

CHAPTER CXLVII.

[S. B. No. 200.]

RELATING TO THE STATE PENITENTIARY.

AN ACT to define, regulate and govern the state penitentiary, and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. The entire area of lands situated near the city of Walla Walla, donated to the Territory of Washington for penitentiary purposes by the people of Walla Walla, together with all structures, buildings and inclosures thereon, are hereby declared to be, and they shall hereafter be known as, the state penitentiary.

SEC. 2. For the government and management of the state penitentiary there shall be appointed by the governor three persons, to be known as penitentiary directors, who shall hold office for six years, and until their successors are appointed and qualified. The first directors shall be appointed as vacancies occur in the present board of penitentiary commissioners. In making the first appointments of directors the governor shall designate one to hold office two years, one to hold office four years, one to hold office six years. In case of the death, resignation or removal for cause, of a director, the governor shall appoint a proper person to fill the unexpired term. Each of the directors shall receive \$5.00 per day for each day actually engaged in attending to the duties prescribed by law, and his mileage actually paid out, which shall be paid upon the production of proper vouchers to the state auditor, by a warrant on the state treasurer, who shall pay the same out of the penitentiary fund. Each director shall subscribe an oath of office, which shall be endorsed on his commission within ten days after receiving written notice of such appointment, and a duplicate of such oath shall also be filed with the secretary of state.

SEC. 3. At the first meeting in January of each year, the board of directors shall elect one of their members president of the board, whose duty it shall be to preside at the meetings of the board and to perform such other duties as may from time to time be prescribed by the laws

and the rules and regulations adopted for the government of the board.

SEC. 4. Two members of the board shall constitute a quorum for the transaction of all business, and no order of the board shall be valid unless concurred in by two or more members.

Officers and employes.

SEC. 5. It shall be the duty of the directors to determine the necessary officers and employes of the penitentiary, other than those provided for by law, specifying their duties severally and fixing their salaries, to prescribe rules and regulations for the government of the penitentiary, and to revise and change the same from time to time as circumstances may require, and to board and lodge the officers and employes: *Provided*, The warden may make temporary rules in case of emergency, to remain in force until the succeeding meeting of the board. At least two of the directors shall visit the penitentiary once in each month, and oftener if necessary, at such time as they may select. The directors shall audit all claims for supplies, service and expenses of officers and employes, and all other demands against the penitentiary. *Second*: To enter or cause to be entered on their journal by the clerk, all official acts, which shall be signed by at least two members

Annual report.

of the board. *Third*: On or before the first day of December of each year to report to the governor the condition of the penitentiary together with detailed statements of receipts and expenditures, and such suggestions concerning the prisoners as may appear to be necessary and expedient.

Rules.

Fourth: The board of directors shall also adopt rules and regulations not inconsistent with the constitution and laws of the State of Washington, for the government of the board, and may change them at their pleasure. *Fifth*:

Office.

The board of directors shall have power to establish an office in the city of Walla Walla: *Provided*, The expense of the same shall not exceed \$150 per year.

Warden.

SEC. 6. The directors shall appoint a warden for the penitentiary who shall take and subscribe an oath or affirmation faithfully to perform the duties of his office, as prescribed by law and by the rules and regulations of the board of directors, and to enter into a bond to the State of

Washington in the sum of ten thousand dollars, with two or more sufficient sureties, to be approved by the directors and the attorney general of the state, conditioned to the faithful performance of such duties as such office[r] aforesaid, and he shall hold his office four years after such appointment, unless sooner removed for cause by the directors. Warden's bond.

SEC. 7. The warden shall reside at the penitentiary in a house provided and furnished at the expense of the state, as may be ordered by the board of directors, and it shall be his duty—*First:* Under the order and direction of the board to prosecute all suits at law or in equity that may be necessary to protect the rights of the state in matters or property connected with the penitentiary and its management, such suits to be prosecuted by the prosecuting attorney of Walla Walla county, in the name of the board of state penitentiary directors; and that he be allowed ten dollars per day for each day actually employed by said directors: *Provided,* This amount shall not exceed \$500 per annum. *Second:* To supervise the government, discipline and police of the penitentiary, and to enforce all orders and regulations of the board in respect to the penitentiary. He shall keep a registry of the convicts, in which shall be entered the names of each convict, the crime for which he is convicted, the period of his sentence, from what county sentenced, by what court sentenced, his nativity, to what degree educated, an accurate description of his person, and whether he has previously been confined in a prison in this or any other state, and if so where, and how he was discharged. *Third:* He shall report to the governor before the twentieth of each month the names of all prisoners whose terms are about to expire, giving in such report the terms of their sentences, the date of imprisonment, the amount of total credits to date of such report, and the date when their date would expire by limitation of sentence. *Fourth:* To perform such other duties as may be prescribed by the board of directors. Register of convicts.

SEC. 8. The board of directors shall appoint a clerk for the penitentiary, who shall take an oath of office and enter into a bond to the state, with sureties satisfactory to the board, in the sum of two thousand five hundred dollars, Monthly report.

conditioned that he will faithfully discharge the duties required of him. The clerk shall hold his office for the period of four years after his appointment, unless sooner removed for cause by the directors.

SEC. 9. The clerk shall keep the accounts of the penitentiary in such a manner as to exhibit clearly all its financial transactions, and the clerk shall perform such other duties as may from time to time be required of him by the board of directors.

Qualifications
and cause of re-
moval.

SEC. 10. No person shall be appointed to any office or be employed in the penitentiary on behalf of the state who is in the habit of intemperate use of liquors, and a single act of intemperance shall justify his discharge or removal.

SEC. 11. Any officer or employé may be removed by the board of directors at any time for misconduct, incompetency or neglect of duty.

Warden's sal-
ary.

SEC. 12. The warden shall receive a salary of not more than two thousand dollars per annum, in the discretion of the board of directors.

Clerk's salary.

SEC. 13. The clerk shall receive a salary not to exceed fifteen hundred dollars per annum, in the discretion of the board of directors.

Supplies.

SEC. 14. The board of directors are hereby authorized and required to contract for provisions, clothing, medicines, forage, fuel and all other staple supplies needed for the support of the penitentiary for any period of time not exceeding one year. Contracts for such supplies as the board may desire to contract for shall be given to the lowest bidder at a public letting thereof, if the price bid is a fair and reasonable one and not greater than the usual market value and prices. Each bid shall be accompanied by such security as the board may require, conditioned upon the bidder entering into a contract upon the terms of his bid, on notice of the acceptance thereof, and furnishing a penal bond with good and sufficient sureties, in such sum as the board may require, and to their satisfaction, that he will faithfully perform his contract. If the proper officer of the penitentiary reject any article as not complying with the contract, or if a bidder fail to furnish the articles awarded to him when required, the proper officer of the penitentiary

may buy other articles of the kind rejected or called for, in the open market, and deduct the price thereof, over the contract price, from the amount due to the bidder, or charge the sum up against him. Notice of the time, place and conditions of the letting of contracts shall be given for at least four consecutive weeks in a newspaper published in the city and county of Walla Walla. If all the bids made at such letting are deemed unreasonably high, the board may, in their discretion, decline to contract, and may again advertise, for such time and in such papers as they deem proper, for proposals, and may so continue to renew the advertisements until satisfactory contracts are made; and in the meantime the board may contract with any one whose offer is regarded as just and equitable, or may purchase in the open market. No bid shall be accepted, nor a contract entered into in pursuance thereof, when such bid is higher than any other bid at the letting for the same class or schedule of articles, quality considered, and when a contract can be had at such lower bid. When two or more bids for the same article or articles are equal in amount, the board may select the one which, all things considered, may by them be thought best for the interest of the state, or they may divide the contract between the bidders, as in their judgment may seem proper and right. The board shall have power to let a contract in the aggregate, or they may segregate the items, and enter into a contract with the bidder or bidders who may bid lowest on the several articles. The board shall have the power to reject the bid of any person who had a prior contract, and who had not, in the opinion of the board, faithfully complied therewith. The board shall have the power to reject any and all bids.

Power to reject bids.

SEC. 15. All moneys received or collected by the warden by virtue of this act, unless otherwise provided, shall be paid by him into the state treasury to the credit of a fund to be known as the penitentiary fund, at least as often as once per month, excepting so much thereof as may be necessary to pay the expenses and money allowed discharged prisoners, and the current expenses of maintaining and operating the penitentiary, and the expenses of his officers and employés. The warden shall require vouchers

Payment of moneys collected.

Disbursement
of moneys.

for all moneys by him expended, and safely keep the same on file in his office at the penitentiary. For all sums of money required to be paid, other than for the uses aboved named, as well as for said uses when there is not sufficient money in the hands of the warden, drafts shall be drawn on the auditor of state, signed by at least two of the directors, and the auditor of state shall draw his warrant on the state treasurer, who shall pay the same out of any moneys belonging to the penitentiary fund or appropriated for the use or support of the penitentiary. The amount of all money retained by the warden, and the aggregate amount paid out, shall be reported quarterly to the auditor of state, and the proper entries shall be made on the auditor's books.

Revenues.

SEC. 16. All revenues of the penitentiary, unless herein otherwise provided, shall be paid to the warden who alone is authorized to receipt for the same and discharge from liability. When any sum of money is paid to the warden he shall cause the same to be properly entered on the books by the clerk.

SEC. 17. On payment of any moneys into the state treasury, as provided in this act, the warden and state treasurer shall report to the auditor of state the amount so paid, and the state treasurer shall give the warden a receipt therefor, which receipt shall be filed with the auditor. The warden shall report to the auditor of state the amount of money paid into said treasury by him during each month, and shall also report to said auditor of state the amount received and disbursed by him every three months, and during the period for which such report shall be made, which quarterly report shall be signed by the warden and at least two of the directors.

Employment of
convicts.

SEC. 18. All convicts may be employed by authority of the board of directors, under charge of the warden and such skilled foremen as they may deem necessary in the performance of work for the state, or the manufacture of any article or articles for the state, or the manufacture of which is sanctioned by law. At Walla Walla, at the state penitentiary, no articles shall be manufactured for sale except jute fabrics and brick. The board of directors are hereby

authorized to purchase from time to time such tools, machinery and materials, and to direct the employment of such skilled foremen, as may be necessary to carry out the provisions of this section, and to dispose of the articles manufactured and not needed by the state, for cash, at private sale, in such manner as provided by law.

SEC. 19. In the treatment of the prisoners the following general rules shall be observed: Each convict shall be provided with a bed of straw or other suitable material, and sufficient covering of blankets, and shall be supplied with garments of coarse substantial material, of distinctive manufacture, and with sufficient plain and wholesome food of such variety as may be most conducive of good health. *Second:* No punishment shall be inflicted except by the order and under the direction of [the] warden. *Third:* The warden shall keep a correct account of all money and valuables upon the prisoner when delivered at the prison, and shall pay the amount, or the proceeds therefor, or return the same to the convict when discharged, or to his legal representatives in case of his death; and in the case of the death of such convict without being released, if no legal representative shall demand such property within five years, the same shall be paid into the penitentiary fund. *Fourth:* The rules and regulations prescribing the duties and obligations of the prisoners, shall be printed and hung up in each cell and shop. *Fifth:* Each convict when he leaves the penitentiary shall be supplied with the money taken from him when he entered, and which he has not disposed of, together with any sum which may have been earned by him for his own account, allowed to him by the state for good conduct or diligent labor, or may have been presented to him from any source; and in case the prisoner has not funds sufficient for present purposes he shall be furnished with five dollars in money, a suit of clothes, costing not more than ten dollars, and transportation by the cheapest route to the place where sentenced from, which shall be void if not used in twenty-four hours, if the prisoner desires to return there, or to any other place of the same cost; and he shall be entitled, if he so elect, to immunity from having his hair cut or from having been

Rules for treatment of prisoners.

shaved for three calendar months immediately prior to his discharge. It shall not be lawful for the officers of the penitentiary to furnish or permit to be furnished to any one for publication the name of any prisoner about to be discharged. When the warden, and such other officers as may be designated by the directors to act with him in such cases, shall be of opinion that any convict is insane, they shall make proper examination, and if they remain of the opinion that such person is insane, the warden shall certify the fact to the superintendent of one of the state asylums for the insane, and shall forthwith send such convict to said asylum for care and treatment. If at the expiration of the term of sentence the insane convict is still in the insane asylum, he shall be allowed to remain there until discharged cured. It shall be the duty of the warden also to send to the directors a copy of such certificate, and thereafter a statement as to his subsequent acts regarding the said insane convict. And it shall be the duty of the superintendent of the insane asylum to receive such convict and keep him until cured. It shall be his duty, upon receipt of such insane convict, to notify the directors of the fact, giving name, date and where from, and from whose hands received. When in the opinion of the superintendent such insane convict is cured of insanity, it shall be his duty to immediately notify the directors thereof; and it shall be his duty also to notify the warden of the prison from whence he was received, who shall immediately send for, take and receive the said convict back into the penitentiary, the time passed at the asylum counting as a part of such convict's sentence. Before discharging any convict who may be insane at the time of the expiration of his sentence, the warden shall first give notice in writing to a judge of a superior court of the county in which the penitentiary is located of the fact of such insanity, whereupon said court shall forthwith make an order, and deliver the same to the sheriff of said county, commanding him to remove such insane convict and take him before said court. Upon receipt of such order it shall be the duty of said sheriff to whom it is directed to execute and return the same forthwith to the court by whom it was issued, and thereupon the said court

shall cause proper examination to be made by medical experts, and if it shall satisfactorily appear that such convict is insane, said court shall order him to be confined in one of the insane asylums. The sheriff shall receive the same compensation as for transferring a prisoner to the penitentiary, and to be paid in the same manner. If any judge, after having been notified by the warden, shall neglect to cause such order to be made as herein provided, or any such sheriff shall neglect to remove any such insane convict as required by the provisions of this section, it shall be the duty of the warden to cause such insane convict to be removed before a superior court of a county in which the penitentiary is located, in charge of an officer of the penitentiary, or other suitable person, for the purpose of examination; and the cost of such removal shall be paid out of the state treasury, in the same manner as when removed by the sheriff as herein provided.

SEC. 20. The board of penitentiary directors shall require of every able-bodied convict confined in the penitentiary as many hours of faithful labor in each and every day during his term of imprisonment as shall be prescribed by the rules and regulations of the penitentiary. Every convict who shall have no refraction of the rules and regulations of the penitentiary or laws of the state recorded against him, and who performs in a faithful, orderly and peaceable manner the duties assigned him, shall be allowed from his term, instead and [in] lieu of the credits heretofore allowed by law, a deduction of two months in each of the first two years, three months in each of the next two years and four months in each of the remaining years of his term, and pro rata for any part of a year where the sentence is for more or less than a year. Each convict shall be entitled to these deductions unless the board of directors shall find that for misconduct or other cause he should not receive them. But if any convict shall commit any assault upon his keeper, or any foreman, officer, convict or person, or otherwise endanger life, or shall be guilty of any flagrant disregard of the rules of the penitentiary, or commit any misdemeanor, or in any manner violate any of the rules and regulations of the penitentiary, he shall forfeit all de-

Deductions for
good behavior.

ductions of time earned by him for good conduct before the commission of such offense, or that, under this section, he may earn in the future, or shall forfeit such part of such deductions as to the board of directors may seem just; such forfeiture, however, shall be made only by the board of directors after due proof of the offense and notice to the offender, nor shall any forfeiture be imposed when a party has violated any rule or rules without violence or evil intent, of which the directors shall be sole judges. The board shall have power to restore credits forfeited, for such reasons as by them may seem proper.

Water supply. SEC. 21. The board of directors shall have power to contract for the supply of water for said penitentiary, upon such terms as said board shall deem to be for the best interests of the state, or furnish water themselves, at their option. The board shall have full power to erect any building or structure deemed necessary by them, or to alter or improve the same, and to pay for the same from the fund appropriated for the use or support of the penitentiary, or from the earnings thereof, without advertising or contracting therefor: *Provided*, That no buildings or structure, the cost of which will exceed three thousand dollars, shall be erected or constructed without first obtaining the consent of the governor, secretary and treasurer of the state, or a majority thereof: *Provided*, That such expenditure shall in no instance exceed \$10,000 without a special appropriation therefor by the state legislature.

Limit of compensation.

SEC. 22. No officer or employé shall receive, directly or indirectly, any compensation for his services other than that prescribed by the directors; nor shall he receive any compensation whatever, directly or indirectly, for any act or service which he may do or perform for or on behalf of any contractor or agent or employé of a contractor. For any violations of the provisions of this section the officer, agent or employé of the state shall be discharged from his office or service; and every contractor or employé or agent of a contractor engaged therein, shall be expelled from the penitentiary grounds, and not again permitted within the same as a contractor, agent or employé.

Penalty.

SEC. 23. No officer or employé of the state, or contractor

or employé of a contractor, shall without permission of the board of directors make any gift or present to a convict, or receive any from a convict, or have any barter or dealings with a prisoner. For every violation of the provisions of this section the party engaged therein shall incur the same penalty as prescribed in section twenty-two.

SEC. 24. No officer or employé of the penitentiary shall be interested, directly or indirectly, in any contract or purchase made or authorized to be made by any one for or on behalf of the penitentiary.

SEC. 25. There shall be printed annually, for the use of the penitentiary, five hundred copies of the annual report of the board of directors, and the clerk shall annually transmit to each of the state prisons of the United States one copy of such report. Annual report.

SEC. 26. All the bonds of officers and employés under this act shall be deposited with the secretary of state. Bonds; how deposited.

SEC. 27. The directors shall have power to offer rewards not exceeding \$200.00, in the one case for the return of escaped convicts, and to pay the expenses of the apprehension, safe keeping and return of all escaped convicts by the officers of the penitentiary. They shall certify the amount of reward allowed and expenses incurred to the state auditor, who shall draw his warrant for the amount found due on the state treasurer, who shall pay the same out of the penitentiary fund. Rewards.

SEC. 28. Any person who shall unlawfully take or carry, or cause to be taken or carried, to the penitentiary, for the use of any person confined therein, any weapon, or any mechanical tool or device which can be used to attempt an escape, or any rope or cord, or any opium, morphine or other drug, or who shall hold unlawful conversation with any prisoner, or who shall aid any prisoner in any way to escape, or who shall harbor and conceal any escaped prisoner, shall be guilty of misdemeanor, and on conviction thereof shall be punished by imprisonment in the penitentiary not more than one year nor less than three months, or by fine not exceeding \$500 nor less than \$20, or by both fine and imprisonment. Penalty for unlawful communication with convicts.

SEC. 29. If any of the shops or buildings in which con-

Rebuilding
structures de-
stroyed by fire.

victs are employed are destroyed in any way, or injured by fire or otherwise, they may be rebuilt or repaired immediately, under the direction of the board of directors, by and with the advice and consent of the governor, attorney general and secretary of state, and the expenses thereof paid out of any funds in the state treasury not otherwise appropriated by law, not to exceed \$25,000.

Repealing
clause.

SEC. 30. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Emergency.

SEC. 31. There being but few and imperfect laws for the location and government of the state penitentiary, an emergency exists for the immediate taking effect of this act, and the same is declared to be in force from and after its approval.

Approved March 9, 1891.

CHAPTER CXLVIII.

[H. B. No. 185.]

PROVIDING FOR ELECTION AND DUTIES OF PRESIDENTIAL ELECTORS.

AN ACT providing for the election and prescribing the duties of electors of president and vice president of the United States.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. On the Tuesday next after the first Monday of November in the year eighteen hundred and ninety-two, and on the same day of every fourth year thereafter, there shall be elected by the qualified electors of the State of Washington, as many electors of president and vice president of the United States as this state may be entitled to elect of senators and representatives in congress.

SEC. 2. The votes for the electors shall be given, received, returned and canvassed as the same are given, returned and canvassed for members of congress. The secretary of state shall prepare three lists of the names of

Duty of secre-
tary of state.