

of this Act, pay over to the treasurer of said cities of first and second class all moneys now in his hands belonging thereto, and take his receipt therefor.

SECTION 3. That the corporate limits of every city of the first and second class in Arkansas county, shall comprise a separate road district.

SECTION 4. It shall be the duty of the city treasurer to keep a separate account of all moneys so received from road and bridge purposes, and the said funds be used and expended on the streets, alleys and sidewalks of said cities, and for other purposes.

SECTION 5. That hereafter all such funds belonging to such cities shall be under the control of the city council of said city, to be expended on the streets and alleys thereon, in such manner as they may deem best, and the said fund be paid out for such purposes as the city council may direct, or as other money belonging to such cities is paid out.

SECTION 6. That all laws and parts of laws in conflict with this Act are hereby repealed, and this Act take effect from and after its passage.

[This bill having remained with the Governor five days (Sundays excepted) and the General Assembly being in session, it has become a law this April 15, 1903.]

ACT 146.

AN ACT to provide for the completion of the State Capitol building, and for other purposes.

SECTION

1. Creates a Board of State Capitol Commissioners. Bond required.
2. No member of said board to be connected with any contract. Penalty for violating this Act.
3. Commissioners to take oath of office.
4. Board to appoint a secretary. Secretary to give bond. Duties of the secretary.
5. Former Capitol Commission to turn over records, drawings, plans, profiles, etc.
6. Board to issue vouchers on all claims, and Auditor to issue warrants for payment on the State Treasurer.
7. Capitol building to be erected according to original plans and built on foundation now partly completed. Architect to remain under bond of \$50,000.
8. Manner of carrying out the provisions of this Act.
9. Successful bidder to give bond for one half million dollars. How payments are to be made to contractors. State not to be liable in any sum above the contract.
10. Manner of providing funds for the work.
11. Certain lands to be sold after the building is completed.
12. Former tax levy of one-half mill approved; laws conflicting repealed; Act in effect from passage.

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

SECTION 1. That for the purpose of completing the new 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 State Capitol Commissioners.

Said Board of Capitol Commissioners shall consist of five persons, who are successful business men, no two of whom shall be from the same congressional district. Immediately upon the passage of the Act, the Senate

and House of Representatives shall elect the Board of Capitol Commissioners in manner as follows: The Senate shall nominate five candidates, the House of Representatives shall nominate ten candidates. On the day after said nominations are made, the Senate and House of Representatives shall meet in joint session, and from the names heretofore nominated, they shall elect the five commissioners. Upon each ballot, the person receiving the smallest number of votes shall be dropped from further consideration, and the balloting shall continue until five names only remain, and they shall be declared the State Capitol Commissioners.

The commissioners so appointed, shall hold office until the completion of said building, and acceptance thereof by said board, in behalf of the State, unless sooner removed for sufficient cause by due legal action upon complaint to any circuit court in this State, and the commissioners so appointed shall each 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 fifty thousand dollars (\$50,000.00), conditioned on the faithful performance of the duties imposed by law, to be approved by the State Auditor and filed with the Secretary of State; said sureties qualifying in double the penal obligation of said bond. Said board shall elect one of their members to act as chairman, and the board shall have power to fill all vacancies until the next succeeding session of the Senate, when any appointment to fill a vacancy shall be made by and with the advice and consent of the Senate and House of Representatives in joint session. A majority of the said board shall constitute a quorum. Provided that no member of the

present legislature shall be a member of said State Capitol Commission.

SECTION 2. It shall be unlawful for any member of 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 profits or otherwise, and it shall be unlawful for said board to make any contract either directly or indirectly from any person who is connected by consanguinity or affinity with any member of said board; and any one of said board who shall violate the provisions of this Act shall be guilty of felony, and upon conviction thereof shall be subject to a fine not exceeding one thousand dollars (\$1,000.00) 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 anyway connected therewith who may or shall become in any manner connected directly or indirectly with any contract for the erection of said capitol building, or the furnishing of any material thereof; and the said Board of Commissioners are hereby charged with a rigid enforcement of this Act.

SECTION 3. Each of said commissioners, before entering upon the duties of his office, shall take and subscribe to the following oath, to be indorsed upon his 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 sub-contractor, material men, or any other person or persons who may be concerned in the erection of the State Capitol or any portion thereof, or in the proceeds or profits growing out of same, or any work or labor done thereon, or materials furnished in the erection of the same; and that I will not employ or contract with any person of kin to me in any manner in relation to said capitol building; and that I will faithfully discharge the duties of commissioner as aforesaid, to the best of my ability, so help me God."

Within ten days after qualifications as commissioners, said board shall meet at the seat of government for the completion of their organization. Each commissioner appointed under the provision 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.

SECTION 4. Said board is authorized to appoint a secretary and remove him at pleasure. His compensation shall be such a sum as the board may deem reasonable, not exceeding one hundred dollars (\$100.00) 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 (\$5,000.00), 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 purpose of this Act and all matters relating thereto. He shall on the 1st 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 report shall be filed in the office of the Auditor of State and published on the 1st 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 contracts shall be made out and certified by the secretary and endorsed and "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.

SECTION 5. That immediately upon the qualification of the members of said Board of State Capitol Commissioners and the organization of said board, the Board of State Capitol Commissioners organized and existing under the Act of the General Assembly, approved April 29, 1901, shall turn over and deliver up to said board all the books, papers, contracts, options, plans, profiles, drawings and every other thing now in the possession of said board, it being the intent of this Act to make the board herein provided for the successor of the board provided for by said Act of April 29, 1901.

SECTION 6. The said Board of State Capitol Commissioners shall certify to the Auditor of State from time to time such sum or sums of money as may be due to such persons as may have claims against the State under the terms of this Act, and the person or persons in whose favor such certificate is issued shall be entitled to a warrant upon the treasury for the amount therein named and the State Auditor shall draw his warrant for the same.

SECTION 7. That the State capitol building shall be built on the foundation now partially completed and according to the original plans and specifications and detail drawings already accepted and adopted, and in the possession of the State of Arkansas, but in no event shall said board be authorized under this Act to contract for the completion of said building, above the basement floor line at a sum in excess of one million dollars; but said plans and specifications shall be subject to re-

vision by said board, and the architect of said plans shall make such changes as may be requested by the board and superintend the erection of the building until its completion. That as a full compensation for his services as such architect and superintendent, he shall receive such an amount as the Board of Capitol Commissioners shall find upon careful investigation the State of Arkansas through its Capitol Commissioners appointed under the Act of April 17, 1899, contracted to pay and under which agreement or contract the plans were made; provided that in no event shall the architect receive for his entire services more than five per cent of one million dollars. The said architect shall remain under the bond of fifty thousand dollars (\$50,000.00) now filed with the Secretary of State. Said bond to be continued until the building is fully completed and accepted by the Board of Capitol Commissioners.

SECTION 8. In carrying out the provisions of this Act the Board of Capitol Commissioners shall proceed in the following manner:

First. The board shall immediately after the passage of this Act employ a competent foreman, who shall be a skilled mason, and thoroughly acquainted with the preparation of concrete work, and they shall also purchase all materials and utensils that may be necessary to complete the capitol building heretofore commenced on the old penitentiary site up to the basement floor line. 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 finishing and completion of the building below the basement floor line and for the quarrying of the stone therefor, not exceeding one hundred in number.

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. The expense of maintaining, feeding, clothing and guarding said convicts, shall be paid by the State Capitol Commissioners.

Second. The contract for the completion of said building above the basement floor line, shall be let to the lowest and best bidder by the State Board of Capitol Commisisoners upon notice by advertisement for thirty (30) days in such newspapers as the board may deem proper, advertising for sealed bids for the completion of said building, reserving to the board the right to reject any and all bids. And no bid shall be accepted for a greater amount than one million dollars (\$1,000,000.00), all bids to be on the same basis and for the same work. As far as may be practicable the Board of Capitol Commissioners shall contract for Arkansas materials in the construction of the building.

SECTION 9. The successful bidder shall be required to enter into a bond to the State of Arkansas, to be approved by said Board of Capitol Commissioners, in the sum of five hundred thousand dollars, conditioned for the faithful performance of his contract within the time herein named, and conditioned further that he will pay off and discharge all debts contracted for labor and materials used in and about said building. In no event shall said Board of State Capitol Commissioners ever pay to said contractor more than ninety per centum of the amount earned until the building is fully completed and accepted, when the ten per cent. retained shall be paid with final estimate to the contractor under estimate made from time to time; nor shall they ever undertake

to bind the State for anything whatever on account of said contract; it being the intention of this Act that the State shall never be liable in any manner except for the amount stipulated in the contract herein provided for. In no event shall the board undertake or agree in the contract herein provided for to pay in any one year, a greater sum than can be realized in such year under the provisions of this Act.

SECTION 10. That for the purpose of raising funds to carry out the provisions of this Act, the sum of one million dollars, or so much thereof as may be necessary, be and the same is hereby appropriated for the purpose of completing the new State capitol building, and in order to raise said sum there is hereby appropriated all funds in the State treasury heretofore collected for or appropriated as a State capitol fund, and the tax of one-half of one mill on each dollar of taxable property now levied in accordance with the Act provided for the completion of the State capitol building, and for other purposes, approved April 29, 1901, shall be continued to be levied and collected and appropriated as provided in said Act, until the said capitol building is fully completed. And in addition to the money to be raised by this levy, the net proceeds of all lands, except school lands, sold by the Commissioners of State Lands and the fees of the Commissioner of State Lands, for the two years ending March 1, 1905, shall be used and applied toward the appropriation above made.

SECTION 11. When said State capitol shall have been completed so far that the walls are up and the roof is on and completed, the Capitol Commissioners shall then, and not before, lay off the State lands situated adjacent to the land reserved by them for the capitol

block and exclusive of the same, into lots and blocks, and advertise and sell the same at public sale to the highest bidder for cash, after advertising said sale for sixty (60) days, the proceeds thereof to be covered into the State treasury of the State of Arkansas, and shall be used and applied toward the appropriation above made. Provided, that at any public sale said commissioners shall have the right to reject any and all bids, if in their judgment the amount bid is not the full value of the property offered for sale, and they may adjourn any sale from day to day, or may adjourn any sale and readvertise the same for the term of sixty (60) days. And whenever any of said real property has been sold, the Governor of the State of Arkansas is directed to make deed for same attested by the Secretary of State, the same as is now provided by law for making deeds by the State; provided further, that before any sale is advertised said Board of Capitol Commissioners shall appoint three landowners, residents of the State of Arkansas, to appraise such lands or lots as the board may determine to offer for sale, who before entering upon their duties shall take an oath to view and faithfully value such lands or lots at their true market value, and their report shall be by them duly verified and filed with the secretary of said Board of Capitol Commissioners, and thereupon said board shall proceed to advertise such lands or lots for sixty (60) days in five (5) weekly newspapers published in the State of Arkansas, and having a bona fide circulation therein of not less than three thousand subscribers; and provided further, that no sale shall be made for less than three-fourths of the appraised value of such tract or lot as shown by the report of the appraisement heretofore provided for.

SECTION 12. That the Act entitled "An Act to provide for the completion of the State capitol building, and for other purposes," approved April 29, 1901, except that portion of section 13 of said Act which provides for the levying and appropriation of a tax of one-half of one mill on each dollar of taxable property in this State, and all laws and parts of laws in conflict herewith be and the same are hereby repealed, and that this Act take effect and be in force from and after its passage.

[This Act was vetoed by the Governor, and was passed over the veto by the House of Representatives and the Senate of the State of Arkansas, and filed in the office of the Secretary of State on April 16, 1903.]

ACT 147.

AN ACT giving wheelwrights and blacksmiths a lien on the productions of their labor and upon any article repaired by them.

SECTION

1. Blacksmiths and wheelwrights given a lien upon the product of their labor.
2. Account of such work to be filed with clerk of circuit court.
3. Clerk of court to file account and place abstract of same on record of mortgages and deeds of trust of personal property, for which he may charge a fee of twenty-five cents.
4. Liens may be enforced any time within four months after filing.
5. Act in effect from passage.