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An act to provide for the maintenance, government, and police of the penitentiary; also the mode of appointing officers, and fixing the salary of the same, and to repeal several acts relating thereto.

Colorado General Assembly

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AN ACT TO PROVIDE FOR THE MAINTENANCE, GOVERNMENT, AND POLICE OF THE PENITENTIARY; ALSO THE MODE OF APPOINTING OFFICERS, AND FIXING THE SALARY OF THE SAME, AND TO REPEAL SEVERAL ACTS RELATING THERETO.

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

2015. SECTION 1. The penitentiary now located at
Declared a state institution. Cañon City shall be maintained as a state institution.

2016. SEC. 2. The government of the penitentiary
Appointment and term of office of commissioners. shall be vested in a board of commissioners, composed of three persons, who shall be appointed by the governor, by and with the advice and consent of the senate, no two of whom shall reside in the same judicial district; said commissioners shall hold their office for the term of two years, and until their successors are duly qualified, unless sooner removed by the governor for neglect of duty or other misconduct. Any two of said commissioners shall constitute a quorum for the transaction of business.

2017. SEC. 3. Said board of commissioners shall, within
Organization of board. twenty days after their appointment, organize by electing from their number a president and secretary. The state treasurer shall be *ex-officio* treasurer of the penitentiary.

2018. SEC. 4. The president shall preside over all meet-
Duties of president and secretary of board. ings of the board, and sign all certificates of indebtedness, bills, and other papers approved or allowed by said board. In the absence of the president, a president *pro tempore* may be elected. It shall be the duty of the secretary to keep a perfect record of the proceedings of the board of commissioners, in a well bound book, to be kept for that purpose, and to attest or countersign all papers which may be approved by the same.

2019. SEC. 5. The organization of the penitentiary
Appointment of warden, guards, turnkeys and overseers. shall consist of a warden and such guards, turnkeys and overseers as may in the opinion of the board of commissioners be necessary. The warden to be appointed by the governor, by and with the advice and consent of the senate, and shall hold such office for two years, unless sooner removed by the governor, upon a request, in writing, of the board, or any two of them, which request shall set forth the cause of complaint against such warden. The guards, turnkeys and overseers shall be appointed by the warden,

and shall hold their office during the pleasure of said warden, unless sooner removed at the demand of the board of commissioners.

2020. SEC. 6. In case a vacancy occurs, either in the board of commissioners or in the office of warden of the penitentiary, it shall be the duty of the governor to appoint a person to fill said vacancy, and any person so appointed shall hold the office to which he may have been appointed during the unexpired term, and until his successor is duly qualified, unless sooner removed in accordance with sections two or five of this act.

Vacancies in
office of commis-
sioner or war-
den; how filled.

2021. SEC. 7. The members of the board of commissioners shall each be allowed the sum of four hundred dollars, and the warden of the penitentiary the sum of two thousand dollars per annum, as full compensation for all services required of them, payable quarterly; and the state auditor is hereby authorized to draw his warrant for the same, upon the presentation of a certificate, signed by the president and attested by the secretary of the board of commissioners.

Compensation of
commissioners
and warden

2022 SEC. 8. Before entering upon the discharge of his duties, the warden shall execute a bond, payable to the state of Colorado, in the penal sum of ten thousand dollars, with not less than five freehold securities, to be approved as to its form and the sufficiency of its securities by the attorney general and the governor of the state, who shall endorse their approval upon the same, when it shall be filed in the office of the secretary of state, the condition of said bond being that he will faithfully discharge all of his duties as warden for said institution; that he will cause to be kept a fair, intelligible and business-like record of all the transactions of a monetary character connected with the institution; that he will impartially and to the best of his ability administer the disciplinary regulations of the institution, so as to contribute to the health, safe-keeping and profitable employment of the convicts; that he will appoint no one to the office of guard, turnkey or overseer, through pecuniary consideration, and no one without due and proper regard to their qualifications for said station; that he will render a true and faithful account of all the

Bond of warden;
amount and con-
ditions; official
oath.

transactions to the board of commissioners whenever the said board may require him to do so; that he will not become, directly or indirectly interested in any contract for supplying materials, labor, provisions, clothing, or any other thing for the use of said penitentiary, whereby any profit may inure to him privately, and that at the expiration of his official term he will surrender all books, papers, records, or other property or securities belonging to said institution to his successors in office. Said warden shall also take and subscribe an oath or affirmation, which shall be endorsed on the back of said bond, that he will support the constitution of the United States and the constitution of the state of Colorado, and that he will scrupulously observe all the stipulations and conditions of said bond and faithfully discharge all his duties agreeably to law and the directions of the board of commissioners, according to the best of his ability.

Bond of commissioners; amount and conditions.

2023. SEC. 9. The members of the board of commissioners shall each give a bond payable to the state of Colorado, in the penal sum of five thousand dollars, to be executed and approved in like manner, and subject as far as may be, to all the conditions and qualifications of the bond required of the warden.

Rules and regulations for government and discipline.

2024. SEC. 10. The board of commissioners shall make such rules and regulations for the government, discipline and police of the penitentiary, and for the punishment of persons confined, not inconsistent with law, as they deem expedient. They shall exercise a general superintending control over the government and discipline of the penitentiary, cause such rules and regulations as they may prescribe for the government and discipline of the prison to be printed and placed in some conspicuous place in said prison, and shall visit said prison as often as once in three months.

Inspection and hearing of complaints of prisoners.

2025. SEC. 11. The board of commissioners shall have power, and it shall be their duty to examine and inquire into all matters connected with the government, discipline and police of the penitentiary, the punishment and treatment of the prisoners. They shall inspect them, listen to any complaint of oppression or misconduct on the part of the

warden or any of the employes under him, and for that purpose the president or any member of the board, while acting under the directions of said board, shall have the powers of a justice of the peace to issue subpoenas and compel the attendance of witnesses, and administer oaths.

2026. SEC. 12. The board of commissioners shall meet as often as once in three months, and shall keep a record of their proceedings in a book kept for that purpose; said records shall be certified to by the president and secretary, and a copy of the same shall be furnished to the governor at any time upon his request for the same.

Meetings and
record of pro-
ceedings of
commissioners.

2027. SEC. 13. Convicts sentenced to hard labor in the penitentiary for life, or any term of time, by any court of the United States held within this state, must be received into the prison by the warden thereof, when delivered by the authority of the United States, and there kept in pursuance of their sentences. And all persons who shall hereafter be convicted of any crime under the laws of this state, or have been heretofore convicted under the laws of this state or of the territory of Colorado, where the punishment is imprisonment for a period of time exceeding six months, shall be imprisoned in the penitentiary, and all courts in which such conviction shall be had, shall give judgment accordingly. And all persons convicted of any crime punishable with death who shall be pardoned on condition of being imprisoned either for life or for a term of years, shall be so imprisoned in the penitentiary. All persons imprisoned or confined in the said penitentiary shall be subject to the rules and regulations thereof.

Who to be im-
prisoned in the
penitentiary.

2028. SEC. 14. All male persons convicted of crime and confined in the penitentiary, under the laws of this state, except such as are precluded by the terms of the judgment of conviction, shall perform labor, under such rules and regulations as have been or may be prescribed by the board of commissioners.

Performance of
labor by con-
victs.

2029. SEC. 15. No convict can be discharged from the penitentiary until he has remained the full term for which he was sentenced, to be computed from and including the day on which he was received into the same, and excluding any time the prisoner may have been at large by reason of

Discharge of
convicts.

escape therefrom, unless he be pardoned or otherwise released by legal authority; *provided*, that nothing in this section shall be so construed as to deprive any prisoner of any reduction of time which he may be entitled to under the provisions of an act, entitled "an act to promote better discipline and encourage reformation in the penitentiary," approved, February 7, 1876.

Enforcement of obedience by use of weapons or other effectual aid.

2030. SEC. 16. If a convict sentenced to the penitentiary resist the authority of any officer, or refuse to obey his lawful commands, it is the duty of such officer immediately to enforce obedience by the use of such weapons or other aid as may be effectual; and if in so doing any convict thus resenting, be wounded or killed by such officer or his assistants, they are justified and shall be held guiltless; but such officer shall not be excusable for using greater force than the emergency of the case demands.

Duties of officers and citizens in case of insurrection or escape of convicts.

2031. SEC. 17. It is the duty of all the officers and other citizens of the state, by every means in their power, to suppress any insurrection among the convicts sentenced to the penitentiary, and to prevent the escape or rescue of any such convict therefrom, or from any other legal confinement, or from any person in whose legal custody they may be; and if in so doing, or in arresting any convict who may have escaped, such officer or other person wound or kill such convict, or other person aiding or assisting such convict, they shall be justified and held guiltless; but such officer or citizen shall not be excusable for using greater force than the emergency of the case demands.

Removal of convicts in case of pestilence or contagious sickness.

2032. SEC. 18. In case of any pestilence or contagious sickness breaking out among the convicts in the prison, the board of commissioners may cause the convicts confined therein, or any of them, to be removed to some suitable place of security, where such of them as are sick shall receive all necessary medical attendance. Such convicts must be returned as soon as may be to the penitentiary to be confined according to their respective sentences, if the same be unexpired.

What to be furnished convict when discharged

2033. SEC. 19. When any convict is discharged from the penitentiary he shall be furnished the sum of ten dollars; also, when the said convict is in need, he shall be

furnished with a new suit of common clothing, and all articles of personal property belonging to said convict that may have been turned over to the warden.

2034. SEC. 20. The following persons are authorized to visit the penitentiary at pleasure: The governor, judges of the supreme and district courts, and all regular officiating ministers of the gospel; and no other person shall be permitted to go within the walls of the prison where convicts are confined, except by special permission of the warden.

Who authorized
to visit peniten-
tentiary at
pleasure.

2035. SEC. 21. The board of commissioners are hereby required to take immediate steps to cause to be collected and accounted for, all the debts owing to the state of Colorado, on account of the penitentiary, or in any manner connected therewith, and all outstanding claims of any nature which the state may have on that account, including all accounts or demands that accrued to the territory of Colorado, which are hereby declared to have inured to and become claims of the state, and to that end they may, if they deem it necessary, place any claim in the hands of the attorney general for prosecution.

Collection of
debts owing to
state on account
of penitentiary.

2036. SEC. 22. Should any commissioner or officer of the penitentiary become in any manner interested in contracts for providing provisions, clothing or other necessities for the use of such penitentiary, or become in any manner interested in contracts for buildings or the construction of buildings of any kind, in any way connected with such penitentiary, or for furnishing materials of any kind for the construction of such buildings, or in any contract for the labor of convicts, such officer so interested shall be deemed guilty of a misdemeanor, and upon conviction thereof by a court of competent jurisdiction, shall be removed from office and shall forfeit any interest he may have in such contract, and shall be fined in a sum not more than two thousand dollars, nor less than five hundred dollars.

Penalty for com-
missioner or
officer of peni-
tentiary becom-
ing interested in
contracts con-
nected with
institution.

2037. SEC. 23. The board of commissioners shall take bond and security for the due execution of any contract made pursuant to this act, which bond shall be in such sum as they may deem sufficient, and shall be approved by said commissioners and the attorney general, and their

Security for exe-
cution of con-
tracts.

approval shall be indorsed on the back of said bond, and the same shall be filed and preserved in the office of the secretary of state.

Disposition of
moneys due
upon contracts.

2038. SEC. 24. All sums of money which shall become due upon any such contract shall be paid into the state treasury, and shall be placed to the credit of the penitentiary fund, and in case any person or persons fail or refuse to comply with the conditions of the bond provided in the preceding section, it shall be the duty of the board of commissioners to proceed to enforce the conditions of the same.

Suits upon bonds
or for enforce-
ment of con-
tracts due on
account of peni-
tentiary: how to
be brought.

2039. SEC. 25. All suits on bonds, or for the enforcement of contracts or demands due the penitentiary or the state, by reason thereof, shall be brought in the name of the people of the state of Colorado, and in that name the board of commissioners, or with the advice and consent of said board, the warden or attorney general is hereby fully authorized to sue for and recover all sums of money or other property due from any person or persons, on any account whatever, to the people of the state, on account of said penitentiary; *provided*, that in case any of the members of said board of commissioners shall be a party to any such suit, or shall be interested in any cause of suit, then the attorney general, with the advice and consent of the governor, may conduct the same.

Residence of
warden; appro-
priation of peni-
tentiary supplies
in use of warden
forbidden.

2040. SEC. 26. The warden shall reside upon the penitentiary grounds, and for that purpose shall have the use of the dwelling house thereon, but in no case shall he be allowed to appropriate any goods, clothing, supplies or any article whatsoever, purchased and intended for the use of the penitentiary, to his own use, but the same shall be kept by him and applied to the sole use for which they were purchased.

Punishment for
officer receiving
compensation or
reward from
contractor, or
for procuring,
aiding or assist-
ing, etc., escape
of prisoner.

2041. SEC. 27. No officer or other person employed in or about the penitentiary, shall be permitted to receive any compensation or reward from any contractor, under penalty of dismissal from office and forfeiture of one month's pay; and if any officer procure the escape of any convict, or connive at, aid, or assist in the escape of any convict from the penitentiary, whether such convict escape or not, he

shall be guilty of felony, and shall, upon conviction thereof, be sentenced to hard labor in the penitentiary for any term not less than one nor more than three years.

2042. SEC. 28. At least ten days before the meeting of each session of the general assembly, the board of commissioners shall make to the governor, in writing, a report exhibiting a comprehensive view of the government, discipline, and transactions of the penitentiary, during the interval of time between the sessions of the general assembly, which report shall particularly set forth:—

Essential report of commissioners; what it shall set forth.

First—The number of convicts confined in the prison; the various branches of business in which they have been employed; the number employed in each branch; the average daily earnings of convicts; the age and sex of convicts; their term of imprisonment; the offense for which they were convicted; from what county they were sent; their birthplace, pursuits and habits of life, so far as can be ascertained; their conduct while in prison; the number of convicts that have escaped; the circumstances attending such escape; or died, or been discharged during the time covered by such report.

Second—The quality and quantity of food and clothing allowed to convicts, and the general state of their health during such time.

Third—The manner in which the convicts have been treated by the warden; the number that have been punished; the nature of the punishment; how often inflicted, and for what offense.

2043. SEC. 29. The board of commissioners shall, from time to time, upon the demand of the governor, make and render to him a full report, embracing all the matter required to be reported by the preceding section.

Report to governor.

2044. SEC. 30. No commissioner, warden, guard, turnkey, or other officer or employé of the penitentiary, shall, on any pretense whatever, receive from any of the convicts any sum of money, emolument, or reward whatsoever, or any article of value, as a gift, under a penalty of being discharged from the service of the penitentiary, and forfeiting all moneys due from that institution, and being disqualified of ever holding a position in said service.

Penalty for commissioner, warden, guard, etc., receiving emolument, reward or gift from convicts.

Improvement of
penitentiary
buildings; em-
ployment of
convict labor.

2045. SEC. 31. The board of commissioners shall decide what improvements shall be made in the penitentiary, whether the same shall be enlarged, or the erection or extensions of the prison or prison walls, the erection of workshops and other buildings, and improvements; *provided*, that said commissioners shall not make any improvements that will require an expenditure of money in excess of appropriations made by the general assembly for that purpose; which improvements shall be made under the superintendence of the warden upon the plans furnished by the commissioners; and he shall employ such a number of convicts in making such improvements as said commissioners may deem advisable, and he shall employ the remainder of the convicts in such labor as may be most advantageous to the penitentiary; *provided, however*, that he shall classify the convicts, and if it shall be more in the interest of the penitentiary to hire out the labor of the convicts, to be worked under the superintendence of the warden, he may hire out such labor with the consent of the commissioners.

Payments for
supplies or other
indebtedness of
penitentiary;
how to be made.

2046. SEC. 32. All certificates for the purchase of supplies or other indebtedness of the penitentiary, shall be signed by the president and attested by the secretary of the board of commissioners, and upon the presentation of the same to the state auditor he shall draw his warrant upon the state treasurer for the full amount of said certificate, to be paid out of any moneys appropriated for that purpose.

Publication of
estimates and
letting of con-
tracts.

2047. SEC. 33. All purchases of supplies by the board of commissioners for the use of the penitentiary shall be made semi-annually and by contract, and estimates for that purpose shall be published for ten days in some daily newspaper published at the state capital; said publication to be made at least thirty days before the time for letting said contract; said estimate shall also be published four weeks in some weekly newspaper published in Cañon City, and the contract for furnishing such supplies shall be let to the lowest responsible bidder, when accompanied by a good and sufficient bond for the fulfillment of any such contract, according to such advertisement.

2048. SEC. 34. The advertisement mentioned in sec-

tion 33 shall state explicitly the kind, amount and quality of said supplies, when the same shall be delivered at the penitentiary, and whether bids for the whole or separate parts thereof, also the kind of funds in which such supplies will be paid for.

What to be stated in advertisement.

2049. SEC. 35. When semi-annual estimates prove insufficient, the board of commissioners shall cause to be purchased, by contract, as provided for in section 33, or in open market, all such supplies as may be necessary to make up such deficiency.

Purchase of supplies in case of insufficiency of same; annual estimates.

2050. SEC. 36. The warden shall, at any time, upon the request of the board, make to them a report in writing of all the affairs of the penitentiary that may be under his charge, or any part thereof that may be desired by the board.

Report of warden to board of commissioners.

2051. SEC. 37. Before any claim against the penitentiary, either for services rendered or supplies or materials furnished, can be paid, the parties presenting such claim shall procure a certificate from the warden that such services have been rendered or such materials furnished; then the claim shall be considered and audited by the board of commissioners, and if allowed, in whole or in part, a certificate shall be drawn in favor of the claimant for the amount so allowed.

Auditing of claims against penitentiary.

2052. SEC. 38. The warden, under the direction of the board of commissioners, shall have charge and custody of the penitentiary, with the lands and buildings, tools and implements, and every other property pertaining thereto, and it shall be the duty of the warden to superintend the internal police and discipline of the penitentiary, as required by law, and the rules and regulations prescribed by the board of commissioners, to keep an account current of all articles manufactured in the workshops; he shall also under the direction of the board of commissioners, classify the convicts in their labors so far as it can conveniently be done, to see that proper food and clothing is supplied to them, and in all things to have regard to their comfort and reformation. He shall also have charge of the library of said penitentiary, shall keep a catalogue of all books, and see that proper care is taken of them.

Duties of the warden.

Account of
income, business
and concerns of
penitentiary.

2053. SEC. 39. The warden shall keep, or cause to be kept, in suitable books, regular and complete accounts of all income, business and concerns of the penitentiary; he shall keep a true account of all moneys received for labor or other sources belonging to the penitentiary, and shall turn the same over to the state treasurer, to be placed to the credit of the penitentiary account.

Duties of
guards, turnkeys
and overseers.

2054. SEC. 40. The guards, turnkeys and overseers shall perform such duties in charge and oversight of the penitentiary, the care of the property belonging thereto, and the custody, government, employment and discipline of the convicts, as shall be required of them by the board of commissioners or warden, in conformity to the law and the rules and regulations adopted for the government of the penitentiary.

Hiring out labor
of convicts.

2055. SEC. 41. The warden, under the direction of the board of commissioners, shall hire out the labor of the convicts to the best advantage, but in no case shall a convict be allowed to go out to labor without being under the custody of a guard or overseer of the penitentiary.

Disposition of
wages earned
by convicts.

2056. SEC. 42. The warden shall collect the wages earned by the convicts, and all other moneys due or belonging to the penitentiary, except appropriations from the state, and shall pay the same over to the state treasurer, to be placed to the credit of the penitentiary fund, taking a duplicate receipt for the same, one copy of which he will give to the secretary of the board of commissioners.

Memorandum of
convict labor.

2057. SEC. 43. When the labor of any convict or convicts shall be hired out, the warden shall enter upon a book a memorandum of the contract, which memorandum shall show the number of convicts hired out, for how long, at what wages, the name of the convicts, and the name of the party to whom such labor is hired.

Medical attend-
ance.

2058. SEC. 44. The board of commissioners shall have power to make such arrangements for medical attendance as in their judgment may be required, and for that purpose may contract with any regular authorized physician, in such manner as they think most advantageous.

2059. SEC. 45. The physician shall have power and authority to purchase, by concurrence with and by consent

of the board of commissioners, such medicines and other things as in his judgment are necessary for the use of the hospital, and shall furnish the warden immediately with the bills of purchase, who shall compare them with the articles received.

Purchase of
medical supplies

2060. SEC. 46. The physician shall, when visiting the prison strictly conform to the rules and regulations thereof; he shall express no opinion of the ability or disability of a prisoner, except in his record, which shall be authority.

Visits of physi-
cian.

2061. SEC. 47. The governor of this state is hereby empowered, whenever it is reported to him by the commissioners or warden, that any person imprisoned in the penitentiary has become insane, to appoint a commission of three practising physicians to examine the said person and report their opinion to the governor in writing, and if from said report the governor shall be of the opinion that said prisoner is insane, and cannot be well taken care of in the penitentiary, it shall be his duty to issue an order to transfer said person without delay to an insane asylum, and upon recovery of said insane prisoner, he shall be returned to the penitentiary for the purpose of serving out his sentence if the same be not expired, and the expense of transferring said prisoner to and from, and maintaining him in such asylum, shall be audited by the board of commissioners, and paid out of any money appropriated for the expense or maintenance of the penitentiary.

In case of con-
vict becoming
insane; appoint-
ment of commis-
sion to examine.

2062. SEC. 48. Said commission shall be allowed and paid five dollars a day each for the necessary time employed in each case so examined by them, to be allowed and paid in the same manner as other accounts against said penitentiary.

Compensation of
commission to
inquire of in-
sanity.

2063. SEC. 49. On or before the tenth day of December in each year the board of commissioners shall make or cause to be made a full and detailed account (to be closed on the last day of November of the preceding fiscal year,) of all disbursements and expense, and all receipts and profits of the penitentiary, and of all moneys which have come to their hands, which accounts shall be examined and settled by the auditor, and the same shall be reported

Annual account
of receipts, dis-
bursements and
profits.

to the regular session of the general assembly by the governor.

Protection
against fire.

2064. SEC. 50. The board of commissioners shall take such precaution to protect the penitentiary and the property connected therewith against fire as the circumstances and locality will permit of, and will procure such convenience, and prescribe such rules, as will enable the warden to get out the convicts in the shortest possible time, and secure their safe custody in case of fire.

Change of loca-
tion of peni-
tentiary.

2065. SEC. 51. For the purpose of changing the penitentiary from its present location to a point where the labor of the convicts can be made more remunerative to the state, when it shall be deemed advisable by the general assembly to do so, it shall be the duty of the board of commissioners to visit such localities in this state as they may deem advisable, and examine the same with regard to the comparative advantage which such localities present for the location of a penitentiary. They shall also receive offers of donation of land (not less than forty acres,) for a site for such penitentiary, and shall examine the same and report the comparative advantage of each to the governor, who shall report the same to the general assembly at the next session thereof.

Repeal.

2066. SEC. 52. An act relating to the penitentiary and persons convicted of crime, and to provide therefor, approved, February 11, A. D. 1870; an act to employ the labor of convicts in the penitentiary, approved, February 9, A. D. 1872; an act for the government and management of the penitentiary, approved, February 14, A. D. 1874; an act for the pardon of insane criminals, approved, February 9, A. D. 1876; and an act to amend an act for the government and management of the penitentiary, approved, February 9, A. D. 1876, are hereby repealed.

Emergency.

2067. SEC. 53. Inasmuch as the supplies now at the penitentiary will be exhausted within ninety days after the passage of this act, and inasmuch as it is desirable that the semi-annual contracts for the purchase of supplies shall be let on the first day of April and the first day of September in each year, it is the opinion of this general assembly that

an emergency exists as contemplated in section 19, article 5, of the constitution; therefore, this act shall take effect on and after its passage.

Approved, March 15, 1877.

CHAPTER LXXVIII.

POISONS.

AN ACT REGULATING THE SALE OF POISONS.

[Session Laws, 1877.]

2068. SECTION 1. From and after the first day of March, A. D. one thousand eight hundred and seventy-two, it shall be unlawful for any apothecary, druggist, or other person, to retail an poison enumerated in schedules A and B, appended to this act, without distinctly labeling the bottle, box, vessel or paper and wrapper, or cover in which said poison is contained, with the name and place of the seller.

Unlawful to retail certain poisons unless distinctly labeled

2069. SEC. 2. It shall be unlawful for any apothecary, druggist or other person, to sell or deliver any poisons included in schedule A, without, before delivering to the buyer, making or causing to be made, an entry in a book kept for that purpose only, stating the date of sale, the name and address of the purchaser, the name and quantity of the poison sold, the purpose for which it is stated by the purchaser to be required, and the name of the dispenser; said book to be always open for inspection by the proper authorities, and to be preserved for at least one year: *provided*, that the provisions of this section shall not apply to the dispensing of poisons in not unusual doses or quantities, upon prescriptions of legitimate practitioners of medicine: *And provided further*, that nothing contained in the foregoing sections one and two, shall apply to or interfere with the business or sale of medicines in the original packages of the manufacturer.

Record of poisons sold.

These provisions not applicable to regular practitioners.

2070. SEC. 3. Any apothecary, druggist, or other person, who shall violate section one or two, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be

Fines and penalties.