

14. SEC. 2. That men who were not residents of the state when they enlisted, but were disabled while serving in a New Jersey regiment or in the navy, being accredited to the state, may be admitted as beneficiaries of the home. All accredited to this state may be admitted.

15. SEC. 3. That the use of the home as a hospital is permitted in cases requiring surgical treatment or operations, considered suitable by the commandant and where payment of expenses is guaranteed; *provided*, that in no instance shall any patient be admitted under this section who is afflicted with any contagious or infectious disease, or to the exclusion of any soldier entitled under the provisions of the act. When home may be used as a hospital.

## State Prison.

1. Supervisor, his appointment, salary, bond.
  2. Board of inspectors, appointment.
  3. Principal keeper of state prison.
  4. Rules and regulations of state prison.
- Article I. Inspectors and their duties.
- II. Of the supervisor.
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5. Deputies and clerk to give bond.
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7. Moral instructor.
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9. Daily record of prisoners' conduct.
10. Remittance of sentence for orderly conduct.
11. Further remittance.
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13. All sentences to be subject to this act.
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15. Salaries to be paid monthly.
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### An act for the government and regulation of the state prison.

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

1. That the governor, chancellor, chief justice, and attorney general of the state, within one month after the passage of this act, and as often thereafter as the office hereby created shall become vacant, shall, at a meeting called by the governor, choose and appoint, by concurrence of a majority of them, 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; and, before entering upon the duties of his office, shall give bond to the state, with two sufficient sureties, to be approved by the governor, in the sum of twenty-five thousand dollars, with condition that he will well and faithfully discharge all the duties imposed upon him by law, and will well and faithfully use, account for, and pay over according to law, all the moneys of the state at any time received by him; such bond to be acknowledged, recorded and filed in the same manner, and to have the same effect, according to the terms thereof, as is herein provided in respect to the bond of the keeper of the state prison. Appointment of supervisor.  
Compensation.  
Supervisor to give bond.

2. That for the supervision and control of the state prison, as herein after provided, there shall be a board of five inspectors, composed of the treasurer and comptroller of the state, for the time being, and of three suitable persons, who shall be chosen by the legislature in joint meeting, and shall hold their office for three years, and until others are chosen and legally qualified to act in their stead; and if any vacancy shall happen by the death, removal, resignation or refusal to act, or other disability of any of said inspectors chosen in joint meeting, the governor shall appoint a person or persons to fill the vacancy, but any such appointment to fill a vacancy shall not extend beyond the next succeeding session of the legislature; each of the said inspectors shall receive an annual salary of five Appointment of inspectors.  
Vacancies.  
How filled.  
Compensation.

hundred dollars for their services under this act, to be paid to them by the treasurer of this state by warrant of the comptroller; the first inspectors to be chosen under this act may be chosen at any joint meeting of the legislature during the present session thereof.

Where the principal keeper shall reside.	3. 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 orders drawn on him by any two of the inspectors, together with his necessary fuel and light; and said keeper shall have power to appoint, with the advice and consent of the board of inspectors, 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 said board of inspectors shall deem just and proper; which shall be paid by the treasurer monthly, by warrant of the comptroller, and upon orders drawn by any two of said inspectors; and the said keeper shall dismiss all or any of his said deputies and assistants whenever he shall think proper, or shall be required so to do by the unanimous action of the board of inspectors; and before 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 condition that he and his deputies and assistants 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 this 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.
His compensation, and how paid.	
Appointment of assistants and deputies.	
Their compensation.	
How dismissed.	
Keeper to give bond.	
Bond to be acknowledged and filed.	
Exemplified copies to be legal evidence.	
Rules, &c.	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:

## ARTICLE I.

### OF THE INSPECTORS AND THEIR DUTIES.

Inspectors shall hold stated meetings.	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; <i>provided</i> , 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
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.	

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 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 offence for which each has been committed, and whether for the first or repeated offence, 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 insti-

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.

tute in a summary way, such inquiry into the truth of the facts charged as he may think fit.

## ARTICLE II.

## OF THE SUPERVISOR.

General powers 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 hereinafter 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 instructor 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 voucher 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 full and regular accounts of the stock, materials, tools and implements, provisions, clothing, supplies and other articles by him purchased and

Proviso.

Powers of the supervisor continued.

May contract for and purchase supplies, &c.

May sell and dispose of manufactured articles.

May appoint agents, &c.

May advertise for proposals for contracts.

Shall keep regular books of accounts.

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

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 wilfully 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 defence, 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.

Time when accounts shall be ready for examination and settlement.

Proceedings in case of petition for removal of the supervisor.

### ARTICLE III.

#### OF THE PRINCIPAL KEEPER AND HIS DUTIES.

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

General powers and duties of the keeper.

United States prisoners.

Journal to be kept, &c.

Further duties of the keeper in regard to prisoners.

## STATE PRISON.

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.

General duties 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.

## 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.

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.

Appointment of clerk.

Compensation, how paid.

## ARTICLE VII.

## OF THE RECEPTION AND TREATMENT OF PRISONERS.

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,<sup>(a)</sup> 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<sup>(b)</sup> 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, 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

Examination of convicts, by whom and how made.

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

Confinements of convicts.

Convicts to be kept at hard labor.

May employ instructor.

Convict to be credited with amount of labor performed.

Credits for overwork.

Convicts not to be employed in certain offices.

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

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

been convicted of an offence the penalty of which does not include such hard labor, *State v. Gray*, 8 Vr. 368.

Food and clothing, how supplied to each convict.

Physician to report in case of need of nurse to any prisoner.

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.

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 offence, 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 corporeal 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 offences 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.

## 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.



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."

Form of oath of supervisor, inspectors, &c.

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.

Employment of moral instructor and compensation.

8. 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 the attendance of witnesses and jurymen; and if it be satisfactorily proved that said prisoner is insane, said judge may order his safe custody and removal to the state lunatic asylum, where he shall remain at the expense of the state, until restored to his right mind; and then if his term of imprisonment shall not have expired, the superintendent of the asylum shall inform the said judge and the attorney general of the fact of his recovery; whereupon he shall be remanded to the prison to serve out the unexpired portion of his term of imprisonment; and the said judge shall receive the sum of thirty dollars for the performance in any case of the duties imposed by this section, and the attorney general shall receive a compensation in each case to be fixed by the said judge, and paid upon his certificate by the treasurer, upon warrant of the comptroller.

Proceedings in case any person confined in prison shall appear to be insane.

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.

Daily record of conduct of each prisoner shall be kept.

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.

Remittance of sentence for orderly conduct, &c.

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

Remittance of sentence on recommendation of keeper and moral instructor.

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.

All sentences to be subject to this act.

No visitor to be furnished refreshments.

Salaries to be paid monthly.

Repealer.

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.

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.

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.

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.

## Statutes.

1. Certain acts repealed.
2. When certain revised acts to take effect.
3. Rights, etc., accrued not affected.
4. Offences, penalties, forfeitures, how affected.
5. Acts repealed to continue so.
6. Repeal, how construed.
7. What provisions of repealed acts in force for certain purposes.
8. Offices and appointments not affected.
9. Construction of words importing singular number or masculine gender.
10. Of words month and year.
11. Of words oath and sworn.
12. Of words state and United States.
13. When public acts hereafter passed to go into effect.
14. Printed laws evidence.
15. Powers of revisers in printing public laws.
16. Certain other acts repealed.
17. Certain sections made part of this act.
18. When certain other revised acts to go into effect.
19. Laws, etc., to be prepared for the press.
20. Journals of legislature prepared for the press.
21. Also the minutes of joint meeting.
22. Fee for notes and index.
23. How to be printed.
24. Within what time.
25. When fees of clerk and secretary to be paid.
26. Distribution by the treasurer.
27. By the county collectors.
28. Laws of United States distributed.
29. Penalty for neglect of clerk or collector.
30. Treasurer to audit accounts.
31. Treasurer to furnish members of legislature copies of laws, &c.
32. Repealer.
33. Proclamations of governor to be copied and indexed.
34. Also certain former proclamations.
35. Treasurer to send laws to congressional library.
36. Also laws and reports heretofore published.
37. Notices of applications for laws what to contain.
38. Notice for this present legislature.
39. Notice to be published for four weeks next preceding session.
40. Proof of publication, how made.
41. Secretary of state required to record proofs.
42. Penalty for false swearing in making proof.
43. Repealer.
44. Publication of laws in newspapers.
45. Governor and comptroller to designate papers.
46. Papers designated to be deemed legal papers.
47. Repealer.
48. Secretary of state to furnish copy in German language.
49. Public printing, how executed.
50. Work to be completed. Paper.
51. What documents to be printed.
52. Officers to furnish copy.
53. Indices and compensation therefor.
54. Number of pamphlet laws to be printed.
55. Names of members of legislature to be printed with volume of laws.
56. Proceedings when governor believes law not duly passed.
57. Proceedings in supreme court.
58. Petition may be made by two or more citizens.
59. Fees and costs.
60. Proclamation declaring law null and void.
61. Comptroller to report to governor all laws on which assessment has not been paid.

## An act relative to statutes.

Approved March 27, 1874.

Acts repealed.

1. That from and after the first day of January, in the year of our Lord one thousand eight hundred and seventy-five, the following acts and parts of acts be repealed, viz.: (For titles of acts repealed see APPENDIX B).

All statutes and parts of statutes consolidated and re-enacted in the revised statutes or repugnant to the provisions contained therein.

When certain revised acts to take effect.

2. The several acts passed by the legislature at its present session, and designated as "Revision" bills, shall take effect on the first day of January, one thousand eight hundred and seventy-five, and shall not be printed in the pamphlet laws of this session, nor in any newspaper at the expense of the state.

Rights, etc., accrued not affected.

3. The repeal of any statutory provision by this act, or by any act of the legislature hereafter passed, shall not affect or impair any act done or