all subsequent appointments shall be so made as to maintain the same political status. [See Sec. 2, *ante*.]

Governor, with advice or consent of senate, shall appoint six inspectors.

Term of office. Vacancies shall be filled for unexpired term only.

37. SEC. 2. That the said inspectors shall each receive a salary of five hundred dollars per annum, which shall be paid to them by the treasurer of the state, upon the warrant of the comptroller; they may elect a president and secretary from their own number, but these officers shall receive no additional compensation for their services; the inspectors shall meet at the state prison within ten days after their qualification, and they shall hold monthly meetings at the prison at such times in each month as they shall determine; they shall also hold special meetings at such times as the necessities of the prison may require, or when called together by the principal keeper or supervisor of the prison; they shall be invested with all the powers and duties now conferred or imposed by law upon the state prison inspectors, excepting so far as the same are increased, decreased or abrogated by this act. [See Sec. 2, *ante*.]

Salary of inspectors.

No other compensation allowed.

Shall hold monthly and special meetings.

38. SEC. 3. That the principal keeper of the state prison shall have power to appoint and employ with the advice and consent of the board of inspectors such assistants, deputy keepers, clerks and watchmen as may be necessary and proper to enable him to execute the duties of his office, or as may be required for the proper service, management and control of the said prison, which subordinates shall receive such compensation and allowances as the said boards of inspectors shall deem just and proper, which compensation shall be paid monthly by the treasurer of the state on the warrant of the comptroller, upon orders drawn by two of the said inspectors designated by the board for that purpose; the said principal keeper may dismiss any or all of his said deputies and assistants whenever he shall deem proper, or when he shall be required to do so by a majority of the board of inspectors. [See Sec. 2, *ante*.]

Keeper, with consent of inspectors, shall appoint deputy keepers, clerks, &c.

Keeper may dismiss deputies, &c.

39. SEC. 4. That thirty days after the first meeting of the board of inspectors, the terms, duties, employment and emoluments of all the deputies, assistants and other subordinate officers of the prison whose appointment is now vested in the principal keeper or in the board of inspectors (excepting the matron, assistant matrons and the moral instructors), shall cease, and the same are hereby discharged; *provided, however*, that such discharge shall not forbid the re-appointment under this act of suitable persons; *and provided further*, that all appointments under this act shall be in equal numbers from the members of the two leading political parties, and no appointments or dismissals shall be made by the principal keeper, nor approved by the board of inspectors by or through which there shall at any time be in the aggregate of deputies, assistants and other subordinate officers whose appointment is herein provided for (exclusive of the matron, assistant matrons and moral instructors), a greater number of members of one of the leading political parties than of the other. [See Sec. 2, *ante*.]

Certain existent officers dismissed.

Provido.

Provido.

40. SEC. 5. That the terms, powers, duties and emoluments of the present board of inspectors of the state prison shall cease upon the approval or passage of this act, and all acts or parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately. [See Sec. 2, *ante*.]

Offices of existent inspectors shall cease.

Repealer.

An act to provide for a supply of water at the New Jersey state prison.

P. L. 1878, p. 300.

Approved April 5, 1878.

Board of inspectors may sink artesian well.

41. SEC. 1. That if in the opinion of the governor of this state it shall be deemed advisable, for the purpose of furnishing a supply of pure and wholesome water to the New Jersey state prison, to sink an artesian well at the state prison, the board of inspectors of the state prison shall have power to procure estimates of the cost of said well, and to execute the work ; *provided*, that the estimates and contracts therefor shall first be approved by the governor.

Proviso.

Cost of work, how paid.

42. SEC. 2. That the cost of the execution of said work shall be paid by the treasurer of the state, on the warrant of the comptroller, out of any moneys not otherwise appropriated, and that this act shall take effect immediately.

An act regulating the purchase of supplies for the New Jersey state prison.

P. L. 1881, p. 78.

Approved March 3, 1881.

Supplies for state prison to be purchased by contract.

43. SEC. 1. That all supplies of subsistence, clothing, laundry, bedding, fuel and illuminating material required for use in the state prison shall be purchased by contract as hereinafter regulated and provided.

Supervisor to establish standard of qualities of articles needed, &c.

44. SEC. 2. That it shall be the duty of the supervisor, under the direction of the board of inspectors, to establish standards of qualities of the different articles needed for the subsistence, clothing and proper care of the prisoners, and that a full description of the same, together with samples, so far as practicable, of the grades required, shall be kept by the supervisor and be accessible at all times during business hours to examination by citizens.

Supervisor to advertise semi-annually for proposals for furnishing supplies.

45. SEC. 3. That the supervisor shall semi-annually advertise in two daily newspapers published in the county wherein the prison is located, for ten days, inviting proposals for furnishing all articles of supplies embraced under the different headings in section one of this act, and which articles shall conform to the standard adopted by the board aforesaid, and to be seen at the office of the supervisor ; said proposal to be for furnishing the estimated requirements of each article for the term of six months, the delivery of said articles to be made from time to time on the order of the supervisor during the existence of the contract ; said advertisement shall state as nearly as practicable the weight, measure, quantity or number needed of each article named, which estimate shall be based on the actual consumption of the corresponding term of six months next preceding.

Separate proposals and contracts required to be made.

46. SEC. 4. That separate proposals and separate contracts shall be made for the following divisions :

I. For sugar, molasses, syrup, coffee, tea, rice, hominy, beans, salt fish and soap ;

II. Potatoes, turnips, carrots or other vegetables not enumerated in other divisions ;

III. Fresh and salted meats ;

IV. Fresh fish ;

V. Flour and meal ;

VI. Illuminating material ;

VII. Coal and wood ;

VIII. Clothing and other supplies not here enumerated shall be included under their appropriate heads.

Bids, when to be opened, and contracts awarded to lowest bidder, &c.

47. SEC. 5. That the several bids made under the provisions of this act shall be opened at twelve o'clock noon on the day next succeeding the day on which the ten days' notice shall expire, in the presence of the supervisor, inspectors and parties in interest, and the contracts shall be awarded to the lowest average responsible bidder for the articles named in each division, which average price shall be determined by computing the total cost of the articles named in each division, on the basis of the price named for each article, and the quantity of each named in the advertisement.

48. SEC. 6. That the board of inspectors and supervisor shall in each case determine the amount of bonds which contractors shall be required to give for the faithful performance of their contracts.

Amount of contractor's bond, how determined.

49. SEC. 7. That contracts made under this act shall date and have effect ten days from the date of the award, and that all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall take effect immediately.

Contracts, when to take effect.
Repealer.

An act to abolish and prohibit the employment under contract of convicts and inmates of prisons, jails, penitentiaries and public reformatory institutions in the state of New Jersey.

Approved February 21, 1884.

P. L. 1884, p. 21.

50. SEC. 1. That it shall be unlawful for the principal keeper, supervisor and board of inspectors of the state prison of this state, in anywise to contract for the labor of the prisoners confined in said prison or for any portion thereof.

Unlawful to contract for labor of prisoners in state prison.

51. SEC. 2. That it shall be unlawful for any keeper, warden, superintendent or other official, or member of any governing body or board of any prison, penitentiary, jail or public reformatory institution located within this state, in anywise to contract for the labor of the inmates of any such prison, penitentiary, jail or public reformatory institution.

Or in any prison, penitentiary, jail or public reformatory institution in this state.

52. SEC. 3. That any principal or other keeper, supervisor, inspector, warden, superintendent or other officer, or any member of any governing body or board as aforesaid, who shall violate any of the provisions of the two preceding sections of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding two thousand dollars, or by imprisonment at hard labor in the state prison not exceeding two years, or both.

Penalty for violating the provisions of the two preceding sections.

53. SEC. 4. That all acts and parts of acts, whether general or special, inconsistent with the provisions of this act, be and the same are hereby repealed.

Repealer.

An act to provide for the employment of the inmates of any prison, penitentiary, jail or public reformatory institution located within this state.

Approved April 18, 1884.

P. L. 1884, p. 230.

54. SEC. 1. That the prisoners or persons confined or kept in any prison, penitentiary, jail or public reformatory institution located within this state, shall, so far as practicable in the judgment of the managers of such prison, penitentiary, jail or public reformatory institution, be employed in the manufacture or at work upon goods used in such institutions as are under state control, and all prisoners or persons not employed for said purpose shall be employed on what is commonly known as the "piece-price plan," as the managing authorities of such prison, penitentiary, jail or public reformatory institution may be able to arrange for with parties desiring such labor, or they shall be employed under what is known as the "public account system;" and the revenue derived from any such employment in the state prison or any public reformatory institution shall be paid into the treasury of the state; and if derived from any penitentiary or jail in any county of this state, it shall be paid to the county collector of such county.

How prisoners in this state shall be employed.

55. SEC. 2. That the authorities managing the state prison or any reformatory institution shall, with the assent of the governor, purchase any tools, machinery or stock necessary to carry out the provisions of this act, and the money necessary therefor shall be paid by the treasurer, upon a warrant of the comptroller; and the authorities of any penitentiary or jail may, with the assent of the board of chosen freeholders of the county, purchase any tools, machinery or stock necessary to carry out the provisions of this act, and the county collector shall pay the expenses thereof, by resolution of the board of chosen freeholders.

Managers authorized to purchase tools, stock, &c.

Authorities to advertise bids for labor of prisoners or sale of goods manufactured.

56. SEC. 3. That the authorities of any prison, penitentiary, jail or public reformatory institution, before they shall make any agreement with any party or parties for the labor of the prisoners or persons in their charge under the "piece-price system," or before they shall dispose of any goods made in their institution under the "public account system," shall advertise in not less than four of the principal newspapers of the state for the space of three weeks, once a week, calling for public bids, so that there shall be a proper and just competition either for the labor of the prisoners or persons confined in such institutions or for the sale of goods; this advertising may be done before or after the goods are completed, and every effort shall be made to obtain current market prices for the same.

Act not to be construed to abridge powers of chosen freeholders, &c.

57. SEC. 4. That nothing in this act contained shall be construed to in any way abridge the powers of any board of chosen freeholders, in any county in this state, to employ any persons confined in any penitentiary or jail in said county in any other capacity they may deem wise, except under the "contract system" now in use in the state prison, and the authorities of any reformatory institution are also authorized to apprentice any of the minors in their institution.

Parties employing prisoners may place instructors in prisons, &c.

58. SEC. 5. That any party or parties who may employ any portion of the prisoners or persons within the limit prescribed by law, shall have power to place one or more instructors, if necessary, in any prison, penitentiary, jail or public reformatory institution of the state, where their work is being done, the expenses or salary of said instructor or instructors to be paid by the party or parties so employing them, or, if the work is done under the "public account system," that such instructor or instructors shall be paid by the state; such instructors shall in no wise interfere with the discipline or management of the prisoners, and shall be, while so employed in the prison, subject to all the rules and regulations made by its officers for its government.

Repealer.

59. SEC. 6. That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed; *provided, however*, that no such prisoners or persons shall be employed at any trade where such employment is now prohibited by law; *and provided further*, that no greater number of persons shall be employed in any business or occupation than is now provided by law.

Proviso.

Proviso.

An act for the parole or conditional release of prisoners confined in the New Jersey state prison.

P. L. 1889, p. 445.

Approved May 13, 1889.

Keeper and inspectors of state prison authorized to establish rules for conditional release of certain prisoners.

60. SEC. 1. That the principal keeper and the board of inspectors of the New Jersey state prison shall have power to establish rules and regulations under which any prisoner who is now, or hereafter may be, imprisoned under a sentence other than for murder in the first or second degree, manslaughter, sodomy, rape, arson, burglary or robbery, who may have served with commutation time allowed one-half of his or her sentence for the crime for which he or she was convicted, and who has not previously been convicted of a felony and served a term in a penal institution, may be allowed to go upon parole outside of the buildings and inclosures, but to remain, while on parole, in the legal custody of the principal keeper and board and subject at any time to be taken back within the inclosure of said institution; and full power to enforce such rules and regulations, and to retake and re-imprison any convict so upon parole, is hereby conferred upon said principal keeper and board of inspectors, whose written order, certified by its secretary, shall be a sufficient warrant for all officers named therein, to authorize such officers to return to actual custody any conditionally-released or paroled prisoner; and it is hereby made the duty of all officers to execute said order the same as ordinary criminal process; *provided*, that any prisoner violating the conditions of their parole or conditional release (by whatever name), as affixed by the principal keeper and board of inspectors, when, by a formal order, entered in the principal keeper and board of inspectors' proceedings, he or she is declared a delinquent, shall thereafter be treated as an escaped prisoner owing service to the state, and

Proviso.

shall be liable, when arrested, to serve out the unexpired period of the maximum possible imprisonment, and the time from the date of their declared delinquency to the date of their arrest shall not be counted as any part or portion of time served ; and any prisoner at large, upon parole or conditional release, committing a fresh crime, and, upon conviction thereof, being sentenced anew to the state prison or penitentiary, shall be subject to serve the second sentence after the first sentence is served or annulled, to commence from date of termination of his liabilities upon the first or former sentence ; *provided, further*, that it shall be unlawful to parole any prisoner who may at this time be, or hereafter be, sentenced to the New Jersey state prison or penitentiary, unless he or she has been a citizen of the state of New Jersey for three years last prior to their conviction.

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61. SEC. 2. That all acts and parts of acts, whether general or special, inconsistent with the provisions of this act, be and the same are hereby repealed.

Repealer.

**An act to provide for the enlargement and improvement of
the state prison.**

Approved March 25, 1895.

P. L. 1895, p. 654.

62. SEC. 1. That the principal keeper and the supervisor of the state prison together with the state comptroller and Edward H. Holcombe, secretary of the board of inspectors of the state prison, and Henry Dickson be and are hereby constituted a building commission for the purpose of making such necessary enlargement and improvements in the state prison as are hereinafter provided for.

Building commission, how constituted.

63. SEC. 2. That the said commissioners shall have power to construct an additional wing to the prison and to make such alterations in the existing buildings as may in their judgment be necessary to supply such cell room as will admit of a compliance with the laws of the state requiring separate confinement of the prisoners ; they shall provide hospital accommodations for the proper care of the prisoners in illness, having in view the isolation of patients in the case of epidemic or infectious diseases ; they shall provide suitable and comfortable rooms in which divine service may be held in the prison ; they may, in their discretion, establish an electric light plant or make other efficient provision for lighting the prison ; they shall provide storerooms for the economical care and safe keeping of provisions and other supplies, and they may make such alterations in the present buildings and walls as may be necessary and proper for the business and purposes of the prison ; *provided*, that the plans for the erection and alterations herein authorized shall be approved by the joint committee of the legislature on state prison and the governor of the state, or a majority of them ; the commissioners shall have power to employ the necessary architects, superintendents and other assistants and to fix and pay their compensations ; they shall cause the erections and alterations herein authorized to be done by contract, and they shall have power to advertise for plans and contracts for the said work and the execution thereof, either as a whole or for separate parts thereof, reserving the right to reject any or all bids not deemed advantageous to the state.

Powers and duties of the commission.

Proviso.

May employ architects, &c., and fix their pay.
Work shall be done by contract.

64. SEC. 3. That to enable the commissioners to carry out the purposes of this act the sum of one hundred and fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated to be paid by the treasurer of the state, on the warrant of the comptroller, to the said commissioners from time to time, upon their requisitions, in such sums as may be necessary to enable them to meet the expenditures herein authorized.

Appropriation of \$150,000 for improvements.

65. SEC. 4. That the said commissioners shall respectively give bonds to the state of New Jersey in the sum of five thousand dollars, with two sufficient sureties, to be approved by the governor, for the faithful performance of the duties imposed upon them by this act ; they shall make a detailed report of their operations to the next legislature, and they shall each receive from the above-mentioned appropriation such compensation as shall be determined by the governor, comptroller and treasurer of the state.

Commissioners shall give bonds.

Shall make report.

Repealer.

66. SEC. 5. That an act entitled "An act to provide for the enlargement of the New Jersey state prison, and to construct a hospital," approved April fourteenth, one thousand eight hundred and ninety, be and the same is hereby repealed, and that this act shall take effect immediately.

State Reformatory.

1. Governor to appoint commissioners. Expenses, how paid. Commissioners not to be interested in contracts.
2. May use Edgar farm and add thereto by purchase.
3. May select architect to prepare plans and superintend construction of building, which plans are to be approved by governor.
4. May construct building by contract or otherwise.
5. Amount appropriated.
6. To report in detail and meet at state capitol.
7. Commissioners to give bonds.
8. Governor shall fill vacancy in office of commissioners.
9. Title of reformatory. Commissioners constituted a board of managers. To give bond as managers. Governor to fill vacancies in board of managers.
10. Managers to hold meetings, elect officers, appoint a warden, &c., and enforce discipline.
11. Warden to appoint certain officers. How appointees shall be selected. Appointees to be approved by managers, and may be dismissed by board. Warden to give bond, which shall be recorded and filed.
12. Salary and perquisites of warden.
13. Terms of clerk and physician.
14. Managers to make rules and regulations to govern reformatory.
15. Managers to make rules, &c., for the purchase of materials, supplies, &c.
16. Managers to have general charge of grounds, construction of shops, &c. Contracts for certain purchases.
17. Managers to make report.
18. Powers and duties of warden.
19. Warden shall cause account of stock, &c., to be kept and shall make annual statement.
20. Further duties of warden.
21. When courts may commit offenders to reformatory.
22. Duties of warden, clerk and deputies on reception of convicts.
23. When inmates may be employed in construction of building. When convicts may be transferred from state prison.
24. Prison keeper shall deliver copies of commitments.
25. Allowance of sheriffs for transportation of prisoners.
26. Prisoners adjudged to be insane may be transferred to state insane asylum.
27. Daily record of prisoners' conduct shall be kept.
28. Remittance for orderly deportment, which may be forfeited.
29. Additional remittance for continued good conduct.
30. On second conviction, prisoner shall serve out time remitted.
31. Sentences shall be subject to this act.
32. Provision for discharged convicts shall be made.
33. Officers shall qualify and give bond.
34. On expiration of term of present board of managers, governor shall appoint successors.
35. Managers may be removed for cause.
36. Repealer.

An act relating to a state reformatory.

P. L. 1895, p. 715.

Approved March 28, 1895.

Preamble.

WHEREAS, It is deemed advisable that there shall be a state reformatory in this state for the custody and confinement of criminals between the ages of sixteen and thirty, who have not been previously sentenced to a state prison in this or any other state or country, and of persons convicted for the first time of a crime not involving moral turpidity; therefore,

Governor shall appoint commissioners.

1. That there shall be appointed by the governor of this state, six competent persons as commissioners to build an intermediate prison for the criminal classes, which said commissioners shall not receive any compensation for the services hereby imposed upon them, but they shall be entitled to receive their traveling and other official expenses, which shall be paid upon the approval of the governor by the treasurer on the warrant of the comptroller, and the said commissioners shall be in no way concerned in any contract for the erection of the said building or furnishing of supplies of any kind for the same.

Expenses only shall be paid.

Shall not be interested in the contracts.

May use Edgar farm in Union county, &c.

And add thereto by purchase.

May select and appoint architect, &c., prepare plans and superintend erection of buildings.

2. That the said commissioners are hereby authorized and empowered to set apart for the use of the reformatory, and take possession of the property known as the Edgar farm, belonging to the sinking fund of this state, located in the county of Union, and also such other portion of said farm, if any, as may be located in the county of Middlesex, or so much of said property as in their judgment may be necessary, and may add thereto by purchase any adjoining property which may be necessary to the completeness of the site, at a cost not exceeding ten thousand dollars.

3. That said commissioners shall have power to select and appoint such architects, superintendents and other persons necessary, with such compensation as may be fixed upon, who, together with themselves, shall prepare and mature a plan for the construction of suitable buildings for the state reformatory and superintend its erection, which, when completed, shall have a capacity of not less than one thousand prisoners, and