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Act of Establishing the University of New Mexico

Legislative Assembly, Territory of New Mexico

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ACT OF ESTABLISHING THE UNIVERSITY OF NEW MEXICO

The Act Establishing the University of New Mexico: 28 February 1889

House Bill No. 186

An act to establish and provide for the maintenance of the University of New Mexico, the Agricultural College and Agricultural Experiment Station, the School of Mines, and the Insane Asylum, and for other purposes.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. There is hereby created and established within and for the Territory of New Mexico, an Institution of learning to be known as "The University of New Mexico". Said institution is hereby located at or near the town of Albuquerque, in the county of Bernalillo within two miles north of railroad avenue in said town, upon a tract of good high and dry land, of not less than twenty acres suitable for the purposes of such institution, which said land shall within six months from the passage of this act, be donated and conveyed, free of any cost and expense, to the Territory of New Mexico by G.W. Meylert provided that no improvements or buildings as hereinafter provided for, shall be made or erected upon such land until such deed is duly [sic] executed, recorded and filed in the office of the Secretary of the Territory as herein after provided.

Section 2. There is also hereby created and established an institution of learning, to be known as the "Agricultural College and Agricultural Station of New Mexico". Said institution is hereby located at or near the town of Las Cruces in the County of Dona [sic] Ana, upon a tract of land of not less than one hundred (100) acres, contiguous to the main Las Cruces irrigating ditch, south of said town and now owned by Jacob Schaublin, and which said land shall within six months from the passage of this act, be donated and conveyed by said Jacob Schaublin free of any cost and expense, to the Territory of New Mexico for such purpose; provided that no improvements or buildings as hereinafter provided for, shall be made or erected upon such land until deed is duly [sic] executed, recorded and filed in the office of the Secretary of the Territory as hereinafter provided.

Section 3. There is also hereby created and established within and for the Territory of New Mexico, an institution of learning, to be known as "The New Mexico School of Mines". Said institution is hereby located within the limits of the city of Socorro in the county of Socorro upon a tract of land of not less than twenty acres, suitable for the purposes of such institution, which shall be donated and conveyed by a good and sufficient deed to the Territory of New Mexico by the owner thereof, free of cost and expense to said Territory, which deed shall be executed within six months from the passage of this act, and no improvement or building as hereinafter provided for, shall be made or erected upon such land until such deed is duly [sic] executed, recorded and filed in the office of the Secretary of the Territory as hereinafter provided.

Section 4. There is also hereby created and established an Asylum for the indigent insane, to be known as "The New Mexico Insane Asylum". Said institution is hereby located at or near the city of Las Vegas, in the county of San Miguel, upon a tract of

land of not less than five acres suitable for the purposes of such institution, which shall be donated and conveyed by a good and sufficient deed to the Territory of New Mexico, by Benino Romero of Las Vegas, free of any cost or expense to said Territory within six months from the passage of this act, and no improvements or buildings as hereinafter provided, shall be made or erected upon such land until such deed is so executed, approved and filed in the office of the Secretary of the Territory as hereinafter provided.

Section 5. To provide a fund for the making of the necessary improvements, the erection of necessary buildings, and the support and maintenance of the several institutions hereby created and established, there shall be assessed and levied annually including the year A.D. 1889, upon all taxable property in this Territory one mill on each dollar of the yearly assessed value of such property, which shall be known as "The Territorial Institution [F]und", and shall be levied and collected at the same time and in the same manner as is provided by law for the assessment and collection of other Territorial taxes; and it shall be the duty of the Territorial Auditor yearly (including A.D. 1889) to notify the different assessors of the different counties of this Territory, to levy, and upon such notice it shall be their duty to so levy the tax provided for by this act.

Section 6. It shall be the duty of every collector of tax in this Territory, to collect such taxes so levied, and to enter in a suitable book an account of all taxes collected in pursuance of this act, and of amounts paid over to the Territorial Treasurer on account of such taxes. The said collector of taxes shall pay over to the Territorial Treasurer monthly, all monies collected under the provisions of this act, which Treasurer shall keep an account of the same in a book provided for that purpose; and as soon as any

part of such fund is so received from any such collector by such Treasurer he shall place the same to the separate account of each of the institutions created by this act, in the following proportions to wit: To the University of New Mexico, two fifths of said fund, To the Agricultural College, one fifth of said fund. To the New Mexico School of Mines, one fifth of said funds. To the New Mexico Insane Asylum, one fifth of said fund. And provided said Treasurer shall pay out said funds upon proper requisitions as hereinafter provided, and not otherwise, and provided further, that no warrant shall be drawn upon any of the funds above set aside, unless there shall be money in that said fund for the payment of the same.

UNIVERSITY OF NEW MEXICO

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Section 7. The University of New Mexico hereby created and established, is intended to be the state University when New Mexico shall [be] admitted as a state into the Union and as such, is entitled to all the donations of land and all other benefits under all acts of Congress now in force or hereafter to be enacted for the benefit of such educational institutions in the future state. Section 8. The object of the university hereby created shall be to provide the inhabitants of the territory of New Mexico and the future state with the means of acquiring a thorough knowledge of the various branches of literature, science and arts.

Section 9. The management and control of said university[,] the care and preservation of all property of which it shall become possessed, the erection and construction of all buildings necessary for its use and the disbursement and expenditures of all moneys appropriated by this act, shall be vested in a board of five Regents to consist of five qualified voters who shall be owners of real estate in this territory. Said five members

of the board [sic] of Regents shall be appointed in the manner now provided by law for the appointment of territorial officers not earlier than the first day of September, nor later than the first day of October next after the passage of this act and vacancies occurring in said board shall be filled in the same manner as is now provided by law for the filling of vacancies in other territorial offices.

Section 10. The board [sic] of Regents provided for in this act, shall be appointed one for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years, provided that all appointments made to fill vacancies caused by death, resignation or otherwise shall be for the unexpired term of the incumbent whose place shall have become vacant. All other appointments made subsequent to the appointment of the first Board of Regents provided for in this act, shall be for the term of five years, and until the appointment and qualification of a successor to such appointee.

Section 11. The Regents of the university and their successors in office shall constitute a body corporate under the name and style of "The Regents of the University of New Mexico" with the right, as such, of suing and being sued, of contracting and being contracted with, of making and using a common seal and altering the same at pleasure.

Section 12. The board [sic] of Regents of the University of New Mexico shall meet and organize by the election of its officers at Albuquerque in said Bernalillo county on the second Wednesday in November A.D. 1889. The officers then elected shall hold their offices until the second Monday in March A.D. 1891 when their successors shall be elected and said elections shall occur annually on the second Monday in March in each year thereafter, all officers so elected shall hold their offices until their

successors are duly elected and qualified. At such elections they shall elect a President [sic] and a Secretary and Treasurer from their number. The persons so elected as secretary and treasurer shall, before entering upon the discharge of his duties as such, execute a good and sufficient bond to the territory of New Mexico, with two or more sufficient sureties, residents of this territory, in the penal sum of not less than twenty thousand dollars, conditioned for the faithful performance of his duties as such secretary and treasurer, and that he will faithfully account for and pay over to the person or persons entitled thereto all moneys which shall come into his hands as such officer, which said bond shall be approved by the Governor of the territory and shall be filed with the territorial secretary.

Section 13. The president of said board shall be the chief executive officer, shall preside at all meetings thereof (except that when he is absent the board may appoint a president pro tem) and sign all instruments required to be executed by said Board. He shall, also generally direct the affairs of said University, nominate and by and with the advice and consent of the board of regents, appoint all professors, tutors, instructors and other employees necessary to the proper conduct of said University; and in like manner shall be determined the amount of their respective salaries, subject to the provisions of this act. The secretary and treasurer shall be the financial and recording officer of said board, shall keep a true and correct account of all moneys [sic] received and expended by him, shall attest all instruments required to be signed by the president, and shall keep, a true record of all the proceedings of said Board, and generally do all other things required of him by said board.

Section 14. The regents shall have power and it shall be their duty to enact laws, rules, and regulations for the government of the university.

Section 15. The university shall have departments, which shall hereafter be opened at such times as the board of regents shall deem best, for instruction in science, literature and the arts, law, medicine, engineering and such other departments and studies as the board of regents may from time to time decide upon, including military training and tactics.

Section 16. The immediate government of the several departments shall be intrusted to their respective faculties, but the regents shall have the power to regulate the course of instruction, and prescribe the books, and authorities to be used in the several departments, and also confer such degrees and grant such diplomas as are usually conferred and granted by other Universities. The regents shall have power to remove any officer connected with the University when in their judgement the interests require it.

Section 16 (17). The University created by this act, shall be opened to children of all residents of this territory and such others as the board of regents may determine, under such rules and regulations as may be prescribed by said board, whenever the finances of the institution shall warrant it, and it is deemed expedient by said board of regents.

Section 17 (18). No sectarian tenets or opinions shall be required to entitle any person to be admitted as a student or employed as a tutor, or other instructor in said University but the same shall be forever be strictly non-sectarian in character.

Section 18 (19). The meetings of the board may be called in such manner as the board of regents may prescribe, and the majority of said Board shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time.

AGRICULTURAL COLLEGE

Section 19 (20). The Agricultural College and Agricultural Experiment Station, created and established by this act, shall be an institution of learning open to the children of all residents of this territory, and such other persons as the board of Regents may determine, under such terms, rules and regulations as may be prescribed by said board [sic] of Regents shall be non-sectarian in character and devoted to practical instruction in agriculture, mechanic arts, natural sciences connected therewith, as well as a thorough course of instruction in all branches of learning bearing upon agriculture, and other industrial pursuits.

Section 20 (21). The course of instruction of the college hereby created, shall embrace the English language, literature, mathematics, philosophy, civil engineering, chemistry and animal and vegetable anatomy and physiology, the veterinary [sic] art, entomology, geology and political, rural and household economy[,] horticulture, moral philosophy, history, mechanics and such other sciences and courses of instruction as shall be prescribed by the regents of this institution of learning.

Section 21 (22). The management of said college and experiment station, the care and preservation of all property of which said institution shall become possessed, the erection and construction of all buildings necessary for the use of said college and station, and the disbursement and expenditure of all moneys [sic], provided for by this act, shall be vested in a board of five regents. Said five regents shall possess the same qualifications, shall be appointed in the same way and the terms of office shall be the same and vacancies shall be the filled in like manner, as is provided in section nine and section ten of this act, with reference to the regents of the territorial university.

Said regents and their successors in office shall constitute a body corporate, with the name and style of "The Regents of the Agricultural College of New Mexico" with the right as such of suing and being sued, of contracting and being contracted with, of making and using a common seal and altering the same at pleasure; of causing all things to be done necessary to carry out the provisions of this act. A majority of the board shall constitute a quorum for the transaction of business but a less number may adjourn from time to time.

Section 21 (23). The board shall meet and organize by the election of its said officers, at said town of Las Cruces, or at the said college grounds in said county of Dona [sic] Ana, on the second Wednesday in November A.D. 1889. The officers then elected and their successors in office shall be the same, be elected in the same manner, at the same time, and possess the same qualifications, and the regents and officers shall perform their duties as provided for the regents and the officers of the University of New Mexico, in this act.

Section 22 (24). The regents shall have the power and it shall be their duty to enact laws for the government of the said agricultural college and experiment station.

Section 23 (25). The board of regents shall direct the disposition of any moneys [sic] belonging to or appropriated to the agricultural college and experiment station established by this act, and shall make all rules and regulations necessary for the government and management of the same, adopt plans, and specifications for necessary buildings and superintend the construction of said buildings and fix the salaries of professors, teachers and other employes [sic] and the tuition fees to be charged in said college.

Section 24 (26). The agricultural experiment station provided for in this act, in connection with said agricultural college shall be likewise located upon the land referred to in section 2 of this act, and it shall be under the direction of the said board of regents of said college for the purpose of conducting experiments in agriculture according to the terms of section one of an act of Congress approved March 2nd 1887, and entitled "An Act to establish agricultural experiment stations in connection with the colleges established in the several states under the provisions of an act approved July 2nd. 1862, and of the acts supplementary thereto". The said college and experiment station shall be entitled to receive all the benefits and donations made and given to similar institutions of learning in other states and territories of the United States and territories by the legislation of the Congress of the United States now in force or that may hereafter be enacted, and particularly to the benefit and donations given by the provisions of an act of Congress of the United States entitled "An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and mechanic arts" approved July 2nd. 1862, and of all acts supplementary thereto, including the act entitled "An act to establish agricultural experiment stations in connection with colleges established in the several states under the provisions of an act approved July 2nd. 1862, and of the acts supplementary thereto", which said last mentioned act was approved March 2nd. 1887.

Section 25 (27). The assent of the legislative assembly of the territory of New Mexico is hereby given in pursuance of the requirements of section nine of said act of Congress, approved March 2nd. 1887 to the granting of money therein made to the establishment of experiment stations in accordance with section one of said last mentioned act and assent is hereby given to carry out, within the territory of New Mexico, all and singular the provisions of said act.

Section 26 (28). The board of regents shall have the power and it shall be their duty to enact laws for the government of the agricultural college and experiment station and the meetings of said board may be called in such a manner as the regents may prescribe.

Section 27 (29). The immediate government of the several departments shall be entrusted to their respective faculties, but the regents shall have the power to regulate the course of instruction and prescribe, under the advice of the faculty the books and authorities to be used in the several departments, and also to confer such degrees and grant such diplomas as are usually conferred and granted by other agricultural colleges. The regents shall have power to remove any officer connected with the agricultural college or experiment station when, in their judgement, the best interests of the college require it.

THE SCHOOL OF MINES

Section 28 (30). The object of the school of mines created, established and located by this act, is to furnish facilities for the education of such persons as may be desire to receive instruction in chemistry, metallurgy, mineralogy, geology, mining, milling, engineering, mathematics, mechanics, drawing, the fundamental laws of the United States and the rights and duties of citizenship, and such other courses of study, not including agriculture, as may be prescribed by the board of trustees. Section 29 (31): The management and control of said School of Mines, the care and preservation of all property of which it shall become possessed, the erection and construction of all buildings necessary for its use and the disbursement and expenditure of all moneys appropriated by this act, or which shall otherwise come into its possession, shall be

vested in a board of five trustees, who shall be qualified voters and owners of real estate in said territory [s]aid trustees shall possess the same qualifications, shall be appointed in the same way, and their terms of office shall be the same, and the vacancies shall be filled in like manner as is provided in sections 7 and 8 of this act, with reference to regents of the territorial university. Said trustees and their successors in office, shall constitute a body corporate under the name and style of "The Trustees of the New Mexico School of Mines" with the right, as such, of suing and being sued, of contracting and being contracted with, of making and using a common seal and altering the same at pleasure, and of causing all things to be done necessary to carry out the provisions of this act. A majority of the board shall constitute a quorum for the transaction of business but a less number may adjourn from time to time.

Section 30 (32). The board shall meet and organize by the election of its officers at the town of Socorro in Socorro county, on the second Wednesday of November A.D. 1889, The officers then elected and their successors in office shall be the same, be elected in the same manner, at the same time and possess the same qualifications as the officers of the University of New Mexico and the secretary and treasurer so elected shall give bonds in the sum of ten thousand dollars in the manner provided in section ten of this act.

Section 31 (33). The president of said board shall be the chief executive officer, shall preside at all meetings thereof (except that when he is absent the board may appoint a president pro tem) sign all instruments required to be executed by said board; he shall also direct the affairs generally of the said School of Mines, shall nominate and by and with the advice of said board of trustees appoint all professors[,] instructors, tutors and other employees necessary to the proper conduct of said school of mines, and

in like manner, shall determine the amount of their respective salaries subject the provisions and restrictions of this act.

Section 32 (34). The Secretary and Treasurer shall be the financial and recording officer[s] of said board, shall keep a true and correct account of all moneys [sic], received and expended by him, shall attest all instruments required to be signed by the president of said board, and shall keep a true and correct record of all proceedings of said board, and generally do all other things required of him by said board.

Section 33 (35). The board of trustees shall have power and it shall be their duty to enact by-laws, rules and regulations for the government of such School of Mines not inconsistent with the laws of the territory; and they shall also prescribe the text books to be used, the course of study, the branches to be taught, the numbers of departments into which said school shall be divided and to change the same from time to time; to fix the scholastic year, provide apparatus, mineral and geological cabinets and do all and everything necessary in and about the premises with a view to promoting the best interests of said institution.

Section 34 (36). The immediate government of the several departments shall be entrusted to their several faculties.

Section 35 (37). The board of trustees shall have the power to confer such degrees and grant such diplomas as are usually conferred and granted by other similar schools.

Section 36 (38). The trustees shall have the power to remove any officer, tutor or instructor or employee connected with said school when in their judgement the best interests of said school requires it.

Section 37 (39). Said school of mines shall be a place for instruction in the branches mentioned in section 52 of this act, with or without charge to residents of this territory as shall be deemed best by the Trustees, but non-residents shall be admitted to the privileges of such school upon such terms as the Trustees shall prescribe.

Section 38 (40). The board of trustees shall require such compensation for all assays, analyses, mill tests, or other services performed by said institution as they may deem reasonable and the same shall be collected and paid into the treasury of the School of Mines for said institution and an accurate account thereof shall be kept in a book to be provided for that purpose.

Section 39 (41). The institution hereby established as the New Mexico School of Mines is intended to be the state school of mines when New Mexico shall be admitted into the Union as a state, and it shall be entitled to the benefits of all grants of land and moneys [sic] which shall be given to the territory by any act of Congress for the endowment of said institution, and such lands and moneys [sic] shall be used for the benefit of this institution located at Socorro, Socorro County and for no other purpose.

THE INSANE ASYLUM

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Section 40 (42). The object of the Insane Asylum created and established by this act is to properly care for the indigent insane of the territory of New Mexico, and provide suitable accommodations and maintenance therefor.

Section 41 (43). The management and control of said asylum, the care and preservation of all property of which it shall become possessed, the erection and construction

of all buildings necessary for its use, and the care and custody of all patients therein confined, and the disbursement and expenditure of all moneys [sic] appropriated by this act or received in any other manner for its use, shall be vested in a board of five directors, who shall be qualified voters and owners of real estate in this territory.

Section 42 (44). Said five members of the board of directors shall be appointed in the manner now provided by law for the appointment of territorial officers, not earlier than the first day of September, nor later than the first day of October next after the passage of this act, and vacancies occurring in said board shall be filled in the same manner as is now provided by law for the filling of vacancies in other territorial offices.

Section 43 (45). The board of directors, so to be appointed for said Insane Asylum shall possess the same qualifications[,] shall be appointed in the same way, and their terms of office shall be the same as is provided in section seven and eight of this act with reference to Regents of the Territorial University. Said board of directors and their successors in office shall constitute a body corporate, under the name and style of "The Directors of the Insane Asylum of New Mexico", with the right as such, of suing and being sued, contracting and being contracted with, of making and using a common seal, and altering the same at pleasure, of causing all things to be necessary to carry out the provisions of this act with reference to said Insane Asylum. The majority of said board shall constitute a board for the transaction of business but a less number may adjourn from time to time.

Section 44 (46). The Board of Directors of said Insane Asylum shall meet and organize by the election of its officers at Las Vegas in the county of San Miguel on the second Wednesday in November A.D. 1889. The officers then elected and their succes-

sors in office shall be the same, and shall be elected in the same manner, at the same time and possess the same qualifications, and the secretary and treasurer shall give like bond in like manner and in amount as is provided for the officers of the [T]erritorial University in section 10 of this act.

Section 45 (47). The president of the board shall be the chief executive officer, shall preside at all meeting[s] thereof (except when he is absent the board may appoint a president pro tem) sign all instruments, required to be executed by said board. He shall also generally direct the affairs of said asylum, nominate and by and with the advice and consent of the board of directors employ all physicians, nurses, guards and other employes [sic] deemed necessary by said board to the proper management of said asylum or as morein provided, and in like manner shall determine the amount of their respective salaries, subject to the provisions and restrictions of this act.

Section 46 (48). The Secretary and Treasurer shall be the financial and recording officer[s] of said board, shall keep a true and correct account of all money received and expended by him, shall attest all instruments, required to be signed by the president and shall do all other things required of him by said board.

Section 47 (49). Said board of directors shall have power and it shall be their duty to enact laws, rules and regulations not inconsistent with the laws of the territory, or this act, for the government of said asylum[,] its employes [sic] and inmates and shall provide for the manner in which all meetings of said board shall be called and held.

Section 48 (50). The board of directors shall have power to remove any officer or employe [sic] of said insane asylum when, in their judgement, it is to the best interest of said institution.

Section 49 (51). The said board of the asylum shall have the discretionary powers, in case of absolute necessity to remove patients to the nearest possible safe and appropriate place, to cause the accounts of the asylum to be so kept and reported as to show the quality, quantity, cost and vendor of every article purchased. To examine and audit the expenditure for employes [sic] and all other expenses incident to the conduct of the asylum, and care and maintenance of the patients therein. To make regulations and fix the terms upon which insane patients who are not indigent and who are not residents of the territory shall be permitted to enter or be cared for in said asylum. All receipts from such source[s] must be paid into the territorial treasury to the credit of the Insane Asylum fund. When said asylum shall be opened for the reception of the insane, and there shall be sufficient funds in the hands of the territorial treasurer to the credit of the Asylum Fund for such purpose, said board shall require the medical superintendent or manager to submit estimates of the amount of provisions, fuel, clothing and other supplies required for the period of three months from the time said report is received and said board shall then proceed to advertise in some newspaper published in said territory for the period of four successive weeks, calling for bids to supply the same, or so much thereof as they may deem necessary or have money to pay for, and shall let the contract for furnishing the same to the lowest responsible bidder, provided said board shall have the right to reject any and all bids, and no more than the regular market price shall be paid for any supplies for said asylum. And said board shall have the right to require satisfactory security of all contractors for supplies, for the faithful performance of their contracts. Nothing in this act shall prevent said board from purchasing contingent supplies at the lowest market price, prior to any regular meeting or in the case of emergency.

Section 50 (52). The Medical Superintendent must be a graduate in medicine and must have practiced his profession five years after the date of his diploma, and must be give [sic] so much of his time to the looking after said asylum as may be provided for by said board of directors, and reside at or near said asylum. The duties shall be such as may be prescribed by the board of directors in their by-laws, in relation to control of the patients, prescribing the treatment and the enforcement of sanitary regulations of said asylum and the making of all reports and estimates as to expenditures and the condition of said asylum as said board of directors may deem proper.

Section 51 (53). Insane persons received into the asylum, must upon recovery be discharged therefrom. Insane convicts must be received into the asylum and returned to the territorial penitentiary upon their recovering unless their sentence has expired. No person afflicted with any contagious or infectious disease shall be admitted into the asylum as a patient. No indigent insane person, not a resident of this territory shall be received into the asylum unless he can became insane within the territory, but in all cases the indigent insane of this territory shall have the preference right to admission. If at the time of the discharge of the patient from the said asylum or after the death and burial of any patient confined therein, there remains in the custody of the directors or superintendent any money, paid for the support or maintenance of such patient, in excess of the necessary charges, and expenses due for such patients, support and care it must, upon demand, be repaid to the person who advanced the same.

Section 52 (54). Whenever it appears by affidavit to the satisfaction of a justice of the peace of any county, that any person within the said county is so far disordered in his mind as to endanger his health, person or property, he must issue and deliver to some peace officer for service a warrant, directing that such person shall be taken into cus-

today and taken before any judge of the district court within the proper district for examination. When the person is so taken before said judge, he must issue subpoenas to two or more witnesses best acquainted with said person to appear and testify before said judge at such examination. A subpoena shall so issue for at least one graduate of medicine requiring him to attend such examination, and if said physician, upon such examination shall certify that said person is insane and that it would be dangerous for him to be at large in the community, and the court is satisfied of the same, and further if said person is indigent, he shall order said person to be committed to said asylum, and such indigent insane person shall be admitted to said asylum upon presentation of such certificate. And in such case the court shall have the right to make an order granting the reasonable costs and charges of such examination and the transportation of such person to said asylum against the county from which he is taken, and the county commissioners of such county shall audit and allow the same in favor of the several persons entitled thereto [p]rovided; that, in case any person so found to be insane is possessed of property of any sort that can be subjected to the payment of the care and support of such insane person, then the court shall order all proper proceedings to be taken to subject such property to the payment of the care and support of said person; [p]rovided further; no case of idiocy, imbecility or simple feeble-mindedness shall be maintained at nor shall any case of delirium tremens or mania a potu be admitted to said asylum. General Provisions

Section 53 (55). It shall be the duty of the several boards of the several institutions established, by this act, as soon after their organization as practicable as in this act provided and as soon as there shall be in the hands of the treasurer of the territory in any one of the separate funds provided for in section 3 of this act, in their judgement sufficient to warrant the beginning of the erection of the several institutions herein

provided for or any wing or section of the same, to enter into contracts with one or more contractors for the erection and construction of suitable buildings and improvements for their respective institutions, as created by this act, as in their judgement they shall deem best, or the funds aforesaid shall warrant, all things considered, which said buildings and improvements shall be erected and made upon the respective tracts of land donated for the use of the several institutions as provided respectively in this act; such contract or contracts shall be let after open public notice and competition under such regulations as shall be established by such boards of each of said institutions to the person or persons who offer to execute such work on the terms most advantageous to said boards, or to the territory of New Mexico. Provided that in all cases said boards shall require a good and sufficient bond from such contractors for the faithful performance of the work, and the full protection of the territory against mechanic's and other liens. And provided further that no change shall be made in the plans or specifications after the contract is let. Provided further that each of said boards may announce to all bidders for such work, that such bidders may secure the use of convict labor in the execution of such work as in this act provided, and provided further, that no such board shall have power to enter into any contract for the erection of any buildings or improvements for the current expenses of any such institution which shall bind said board to pay out any sum of money in excess of the amount collected in such year for such purposes.

Section 54 (56). The warden, manager or superintendent of the Penitentiary of this territory is hereby authorized and required to surrender to any contractor for the construction of any building or buildings or other improvements contracted for by any of the boards of regents or managements of any of the several institutions created by this act, any number of convicts not exceeding fifty, to be used upon said work of con-

struction, and said contractors shall have a preference right to the use of the labor of all convicts subject to be used under this act, while any of the buildings provided for in this act shall be in process of construction, and provided further that no such contractors shall be required to pay anything for the services of such convicts, while actually engaged in the work called for in their several contracts, and provided for in this act. Such contractor or contractors shall, before receiving such convicts, enter into bonds to the territory of New Mexico in the penal sum of at least ten thousand dollars, to be approved by the Governor, conditioned that he or they will safely and securely guard said convicts so that they cannot escape while under his control; that he will provide safe and comfortable lodging and wholesome food in sufficient quantity for the needs of such convicts, will treat them in a humane manner and safely return them to the territorial penitentiary when their services shall be no longer required in the execution of such contract, and provided further, that no convict whose unexpired term of service in said penitentiary shall exceed five years, shall be so delivered to any such contractor. Any contractor so receiving any convicts from the territorial penitentiary shall support and maintain and guard said convicts and transport them to and from the penitentiary at his own proper cost and expense, free of cost to the territory of New Mexico.

Section 55 (57). If any contractor, guard or other person or persons having the custody of any convict from the territorial penitentiary delivered under the provisions of this act for the construction of any building or improvements of any of the institutions hereby created shall wilfully [sic] or negligently suffer or permit any such convict to make his escape or shall beat, whip, or abuse in an inhuman manner any such convict, such person shall be guilty of a misdemeanor, and upon convict on thereof, shall be fined in any sum not less than one hundred dollars nor more than one thousand dol-

lars in the discretion of the court before whom the conviction shall be had. If any convict in the custody of any contractor guard or other person under the provisions of this act, shall make his escape from such contractor, guard or other person and shall not voluntarily return and surrender himself to his keeper within twenty four hours after such escape, such convict upon conviction thereof shall be punished by confinement in the territorial penitentiary for a period of three years from and after the expiration of his previous sentence, and he shall forfeit all allowances for good conduct previously earned by him. Everey [sic] contractor who shall receive the convicts from the warden, manager or superintendent of the penitentiary under the provisions of this act, shall submit to such rules and regulations, for the care, custody and maintenance of such convicts, as shall be prescribed by the board of the institution where they may be employed and any contractor who shall fail to observe and perform all rules and regulations so prescribed by the said board shall forfeit his right to the labor of such convicts and such convicts shall, upon the order of the said Board for such cause, be returned to the territorial penitentiary or delivered to some other contractor, if any such there be, but no such convicts shall, under any pretense whatever, be employed at any other labor than that contemplated by this act, while in the custody of any such contractor.

Section 56 (58). The members of the several boards of the institutions established by this act shall be allowed their actual and necessary traveling expenses in going to and returning from all necessary sessions of their respective boards and also their necessary expenses while in the actual attendance upon the same.

Section 57 (59). If any secretary, treasurer or other officer or member of the several boards of any of the institutions provided for in this act shall feloniously embezzle,

secrete, misapply, or convert to his or their own use any money or property belonging to any of said institutions, he shall be deemed guilty of a felony and on conviction thereof shall be confined in the territorial penitentiary for a term of not less than three nor more than ten years in the discretion of the court before whom such conviction had.

Section 58 (60). The Secretary and Treasurer of all such Boards shall make disbursements of the funds in his hands on the order of the board which order shall be countersigned by the President of the Board and shall state on what account the disbursement is made.

Section 59 (61). Whenever there shall be any money in the hands of the territorial treasurer to the credit of any of the specific funds set apart of the institutions created by this act, deemed sufficient by such board to commence the erection of any of the necessary buildings or improvements and pay the running or other expenses of such institutions the territorial auditor or the request in writing of any such boards shall and it is hereby made his duty to draw his warrant in favor of the treasurer of said board and institution upon the territorial treasurer against the specific fund belonging to such institution in such sum, not exceeding the amount on hand in such specific fund at such time as said board may deem necessary, provided that any such board shall only draw said money as it may be necessary to the disburse the same.

Section 60 (62). All of the managing boards of the several institutions provided for in this act, shall annually on or before the first day of December make a full and true report in detail under oath, of all their acts and doings during the previous year, their receipts and expenditures, the exact status of their institution and any other information that they deem proper and useful or which may be called for by the Governor,

which said report shall be made to the Governor and he shall transmit the same to the succeeding session of the legislature.

Section 61 (63). The district judge of the proper district, in which the lands are situated, which are to be donated and conveyed to the territory of New Mexico, for the use of the several institutions, provided for in this act, shall receive, approve, and after recording, transmit such deeds to the secretary of the territory who shall file the same in his office and he is hereby designated as the custodian of all such deeds.

Section 62 (64). The Governor of the Territory and the territorial superintendent of public instruction or education (if there be one) shall ex-officio be advisory members of all boards of the several institutions, provided for in this act, but shall not have the right to vote or be eligible to office therein [sic].

Section 63 (65). The several boards provided for in this act, shall have power in their discretion to employ skilled architects and superintendent to prepare plans and supervise the construction of any of the buildings provided for in this act, and to fix his compensation subject to provisions and restrictions of this act.

Section 64 (66). The regular meeting of all boards provided for in this act shall be held quarterly, provided they shall hold as many special sessions as they shall deem necessary.

Section 65 (67). The several boards provided for in this act shall have power in their discretion to provide that their several secretaries and treasurers, shall receive a salary not to exceed fifty dollars per month.

Section 66 (68). At least one member of the several boards provided for in this act shall be a resident of the town or city at or near which the institution is located.

Section 67 (69). The records of the several boards provided for in this act shall be open at all reasonable times for the inspection of any citizen.

Section 68 (70). No employee or member of any of the boards created by this act, shall be interested pecuniarily either directly or indirectly in any contract for building or improving any of said institutions or for the furnishing of supplies to any of such institutions.

Section 69 (71). Each and every member of the several boards created by this act shall before entering upon their respective duties take and subscribe an oath to faithfully and honestly discharge their dutis [sic] in the premises, and strictly and impartially perform the same to the best of their several abilities. Said oath shall be filed with the secretary of the territory.

Section 70 (72). All of the institutions established by this act shall be entitled to receive all the benefits and donations made and given to similar institutions of learning and charity in other states and territories of the United States, by the legislation of Congress of the United States, or from private individuals or corporations, and for the benefit of said institutions they shall have power to buy and sell or lease or mortgage realty, and do all things that, in the opinion of the several boards, will be for the best interests of said institutions, and are in the line of its object.

Section 71 (73). All the institutions provided for in this act shall forever remain strictly non-sectarian in character and no creed or system of religion shall be taught in any of them.

Section 72 (74). For the purpose of erecting any of the buildings or improvements of the several institutions provided for and created by this act, the several boards shall have the right to call upon the warden, manager or superintendent of the territorial penitentiary at Santa Fe, for any amount of brick they may require for such purpose and upon such board making such request in writing the said warden, manager or superintendent shall, and it is hereby made his duty to immediately by means of convict labor cause said number of brick so ordered to be loaded on the cars at Santa Fe and shipped to the said institution. Provided: that no charge shall be made for said brick or for the loading of the same to any of the public institutions created by this act, but the said brick, shall be so furnished and loaded free of charge. The brick on hand at the territorial penitentiary at the date of passage of this act, shall be reserved for the building of the several public institutions hereby created, unless the same can be sold for cash at a price not less than three dollars per thousand. If any officer of the penitentiary violates any of the provisions of this act by refusing to deliver convicts, refusing to deliver brick or selling the same he shall be subject to removal by the Governor and be guilty of a felony and on conviction shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars or to imprisonment for a term of not less than six months or more than two years or both in the discretion of the court before whom the cause is tried.

Section 73 (75). All acts and parts of acts in conflict with this act are hereby repealed and this act shall be in force and take effect from and after its passage.

Albert J. Fountain
Speaker of the House of Representatives

J. Fran'co Chaves
President of the Council

approved Feb 28 1889

Edmund G. Ross

FILED IN OFFICE OF

Sec'y. Territory of N.M.

Feb. 28, 1889

GEO. W. LANE

Sec'y