

Saint Paul, $\frac{3}{3}$

93

Mr J. J. Hill

40 Wall Street,

New York

My dear Mr Hill

When I visited you this morning at request of our Com, I had not myself seen Govⁿ Nelson about the Capitol bill, & could only ask you aid as suggested. I find this afternoon, the Govⁿ friendly to the measure, but opposed to fixing the appropriation for the whole amount required now.

He has agreed to approve the bill for \$100,000 a year for 2 yrs - Expenses of Com^{ee} to select & fix the site ($\frac{3}{4}$ mile limit from present building,) & will also approve the contracting up the Com^{ee} for same, but desires to leave for 1891 legislature & subsequent ones the appropriative

Our idea was to settle this all now
in the trunk that both House & Senate
would aid us to carry this

I am now convinced that we must
yield something to the Southern
wishes. & also that we need no
influence other than we have, this
expressed good will - to secure his
action - within the limits of his judgment

I certainly would not ask of
you or any friend any action that
could be misunderstood, as you
intimate in your telegram just recd

My idea was only to make sure of
Gov. Nelson's general good will toward
the Capitol for Dr. Parry & know that
we have it

Yours sincerely
Daniel R. Hayes

I send you a copy of bill now in
the House, to explain the situation
which we all here want is to fix the
new Capitol here & now -

STATE OF MINNESOTA.

TWENTY-EIGHTH }
SESSION.

H. F.

No. 694

SUBSTITUTE FOR H. F. NO. 339.

Introduced by Committee on Public Buildings.

March 1, 1893.

A BILL

For an Act to Provide a New Capitol for the State of Minnesota.

Be it enacted by the Legislature of the State of Minnesota.

SECTION 1. That the Governor be and he is hereby authorized, and it is made his duty forthwith, to appoint by
2 and with the advice and consent of the Senate, five suitable persons to act and be known as State Capitol Commis-
3 sioners, who shall constitute a board to be known as the "Board of State Capitol Commissioners," whose duty shall
4 be to secure the erection of a new State Capitol, according to the provisions of this act: Provided however, that
5 the Governor shall be, ex-officio, the presiding officer of said board and shall have the right and opportunity to ex-
6 press his opinions and give his advice upon all measures or questions that may come before said board for considera-
7 tion and determination, but shall not be deemed a member of said board, except for the purpose of presiding over
8 their deliberations at their regular and special meetings, which shall be conducted according to the usual parliamen-
9 tary rules. The persons thus appointed shall be subject to removal by the Governor for cause, and should any
10 vacancy occur in said board, from death, resignation, or otherwise, the Governor shall fill the same by appoint-
11 ment, such appointment however, to be subject to rejection or ratification by the Senate, at the first session of the
12 Legislature following such appointment.

SEC. 2. Each of the members of said board, and likewise the Governor, shall be entitled to receive his actual
2 traveling expenses and the sum of five dollars per day for the time actually spent in the discharge of his duties un-
3 der this act.

SEC. 3. Each of said commissioners before entering upon the duties of his office, shall enter into bond, in the
2 sum of ten thousand dollars with two or more good surities to be approved by the governor, conditioned for the
3 faithful performance of his duty under this act, payable to the State of Minnesota, and filed in the office of the

6 indirectly, be interested, or concerned in any manner whatever, in the pieces or parcels of land or any of them, to
 7 be used as a site for a new State Capitol building according to the provisions of this act, or in the purchase from
 8 the state of any lands or buildings to be sold under this act; and I will not, directly or indirectly be interested or
 9 concerned in any manner with any contractor or contractors or person or persons, for the erection and location of
 10 the State Capitol, or any portion thereof, or in the proceeds or profits growing out of the same, or any work or labor
 11 done thereon, or material furnished in the erection of the same; so help me God." And should the said commis-
 12 sioner offend against the true intent and meaning of this oath, he shall, upon indictment and conviction, suffer all
 13 the pains and penalties of perjury; and in case of a violation of the conditions of the bond provided for, he shall be
 14 liable to an action thereon in the district court of Ramsey county, and a judgment in favor of the state for such
 15 damages as may be awarded against the obligors thereto, by reason of failure of the principal.

SEC. 4. Within ten days, after qualification as commissioners, the said board shall meet at the seat of govern-
 2 ment for the completion of their organization, and may elect one of their number vice president, whose duty it shall
 3 be to preside over the meetings of said board in the absence of the governor.

SEC. 5. The said board of commissioners shall appoint some proper person, not of their number, to superintend,
 2 under their direction, the erection of the state capitol as provided for in this act, and they shall also appoint a
 3 secretary, not of their number, whose duties shall be by them prescribed. Such superindent and secretary thus
 4 appointed shall each receive for his services a reasonable compensation, to be established by the board, and before
 5 entering upon the discharge of his duties, shall take the oath prescribed by the constitution, for state officers, and
 6 give bond for the faithful performance of the duties of his office in the penal sum of ten thousand dollars.

SEC. 6. It shall be unlawful for either of the said commissioners to be interested either directly or indirectly in
 2 any manner whatsoever in the location of said new capitol site, or in any contract, or part thereof, for the erection
 3 of said capitol building, or for any work connected therewith, or for the furnishing of any supplies or material
 4 therefor, so as to receive any benefit therefrom, or the promise of any benefit therefrom, either by way of com-
 5 mission, rebate, bonus, division of profits, or otherwise; and any of said commissioners who shall violate this
 6 provision of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine not
 7 to exceed one thousand dollars, and shall forfeit his right to, and be removed from, his place on said board; and be
 8 found incapable of holding any office of trust or profit under the state; provided, further, that it shall be unlawful
 9 for said board of capitol commissioners to employ, or continue in employment, any person in the supervision or
 10 superintendence of the building of said capitol, or of any work connected therewith, who is in any manner connected
 11 or interested directly or indirectly, in any contract for the erection of said capitol building, or for the furnishing of

12 any supplies or material therefor; and the said board of commissioners are hereby charged with the rigid enforcement
13 ment of this provision of this act.

SEC. 7. There shall be transferred in each of the years 1893 and 1894 from the general fund to the credit of the
2 board of state capitol commissioners, the sum of five thousand dollars, and in each succeeding year after the year of
3 1894 until the completion of said capitol building, not exceeding ten years, a sum equal to the proceeds of a levy of
4 two tenths of a mill upon the assessed valuation of the state, for the purpose of a site, or part thereof, and the
5 erection and completion of a new capitol building, in accordance with the terms and provisions of this act.

SEC. 8. The board of capitol commissioners, as soon as practicable after the passage of this act, shall proceed to
2 select a plan for a suitable capitol building for the State of Minnesota, said plan to be secured by competitive con-
3 test, and the following rules shall govern the board:

4 First. The building shall be planned so that it can be properly built, with ample light and air, upon a lot of not
5 less than five (5) acres in area, surrounded by streets or open ground. The building shall be supplied with proper
6 heating, lighting and ventilating apparatus, and with necessary sanitary arrangements.

7 Second. The drawings required in the competition shall be as follows:

8 1st One plan of the cellar and of each of the other floors.

9 2d. Three elevations of building front, one side and rear.

10 3d. One longitudinal and one traverse section.

11 4th. One perspective view on the scale of one-fourth inch to the foot, (with point of sight three hundred feet nearest
12 the point to the building), which shall be rendered with cast shadows in brush wash in monotone, black or brown

13 Third. All drawings submitted, except the perspective, shall be drawn on a uniform scale of 1-16th inch to the
14 foot; and all shall be executed in India ink on heavy white paper without shading or shadows. Door and window
15 openings may be tinted in India ink to show glass. Walls and partitions may be filled in solid with India ink. No
16 landscape or figures shall be drawn on either elevations, excepting one figure to indicate the scale.

17 Fourth. All drawings submitted shall be either mounted on stretchers or heavy book boards with white or tinted
18 paper borders, and no border lines or other framing will be allowed.

19 Fifth. The designs submitted shall be for a fireproof building and one that can be completed at a cost not exceed-
20 ing two million dollars.

21 Sixth. The drawings shall be sent to the board of capitol commissioners at St. Paul, Minn., and shall come with
22 the real name and address of the architect or firm submitting the same, distinctly printed or written on each sheet.

23 Seventh. There shall also be a typewritten description designating the materials the author proposes using in the

25 called for, as may be necessary to accurately determine the cost of the building. No drawings or documents other
26 than those herein called for will be received.

27 Eighth. Every design shall be excluded from competition as to which it appears that any attempt is made by its
28 author to influence the decision of the members of the board or their advisors; or, if it in any particular violates
29 the conditions herein stated; or if it be found that its probable cost will exceed the limits herein named by more
30 than fifteen per cent.

31 Ninth. From the designs furnished which conform to these conditions the board may select one to be the design
32 for the new State capitol. This design shall be in the possession of the State, but shall remain the property of the
33 architect or firm who made it, and shall not be used in whole or in part except said architect or firm is employed as
34 architect and superintendent of the building according to the rules of the American Institute of Architects, except as
35 to fees; but said board may reject any and all plans and proceed anew until a satisfactory plan is secured.

36 Tenth. The board shall secure two architects of reputation, who shall not be competitors, to assist them, and
37 one of said architects shall be a resident of this State. One of these architects who shall be a resident of the State,
38 shall be selected by the board, the other by the Minnesota Chapter of the American Institute of Architects, and,
39 with one of the members of the board selected by the board to serve them, shall form a committee to examine and
40 recommend the most desirable plan.

41 Provided, however, that the commission shall not adopt any plan unless it shall first have received the endorse-
42 ment of the majority of the committee provided for in sub-division ten (10) of section eight (8) and provided any
43 plan shall have received such endorsement.

44 The architects on the committee provided for by this sub-division shall be subject to the provisions of section six
45 (6) of this act.

46 Four premiums shall be given to the aggregate amount of two thousand (\$2,000) dollars, to be awarded to the
47 designs adjudged to stand in point of merit; second, third, fourth, fifth, the accepted design to receive no premium
48 other than the fee allowed by the board for designing and superintending the said building.

49 Eleventh. No design shall be received after the date fixed for submission of plans. All drawings shall be
50 exhibited in public at least two weeks before the award is made. All drawings shall be the property of the archi-
51 tects or firms submitting them and only used in whole or in part by agreement with and compensation to their
52 authors. All rejected drawings shall be called for within thirty days after the decision of the competition, after
53 which time the board shall no longer be responsible for them.

54 Twelfth. The board shall issue to all architects upon request a printed schedule of the requirements for the

55 building, including a list of the number and approximate area of the rooms, and such other general conditions as
56 are essential to clearly set forth the requirements of the building.

SEC. 9. No plan shall be adopted except upon detailed accurate specifications of the cost of supervision, labor,
2 material and of other expenditures necessary for the erection and completion of said capitol building, including
3 heating and ventilating apparatus, lighting and all other fixtures, nor until it shall be definitely ascertained that
4 the entire cost of the same will in no event exceed the sum of two million dollars, it being understood that it is the
5 object of this act to restrict the aggregate and entire cost of the capitol building to this sum, and the board of com-
6 missioners herein appointed shall have this object in view, and all contracts awarded and plans accepted, shall be
7 awarded and accepted only after the board shall be satisfied that the cost of the building when completed, shall not
8 exceed this amount.

SEC. 10. The said board of state capitol commissioners, as soon as practicable after the passage of this act shall
2 give due and reasonable notice to all parties interested, by sufficient publication in two daily newspapers of general
3 circulation in this State, designating a time and place when and where the board will receive sealed proposals to sell
4 or grant to the State of Minnesota lands or grounds within three-fourth of a mile of the site of the present state
5 capitol, not less than five (5) acres in area to be used as a site for new state capitol; such sealed proposals to be in
6 every case accompanied by a plat of the lands or grounds proposed as such site; and an outline map of the city of St.
7 Paul showing the point, in said city of St. Paul, where the same is situated, its proximity to railroad and street car
8 service, its elevation above the general surface of the surrounding country, the price at which the same will be
9 conveyed to the State of Minnesota, and the terms and conditions upon which such conveyance will be made, and
10 any other information that said board may deem desirable; and every such proposal to be accompanied by a bond in
11 the sum of ten thousand dollars (\$10,000) properly executed and signed by the party or parties making such proposal,
12 and at least three financially responsible persons as sureties, conditioned for the faithful performance of such pro-
13 posal in all its details. No proposals shall be received after the date designated in said notice for examining the
14 same, and said published notice shall state that said proposals will be publicly opened and examined at a time and
15 place in said notice named. And at the time and place in said notice named the said board shall meet and then and
16 there publicly open such sealed proposals and examine the same; and as soon thereafter as may be practicable shall
17 go upon and view the lands or grounds described in every such proposal that shall conform in all respects to the
18 requirements of said published notice and the provisions of this act, and shall thoroughly investigate the same to
19 the end that they may be fully informed as to the merits of the different proposed sites.

SEC. 11. Said board are hereby authorized, after they shall have properly examined all such proposed sites to

3 to the State for the purpose contemplated in this act, and for that purpose said board are hereby authorized and
4 empowered in the name and on behalf of the State to enter upon, purchase, take and acquire any lands and
5 premises, public or private, that may be necessary, convenient or proper for the purpose of such site, or any part
6 thereof, and in case the owner of any such lands or grounds and said board cannot agree as to the value of the premises
7 taken or to be taken for such use, the value thereof shall be determined by the appraisal of three reputable free hol-
8 ders of the State, not directly or indirectly interested in the premises to be taken, and to be appointed on the appli-
9 cation of said board by any judge of the district court of any judicial district of this State. And said commissioners in
10 their assessment of damages shall appraise such premises and the respective estates and interests therein at their
11 actual market value, and upon return into court of such appraisement, and upon payment into the same of the ap-
12 praised value, of the premises so taken, said premises shall be deemed to be and shall become the property of
13 the State, save as herein otherwise provided, all provisions of title 1, of chapter 34, of the General Statutes of one
14 thousand eight hundred and seventy-eight, so far as reasonably applicable, shall apply to and govern proceedings
15 under this act.

SEC. 12. All labor, material, transportation, or construction required by the provision of this act, shall be done
2 or furnished by contract. The board are authorized to contract for the construction of the entire building by a
3 contractor, who may undertake the whole work, or the said board may divide the work into appropriate classes, and
4 make separate contracts as to either of them as may or may not seem to them to be for the best interests of the
5 State. All lettings of the work exceeding in amount the sum of five hundred dollars, shall be advertised in two
6 daily newspapers of general circulation in this State for not less than thirty days, and shall call for sealed bids, ac-
7 companied by such security as said board shall prescribe. All bids received by said board may be by them rejected,
8 and whether accepted or rejected, shall within thirty days after decision thereon by said board be deposited in the
9 office of the secretary of State. In all contracts the interest of the State shall be protected by proper bonds, to be
10 determined by said board; Provided, that no such bonds shall be in a sum less than one-half of the contract price.
11 All contracts for material and labor shall be in writing, and shall be signed by the contractor and by the president
12 or vice president of the board; in any cases where there are bidders and materials from other states, the preference
13 shall be given, the quality and terms being equally favorable, to the bidders and materials within this State. All
14 contracts with the builders, architects, engineers, superintendents, or material men, shall reserve the right of
15 the board, for good cause shown, to annul the contract, and the board shall make no allowance for damages,
16 but only for expenses incurred and for labor performed. Such per cent, not less than ten (10), as in the judgment
17 of the board shall seem proper, shall be reserved from payments on the monthly estimates on work contracted, until
18 such contract, or the portion thereof to which such payments are by the terms of such contract made applicable,

19 shall have been completed, inspected and accepted. All materials contracted for shall be of the best quality and so
20 far as the said board are of the opinion that the same can be done consistently with the best interests of the State,
21 preference shall in all cases be given to Minnesota material and labor, and the directions, plans and specifications
22 of the work shall be executed by skilled and reputable architects, contractors, artists, mechanics, and laborers.
23 No contract shall be made which shall bind the State to the payment of any sum until the same shall be by law
24 made applicable thereto.

SEC. 13. For the due prosecution of the work hereby committed to their charge the said board are hereby
2 authorized to and shall employ such architects, mechanics and laborers as may be deemed necessary, and payment
3 of all expenditures made in or in any manner connected with the securing of a site and erection and construction
4 of said building and for the services of the members of said board, of the governor, superintendent and secretary
5 and consulting architects, and for the travelling expenses of the governor and members of said board in the perform-
6 ance of their duties under this act, shall be made upon full and complete statements or accounts, which shall be
7 made and certified to by a majority of the members of said board and approved by the governor; such statement of
8 account shall then be laid before the state auditor for examination and if found correct and in compliance with this
9 act, shall be audited and shall be paid by the state treasurer, upon the warrant of the state auditor, out of any
10 money in his hands for such purpose, such warrant to be drawn in favor of and to the order of the person or per-
11 sons entitled to receive the amount therein named.

SEC. 14. This act shall take effect and be in force from and after its passage.