

March 5, 1853.

CHAPTER IV.—AN ACT for the government of the Territorial Prison of Minnesota.

- Be it enacted by the Legislative Assembly of the Territory of Minnesota,* The prison in course of erection at Stillwater, in the county of Washington, shall be maintained as the Territorial Prison of this Territory, in which convicts sentenced for life or any term of time confined, employed and governed as hereinafter provided.
- Territorial Prison.**
- Punishment.** Sec. 2. All punishment in the Territorial Prison by imprisonment, must be by confinement to hard labor and not by solitary imprisonment; but solitary imprisonment may be used as a prison discipline for the government and good order of the convicts hereinafter mentioned.
- Warden must receive prisoners.** Sec. 3. Convicts sentenced to hard labor in the Territorial Prison for life or any term of time by any court of the United States or of this Territory, held within the Territory, must be received into the prison by the warden thereof when delivered by the authority of the United States or this Territory, and there kept in pursuance of their sentence.
- Duty of Warden.** Sec. 4. It shall be the duty of the warden to receive and confine in said Territorial Prison, all persons committed to imprisonment in any county in this Territory, in which there shall be no, or an insufficient, county jail, and the certificate of the committing magistrate shall be sufficient evidence that there is no sufficient jail in the county: *Provided,* That the county from which such persons may be committed shall be liable to pay for the expenses of such imprisonment two and a half dollars per week. And the said warden is hereby authorized to sue for and collect the same in his name of office.
- Inspectors, when paid by county.** Sec. 5. The Territorial Prison shall be under the government and direction of three Inspectors and one Warden.
- Inspectors.** Sec. 6. The inspectors shall be appointed by the Governor, (by and with the consent of the Council,) and be commissioned to hold their office for two years and until others are appointed and qualified. One of the inspectors shall in his commission be designated as chairman. The inspectors and warden, before entering upon the discharge of their respective duties, must take an oath of office, and the warden must also give bonds to the Secretary of the Territory in the sum of ten thousand dollars, with sufficient sureties to be approved by the Governor, conditioned that he will account for all moneys that come into his hands as Treasurer of the Territorial Prison; and that he will faithfully perform all the duties incumbent on him as warden of such prison, which bond must be filed in the office of the Secretary of the Territory.
- Appointments.** Sec. 7. It is the duty of the inspectors to meet together at stated times, at the prison, once at least in every three months, and oftener if necessary, to attend to and inspect the concerns of the prison, the manner of keeping the books and accounts, and the register of punishments kept by the warden; and from time to time carefully to examine the same, and to keep a record of their doings; one of them at least, must visit the prison as often as once in each month, to examine into all the concerns thereof, and to see that the laws and regulations thereof are duly observed, and the duties of the warden faithfully performed, and to advise with the warden of the prison on the concerns thereof, whenever thereto requested; and each of them shall at all times have free access to
- Oath of office and bond.**
- Duty of inspectors.**

all parts of the prison, and be allowed to inspect and examine all the books, accounts, and writings, pertaining to the prison, or the business, management and government thereof; and the inspectors, as soon as may be after each stated meeting, or oftener if necessary, shall transmit to the Governor a transcript of the record of their doings, and such other information relative to the concerns of the prison, as they may deem proper.

SEC. 8. It is the duty of the inspectors, on the first Monday of January, annually to audit, correct, and settle the accounts of the warden with the prison and the Territory for the year ending on the last day of December, preceding, and make report thereof in the same month to the Governor; which report must exhibit all particulars necessary to give the Governor a full understanding of the fiscal and other concerns of the prison, and must at the same time furnish an estimate of the probable income and expense of the prison for the ensuing year.

Report to Governor.

SEC. 9. It is the duty of the inspectors to inquire into any improper conduct which may be alleged to have been committed by the warden of the prison in relation to the concerns thereof; and for that purpose may issue subpoenas for witnesses to compel their attendance, and the production of papers and writings, and may examine witnesses under oath to be administered by the chairman, and may adjudicate on such alleged improper conduct, in like manner and with like effect as in case of arbitration.

Enquire into conduct of warden.

SEC. 10. The inspectors must examine into all disorderly conduct among the prisoners, and when it appears to them that such conduct is disorderly, refractory or disobedient, they may order such punishment as they may deem necessary, to enforce obedience, and as shall not be inconsistent with humanity and may be authorized by the rules and regulations established for the government of the prison.

May punish prisoners.

SEC. 11. The inspectors must from time to time establish such rules and regulations, consistent with the laws of the Territory, as they may deem necessary and expedient for the direction of the warden of the prison in the discharge of his duties; for the government, instruction and discipline of the convicts, and for their clothing and subsistence; and for the custody, preservation and management of the public property; and so soon as may be after the establishment of the same by the inspectors, they shall cause a copy thereof to be laid before the Governor, who may approve or modify the same, and make and establish such other rules and regulations consistent with the laws of the Territory, as to him may seem fit; and the Governor must communicate all such rules and regulations as shall be thus approved or established, to the next Legislature, after the same shall have been so approved and established, and the inspectors must cause a copy of such rules and regulations to be certified by the clerk and delivered to the warden.

Must establish rules.

Governor may approve or modify.

SEC. 12. The warden shall have the care and custody of the the prison, and of the convicts therein, in conformity to their respective sentences, and of the lands, buildings, machines, tools, stock, provisions, and every other kind of property belonging to, or within the precincts of the same. He is the treasurer of the prison, and must receive, pay out, and be accountable for all moneys granted for maintaining or improving the same, or derived from the manufactures or other concerns thereof, and shall make

Duty and powers of warden.

or cause to be made in the books of the prison, regular entries of all pecuniary and other concerns of the prison, and must render to the inspectors whenever required, a fair account of all the expenses and disbursements, receipts and profits of the prison, with sufficient vouchers for the same, and a statement of its general affairs for the year then passed, including the number of convicts received and discharged during the year, and the number remaining; and a similar account and statement examined and approved by the inspectors; the warden shall render under oath to the Legislature at the commencement of every regular session thereof.

SEC. 13. It is the duty of the warden to inspect and oversee the conduct of the convicts, and cause all the rules and regulations of the prison to be strictly and promptly enforced. He has authority to punish any convict for disobedience, disorderly behavior or indolence, in such manner as may be directed by the inspectors, or prescribed in the rules and regulations, and must keep a register of such punishments, and the cause for which they were inflicted.

May punish convicts.

SEC. 14. The warden or his deputy shall serve, execute and return all process within the precincts of the prison, and such process may be directed to him or his deputy accordingly; and for the doings of his deputy the warden as well as his deputy is answerable. The warden shall have the command of all the force for guarding the prison, and of all officers and persons employed under him.

How actions may be brought.

SEC. 15. All actions founded on contract made with the warden in his official capacity, may be brought by or against the warden for the time being; and any action for injuries done or occasioned to the real or personal property belonging to the Territory and appropriated to the use of the prison, or being under the management of the warden thereof, may be prosecuted in the name of the warden for the time being, and no such action shall abate by the warden's ceasing to be in office; but his successor, upon notice, is required to assume the prosecution or defence of the same. In any such action, the warden is a competent witness, and his property shall not be taken or attached in any such suit, nor shall any execution issue against him on any judgment thereon; but such judgment shall stand as an ascertained claim against the Territory, and whenever a new warden is appointed, all the books, accounts, and papers belonging to the prison, shall be delivered to him, and he shall be invested with all the powers and subject to all the obligations with regard to any contracts or any debts due to or from the prison, that his predecessor would have been if no change had taken place in the office.

How continued.

SEC. 16. Whenever the office of warden is vacant, or he is absent from the prison, or unable to perform the duties of his office, the deputy warden has the power to perform the duties, and shall be subject to all the obligations and liabilities of the warden.

Deputy Warden.

SEC. 17. If the office of warden becomes vacant before a new one is appointed and the deputy warden enter upon the duties of the office, the inspectors may require such deputy to give bond to the Territory in the sum of ten thousand dollars with good security, conditioned for the faithful discharge of the duties incumbent on him as deputy warden and Treasurer, which bond must be approved by the inspectors; and from the time such bond is approved, the

To give bond.

deputy may receive the salary and emoluments of the warden so long as he performs the duty of the office; if the deputy warden do not give such bond when required, the inspectors may remove him from office and appoint a warden for the time being, who must give bond similar to the one required of the deputy warden, and shall have the power and authority, and perform the duties and receive the salary and emoluments of the warden until a warden is duly appointed and enters upon the discharge of the duties of his office.

May be removed.

SEC. 18. It is the duty of the warden to attend the meetings of the inspectors when they require him so to do, and keep a record of their proceedings; and perform such other services pertaining to his employment and the superintending of the prison, as may be directed by the inspectors.

Duty of Warden.

SEC. 19. The inspectors must appoint some suitable person to be physician and surgeon to the Territorial prison, whose duty it is to visit the prison whenever requested by the warden, prescribe for the convicts who may be sick, see that proper attention be paid to the clothing, regimen and cleanliness of such as may be in the hospital, and advise when the illness of any convict may require his removal to the same; and upon such advice he must forthwith be removed to the hospital, there to receive such care and attention, and be furnished with such medicines and diet as his situation may require, until the Physician determine that he may leave it without injury to his health.

Physician to be appointed.

His duties.

SEC. 20. In cases of any pestilence or contagious sickness breaking out among the convicts in the prison, the inspectors and warden 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 care and medical assistance. Such convicts may be returned as soon as may be, to the prison, to be confined according to their respective sentences, if the same be unexpired.

Convicts may be removed.

SEC. 21. If any officer or other person employed in the prison or its precincts, negligently suffer any convict confined therein to be at large, without the precincts of the prison, or out of the cell, or apartment assigned to him, or to be conversed with, relieved or comforted contrary to law, or the rules and regulations of the prison, he shall be punished by fine not exceeding five hundred dollars.

Liability for escape of convict.

SEC. 22. If a convict sentenced to the Territorial prison 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 resisting, be wounded or killed by such officer or his assistants, they are justified and shall be held guiltless.

Officers may enforce obedience.

SEC. 23. It is the duty of the officers and other citizens of this Territory, by every means in their power to suppress any insurrection among the convicts sentenced to the Territorial prison and to prevent the escape or rescue of any such convicts 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.

Duty of officers and others to suppress insurrection.

Convicts to be apprehended.

SEC. 24. When any convict escapes from the prison, it is the duty of the warden to take all proper measures for his apprehension, and for that purpose shall offer a reward of fifty dollars; to be paid by the warden from his own resources, for the apprehension and delivery of such convict.

When convict to be discharged.

SEC. 25. No convict can be discharged from the prison, 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, exclusive of the time he may have been in solitary confinement for any violation of the rules and regulations of the prison, unless he be pardoned or otherwise released by legal authority.

Property of convicts, disposition of

SEC. 26. It is the duty of the warden to receive and take care of any property a convict may have with him at the time of his entering the prison; and when it may be convenient, to place the same at interest, for the benefit of such convict; of which property the warden must keep an account, and pay the same to such convict on his discharge, or in case of his death, to his representatives, unless the same have been legally otherwise taken and disposed of.

Reward for good conduct of convict.

SEC. 27. When any convict is discharged from the prison who has conducted well during his imprisonment, the warden at his discretion, may give such convict, from the funds of the prison, a sum not exceeding five dollars; and if he desire it, a certificate of such good conduct, and must take care that every convict on his discharge from the prison is provided with decent clothing.

Admittance fee from visitors.

SEC. 28. The warden has authority to demand and receive of each person, not exempt by law, who visits the prison for the purpose of viewing the interior or precincts, a sum not exceeding twenty-five cents, and under such regulations as the inspectors may prescribe, of which the warden must keep an account, and which money shall be applied for the purchase of books for the use of the prison, under the direction of the inspectors.

Exceptions.

SEC. 29. The following persons are authorized to visit the prison at pleasure: The governor and secretary of the territory, members of the legislature, judges of the district courts, prosecuting attorneys of any of the counties of this Territory, and all regularly 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, or under such regulations as the inspectors shall prescribe.

Economy required

SEC. 30. It is the duty of the inspectors and warden to see that rigid economy is practised in all matters pertaining to the prison and the employment of the convicts, and that duplicate receipts be taken for all expenditures made on account of the prison, one copy of which must be forwarded to the Secretary of the Territory monthly.

Compensation of inspectors.

SEC. 31. The inspectors shall be allowed for their services the sum of three dollars for each and every day actually and necessarily occupied in inspecting the prison and inquiring into the management thereof, not exceeding twenty days each in any year.

F. R. Delano appointed warden.

F. R. Delano is hereby appointed warden of the Territorial Prison for the term of five years. Said Delano shall act as Clerk to the board of inspectors, and as Superintendent of all improvements made in and about said prison under the direction of the inspectors.

His duties and liabilities.

He shall execute or cause to be carried into effect all orders of

the board of inspectors concerning the regulation of the prison, or prisoners, and shall furnish at his own expense all overseers, guards, and hands, necessary for the purpose. The said Delano shall also furnish and procure all furniture, food, fuel, clothing, tools, stock, and materials, necessary for the prison and for the prisoners therein, at his own cost and expense, and without any charge whatever to the Territory. The said F. R. Delano shall receive for the performance of the duties required by this act, a salary of six hundred dollars per year, payable quarterly from the Territorial Treasury, and shall have the use of all the buildings and grounds belonging to the Territorial Prison, for the purpose of complying with the provisions of this act. This act shall be in force from and after its passage.

Compensation.

DAVID DAY,
Speaker of the House of Representatives.
MARTIN McCLOUD,
President of the Council.

APPROVED—March fifth, one thousand eight hundred and fifty-three.

ALEX. RAMSEY.

SECRETARY'S OFFICE, }
St. Paul, March 21st, 1853. }

I hereby certify the foregoing to be a true copy of the original act on file in this office.

ALEX. WILKIN,

Secretary of the Territory of Minnesota.

CHAPTER VI.—AN ACT to incorporate the Louisiana and Minnesota Rail Road Company.

March 5, 1853.

Be it enacted by the Legislative Assembly of the Territory of Minnesota, That Alexander Ramsey, Justus C. Ramsey, Henry M. Rice, Charles W. Borup, Charles H. Oakes, Alexander Wilkin, Geo. W. Farrington, John Farrington, William L. Ames, William G. Le Duc, William R. Marshall, John R. Irvine, Franklin Steele, Henry H. Sibley, A. M. Fridley, Caleb Dorr, Ard Godfrey, Charles King, Calvin A. Tuttle, Socrates Nelson, Samuel Burkleo, Horace H. McKinstry, and their associates, successors and assigns, are hereby created a body politic and corporate, under the name and style of the Louisiana and Minnesota Railroad Company of St. Paul, with perpetual succession, and by that name may be and are hereby made capable, in law and in equity, to sue and be sued, plead and be impleaded, defend and be defended, in any court of law and equity in this Territory or any other place; to make, have, and use a common seal, and the same to renew and alter at pleasure, and shall be vested with all the powers, privileges and immunities which may be necessary to carry into effect the objects of this act, as hereinafter set forth, and the said company are hereby authorized and empowered to locate, construct, and finally complete a railroad from the town of St. Paul to the southern boundary line of Minnesota. Said railroad to be on the west side

Corporators.

Object and name of Corporation.

Powers and privileges.