

the party or parties, whose bid or bids may have been accepted, and said board shall have full power to make such a contract or contracts as they may think sufficient to enforce the provisions of any such contract or contracts so made, and it shall further be the duty of said board, in addition to the making of such contracts, to require the party or parties, whose bid or bids may have been accepted to enter into bond to the State of Arkansas in double the sum of the amount they are to receive for the erection, furnishing and completion of said building. Said bond to be conditioned for the faithful performance of the contract entered into as heretofore provided.

SEC. 3. That for the purpose of carrying into effect this act the sum of twenty-four thousand six hundred and fifty dollars (\$24,650), out of any money in the treasury not otherwise appropriated, is hereby appropriated for carrying into effect the provisions of this act.

SEC. 4. That this act take effect and be in force from and after its passage.

Approved April 17, 1899.

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## ACT CXXVIII.

AN ACT to provide for the erection of a new State Capitol.

### SECTIONS

1. Board of State Capitol Commissioners created, composed of seven members. Term of office of Commissioners. Commissioners to give bond.
2. Unlawful for members to be connected with contract for building, supplies, etc., or to employ person interested in contract. Violation a felony.

3. Commissioners to take oath of office. Form of oath. Time of meeting and per diem of members.
4. Board may appoint a secretary. Salary fixed. Secretary to give bond. Duties of Secretary defined. He shall prepare report, file it with auditor and have it published on January first of each year. All bonds, contracts, etc., to be filed in Auditor's office.
4. Board to secure plans and specifications. Maximum cost of building. Board to acquire lands for making brick and quarrying granite. Superintendent to be appointed.
6. Convicts to be turned over to State Board for making brick, quarrying granite and working on building.
7. Board to give receipt for convicts. Receipt to show number days worked and character of work.
8. Board to examine and pass upon all accounts and draw warrants for same when correct.
9. Attorney-General legal advisor of Board.
10. Fifty thousand dollars (\$50,000) appropriated to carry out provisions of this act.
11. Building to be located on penitentiary grounds. Penitentiary to be moved.
12. Repeals all acts in conflict and act takes effect from passage.

*Be it enacted by the General Assembly of the State of Arkansas:*

SECTION 1. That for the purpose of erecting and completing a new State Capitol building for the State of Arkansas at the City of Little Rock in said State, there is hereby created a Board to be known as the Board of State Capitol Commissioners. Said Board shall consist of (7) seven members, to be composed of the Governor and six (6) qualified electors of the State, no two of whom shall be from the same Congressional District, to be appointed by the Governor by, and with the advice and consent of the Senate. The Commissioners so appointed shall hold office until the completion of the said building and acceptance thereof by the State, unless sooner removed for cause by the Gov-

ernor, and the Commissioners so appointed shall give bond with at least two sureties, or by a surety company, as provided for by law, to the State of Arkansas in the sum of twenty thousand dollars (\$20,000), conditioned for the faithful performance of the duties imposed by law, to be approved by the Governor and filed with the Secretary of State, said sureties qualifying in double the penal obligation of said bond. The Governor shall be chairman of said Board and shall have power to fill all vacancies until the next session of the Senate, when any appointment to fill a vacancy shall be made by and with the advice and consent of the Senate. A majority of said Board shall constitute a quorum.

SEC. 2. It shall be unlawful for any of the said Board to be connected either directly or indirectly, in any manner whatsoever, with any contract or part thereof, for the erection of said Capitol building or for any work connected therewith, or for furnishing any of the supplies or materials therefor, or to receive any benefit therefrom, or the promise of any benefit therefrom, either by way of commission, rebate, bonus, division of profit or otherwise; and any one of said Board who shall violate the provisions of this act shall be guilty of a felony, and upon conviction thereof shall be subject to a fine not exceeding one thousand dollars (\$1000) and imprisonment in the penitentiary not exceeding five (5) years and to be removed from said Board. It shall be unlawful for said Board to employ any person in the supervision or superintendence of the building of said Capitol or in any way connected therewith, who may or shall become in any manner connected directly or indirectly with any contract for the erecting of said capitol building, or for the furnishing of any of the supplies or materials therefor; and the

said Board of Commissioners are hereby charged with a rigid enforcement of this act.

SEC. 3. Each of the said Commissioners before entering upon the duties of his office shall take and subscribe to the following oath, to be endorsed upon said bond and to be administered by any one authorized to administer oaths, to-wit:

“I, A. B., do solemnly swear that I am not now, and will not, directly or indirectly, become interested or concerned in any manner with any contractor or contractors, or person or persons, for the erection of the State Capitol or any portion thereof, or in the proceeds or profits growing out of the same, or any work or labor done thereon, or material furnished in the erection of the same; so help me God.”

Within ten days after qualifications as Commissioners, the said Board shall meet at the seat of government for the completion of their organization. Each Commissioner appointed by the Governor under the provisions of this act shall receive a compensation of five dollars (\$5.00) per day for each and every day he is actually engaged in the duties of his office, together with mileage at five cents per mile actually paid out while engaged in the performance of his official duties.

SEC. 4. Said Board is authorized to appoint a Secretary and remove him at pleasure. His compensation shall be such sum as the Board may deem reasonable, not exceeding eighty dollars (\$80.00) per month for the time he is actually employed. He shall qualify by giving bond to be approved by a judge of a court of record in the sum of five thousand dollars (\$5,000), conditioned for the faithful performance of the duties of his office. He is to keep a true and complete record

of the proceedings of the Board. He shall make and keep a record of all contracts and obligations made and entered into by and with the Board or made and delivered to the Board. He shall attest all certificates ordered by the Board. He shall keep a set of books showing all expenditures on account of said Board, all expenditures on account of the Capitol building and showing at all times the financial condition of said Board and of the funds appropriated for and applicable to the purposes of this act and all matters relating thereto. He shall, on the first day of January of each year, prepare a financial report for the preceding year, containing an itemized and classified statement of all expenditures and a list of all vouchers issued, showing to whom and for what purpose they were issued, which reports shall be filed in the office of the Auditor of State and published on the first day of January of each year in two newspapers selected by the Board, and a copy transmitted by the Board to the legislature at its next regular session. All contracts made with said Board and all bonds required by said Board shall be regularly passed upon by the Board in session and if adopted and approved by a majority of said Board, shall be recorded in a book kept for that purpose, and a copy of such contract shall be made out and certified by the Secretary and endorsed "approved," with the date of approval, and delivered to the other party to the contract. Until such delivery no contract shall be valid or binding on either party. No party required by said Board to give bond shall receive any money from the public treasury or warrant or certificate therefor, until said bond shall have been recorded as herein required. All such bonds and contracts, upon being recorded, shall be filed in the office of the Auditor

of State, by whom they shall be preserved. All other vouchers, statements, files and papers relating to the erection of said building, shall be kept and preserved by said Secretary. He shall perform such other duties as may be required of him by said Board.

SEC. 5. It shall be the duty of said Board as soon as practicable after the passage of this act, to secure, at a reasonable price therefor, by a competitive architectural contest, or such other method as said Board may find most desirable, a suitable set of plans and specifications for the Capitol building to be erected: the reasonable cost of said building shall not exceed one million dollars (\$1,000,000). The building shall be so planned that suitable quarters for all departments of the State government will be provided for in the best possible manner. The building shall be fire proof and constructed of granite, brick and iron, and shall have a roof of either slate or sheet metal, and shall be provided with proper heating, lighting and ventilating apparatus and with the most modern sanitary arrangements.

SEC. 6. After the plans, specifications and detail drawings for the State Capitol building shall have been completed, the Board shall acquire in the manner most economical and most desirable to the State, a piece of land suitable to the manufacture of brick and a granite quarry, or a piece of granite land upon which a desirable quarry can be opened. The Board shall appoint a superintendent of the granite quarry who shall be a competent and experienced quarryman and shall have a thorough knowledge of stone cutting.

SEC. 7. The State Penitentiary Board shall turn over to the Board of State Capitol Commissioners, such a number of convicts as can be advantageously worked upon the construction of the Capitol building and the

manufacture of brick and the quarrying and cutting of stone therefor, not exceeding two hundred (200) in number. The convicts so turned over shall be guarded, fed and clothed by and under the direction of the State penitentiary officials, and shall be at all times subject to penitentiary rules and discipline.

SEC. 8. The State Capitol Commissioners shall receipt to the said Penitentiary Board for said convicts, and said receipts shall show the number of days each convict has been employed, and upon what class or department of work he has been engaged.

SEC. 9. All disbursements on account of the Capitol building shall be made upon certificates issued by the Board. All bills, claims, demands for labor performed, work done or material furnished, shall be presented to the Board in duplicate, and shall be passed upon by said Board only at regular session thereof and after a careful examination of every item named; if found correct they shall audit the same, preserving one duplicate and transmitting the other as audited and allowed to the State Auditor, and shall issue a certificate to the effect that materials have been furnished or services rendered for the amount therein named, and the party in whose favor the certificate is made is entitled to a warrant upon the Treasurer for the amount therein named. Upon the presentation of said certificate and the vouchers therefor, as audited and approved by the Board, as herein provided, to the State Auditor he shall draw his warrant on the State Treasurer upon the appropriation hereinafter made for the amount stated and to the order of the person named in the certificate.

SEC. 10. The Attorney General shall be the legal advisor of the board.

SEC. 11. That for the purpose of carrying out the provisions of this act for the employment of an architect, superintendence, the purchase of tools, machinery, lands for the manufacture of brick, and the quarrying of stone or leases thereof, and for the transportation of materials and other purposes necessary to the carrying out of the provisions of this act, there is hereby appropriated the sum of fifty thousand (\$50,000) dollars out of any moneys in the State Treasury which may arise from the sale of lands, except school lands, belonging to the State for the two (2) years commencing on the first day of April 1899, and ending on the 31st. day of March 1901, and also all fees paid to the Commissioner of State Lands, and also the net proceeds of the labor of the State convicts during the same period.

SEC. 12. The new State House shall be located on the present Penitentiary grounds of the State. The Board of Penitentiary Commissioners is hereby invested with authority to abandon the present Penitentiary grounds of the State, to turn the same over to the State House Board for the purposes provided for in this act.

The Penitentiary Board is authorized to procure new grounds at such place as they may select in Pulaski County; cause new buildings and walls to be constructed for use as a Penitentiary, the expense thereof to be paid out of the fund now at the disposal of said Penitentiary Board.

SEC. 13. All acts or parts of acts in conflict with the provisions of this act are hereby repealed, and this act shall take effect and be in force from and after its passage.

Approved April 17, 1899.