

CHAPTER 70.

PENITENTIARY.

AN ACT relative to the penitentiary.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. A. H. Haskell appointed superintendent. That A. H. Haskell, of the county of Keokuk, is hereby appointed superintendent of the penitentiary, to hold his office from the 16th day of March, 1849, until his successor is elected and qualified as herein provided.

SEC. 2. Give bond—take an oath. Before entering upon the duties of his office, the said superintendent shall enter into bond, made payable to the state of Iowa, in the sum of ten thousand dollars, conditioned for the faithful discharge of his duties, and the accounting for all monies that may come to his [83] hands; and he shall further take an oath to honestly, faithfully and impartially discharge the duties of such superintendent; which bond shall be approved by the secretary of state, and together with the oath aforesaid, filed in his office.

SEC. 3. Receive property of lessee—institute legal proceedings. The said superintendent shall receive from the present lessee of the penitentiary, all property of every description pertaining to said institution which belongs to the state, upon the day of entering upon the duties of his office, or as soon thereafter as delivery can be made; and shall at the time of receiving said property take an inventory or schedule of the same, and in case the said lessee shall refuse to deliver any such property to said superintendent, then the latter shall institute legal proceedings therefor in his own name for the use of the penitentiary, for the recovery of the same; a copy of which inventory or schedule he shall return to the governor, with his first report herein provided for.

SEC. 4. Make arrangements for the completion of said penitentiary. That for the purpose of rendering the penitentiary efficient, the said superintendent shall immediately after entering upon the duties of his office, make arrangements for completing the walls of the building, placing a roof over that part intended to be under cover, and finishing such additional cells as the means at his disposal will justify, and the public interest demands.

SEC. 5. Let contract to lowest bidder. That in the prosecution of said work, said superintendent shall let all contracts to the lowest responsible bidder; said letting to be conducted in such manner as he may adopt, provided that good and sufficient bonds shall be required of contractors, conditioned for the faithful and prompt fulfilment of their contracts.

SEC. 6. Governor to issue state bonds payable to school fund. To meet the necessary expenditures thus incurred, the governor is hereby authorized to issue state bonds not exceeding six thousand dollars in amount, made payable to the common school fund in ten years, bearing an interest of not more than ten per centum per annum, payable on the first day of February annually.

SEC. 7. Duty of governor and superintendent of public instruction. Whenever there shall be monies in the school fund sufficient to meet the bonds or any portion thereof, the governor shall proceed to execute the same and file them in the office of the superintendent of public instruction, who shall at any time thereafter when requested by the superintendent of the penitentiary, pay over to him the monies hereby appropriated, which may then be in his hands; but not more than two thousand dollars shall be placed in the hands of said superintendent of the penitentiary at any one time, over and above the amount

for which satisfactory receipts and vouchers shall have been by him previously filed with the superintendent of public instruction.

SEC. 8. Interest on loan have preference. The interest on the loan hereby authorized shall always be [84] paid in preference to any other charge against the state treasury, except that for the interest on the loan already made.

SEC. 9. Work prosecuted with dispatch. The work above shall be prosecuted with all possible dispatch and in such a manner as not to exceed in expense the sum herein appropriated, leaving that part of the work, if any, unfinished, which is the least important, having reference to the security of the convicts and the best interest of the state.

SEC. 10. Prisoners under control of superintendent. Prisoners in the penitentiary shall be under the control and supervision of the superintendent, who shall have power-if necessary to employ a keeper, to direct the manner in which the prisoners shall be employed, to see that they are furnished with necessaries and to make such rules as he may deem expedient for their regulation and government, provided that said rules are in accordance with law and the principles of humanity.

SEC. 11. Have control of all matters—compensation. The superintendent shall have full and entire control of all matters connected with said penitentiary, the work in progress, and the convicts; and shall receive for his services the sum of four hundred dollars, per annum, to be paid out of any funds in the treasury not otherwise appropriated.

SEC. 12. The funds necessary for paying a keeper and furnishing necessaries for the convicts may be taken from the amount appropriated for the work herein authorized.

SEC. 13. Superintendent to hold office. The superintendent hereby appointed shall hold his office from the time of entering upon his duties aforesaid, until the first day of December, 1850, and until his successor is elected and qualified.

SEC. 14. Hereafter selected by joint resolution. *And be it further enacted,* That the general assembly shall, at its next regular session and at every session thereafter, by joint resolution, select a superintendent of the penitentiary, who shall qualify in the manner provided.

SEC. 15. Superintendent to report—proviso. It shall be the duty of the superintendent to report under oath his actings and doings in full, to the governor, semi-annually, on the first days of May and November of each year, to be laid before the general assembly at the commencement of every regular session; *provided,* that the superintendent herein created, shall, as above, report in full to the governor every three months; *and provided further,* that before any superintendent shall be finally released from his obligations under his bond, his accounts and report shall undergo the investigation of any person or persons that may at any time be appointed by the general assembly.

SEC. 16. Vacancy, governor to appoint. In case a vacancy shall happen in the office of the superintendent, from death, resignation or other cause, the governor may [85] appoint a person to fill such vacancy, and the person so appointed shall qualify in manner herein before provided and shall hold his office for the unexpired term for which he was appointed.

SEC. 17. Repealing section. That all acts and parts of acts that conflict with the provisions of this act be, and the same are hereby repealed.

SEC. 18. Take effect. This act to take effect from and after its publication in the Keokuk Dispatch and Iowa State Gazette.

Approved, January 13, 1849.

Published in Gazette Jan. 31st and Dispatch Feb. 8th, 1849.