

advertised and sold for taxes according to the provisions of sections two and three of Chapter four of the Session Laws of eighteen hundred and sixty-two, may be advertised the length of time provided in said act, and sold on the second Wednesday in July, 1863, subject to all the provisions of Chapter four, of the Session Laws of 1862, entitled "an act in relation to the redemption of lands sold for taxes, and relating to taxes and tax sales, approved March 11th, 1862," not inconsistent with the objects of this act.

Disposition of
lands not hereto-
fore advertised
and sold for
taxes

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved, February 17, 1863.

CHAPTER VI.

An Act to provide for the Government of the State Prison of the State of Minnesota.

- SECTION 1. Maintenance of State Prison—where located.
2. To be governed by a Board of Inspectors—Board of Inspectors to be appointed by Governor—term of office.
 3. Where meetings of the Board to be held.
 4. Officers of Prison.
 5. Warden to be appointed by the Governor—term of office.
 6. By whom Physician, Chaplain, Deputy Warden, Assistant Keepers and Guards appointed.
 7. Duty of Inspectors.
 8. Further duties and powers of Inspectors.
 9. Who to administer oath to witnesses.
 10. Duty of the Warden and other officers of the Prison.
 11. Board of Inspectors to keep a record of all their proceedings and meetings.
 12. Prison to be inspected once in each month by the Board—what to constitute a quorum—to make all rules and regulations for the government of the officers of the Prison.
 13. Printed copy of the rules and regulations to be furnished each officer and guard of the Prison.
 14. Warden or his Deputy to keep daily record of Prison.
 15. When Inspectors to make annual settlement and report.
 16. Record of proceedings to be made out quarterly and transmitted to the Governor.
 17. To appropriate money for the purchase of books for the use of the library—
from what funds.
 18. Salaries of officers.
 19. Warden and Deputy Warden to file oaths for faithful performance of duties.

- SECTION 20.** Warden to give constant attention to Prison.
21. All transactions and dealings of the Prison to be conducted in the name of the Warden.
 22. Inspectors may lease shops and vacant grounds to parties giving the highest price—for what length of time.
 23. Inspectors may let to service all able-bodied convicts—for what length of time—such contracts to be approved by the Governor.
 24. All rents, revenues, and profits shall be paid to the Warden, and by him into the State Treasury.
 25. By whom contracts for furnishing provisions, fuel, lights, &c., to be made.
 26. All contracts made by the Warden shall be reduced to writing.
 27. Convicts not to be employed on work in which any officer may have a personal interest.
 28. Warden shall keep a correct account of all moneys received by him, from every source.
 29. When Warden to make annual settlement.
 30. When Warden to make annual report to Board of Inspectors.
 31. When Warden to make annual report to the Secretary of State.
 32. In case of convicts offering violence to any person, the guard shall use all reasonable means to enforce discipline.
 33. If any convict shall resist the authority of any officer, it shall be the duty of such officer to use such weapon as may be necessary, to enforce obedience—in case such convict should be wounded or killed, said officer to be held guiltless.
 34. Removal of convicts to a secure and suitable place, in case of contagious disease.
 35. Warden to receive criminals convicted of crimes against the United States—expense how paid.
 36. No officer to have any interest in the business connected with the Prison.
 37. Disposition of property belonging to convicts at the time of entering the Prison.
 38. Duty of Warden upon discharge of prisoners.
 39. When prisoners to be confined in separate cells.
 40. Of what material the clothing and bedding to be, and food supplied to convicts.
 41. No written information to be carried to or from the convict without consent of the Warden.
 42. Who allowed to visit the Prison.
 43. Persons delivering convicts shall deliver to the Warden a certified copy of the sentence.
 44. Duty of Warden in case of escaped prisoner.
 45. All rewards and sums of money paid for advertising, to be approved by the Board of Inspectors.
 46. Sheriff's fees and expenses incurred in conveying convicts to State Prison, to be approved by the State Auditor.
 47. No spirituous or fermented liquors shall be brought upon the premises of the Prison.
 48. For defraying the necessary expenses of the Prison, warrants may be drawn on State Treasury.
 49. Uniform rules and fees for the admission of visitors.
 50. Officers of the prison to be exempt from military and jury duties.
 51. One hundred copies of annual report of Inspectors to be printed for use of Prison.
 52. In case of removal or resignation of the Warden, the accounts to be settled by State Auditor.
 53. Who to officiate in case of vacancy in the office of Warden.
 54. Duty of Physician.
 55. What to be deemed public property.
 56. Warden to keep record of all infractions of the rules of discipline by convicts—for what purpose.
 57. Deduction of term of sentence of convicts.
 58. When convict to be deprived of deduction of term of sentence.
 59. Place of residence of Warden.
 60. Stipulation providing for constant employment of all convicts.
 61. Provisions of this act not to affect the term of present officers, nor existing contracts.
 62. When expiration of term of confinement to be fixed.
 63. When act to take effect.

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

Maintenance of
State Prison

SECTION 1. There shall continue to be maintained for the security and reformation of convicts in this State, a

State Prison, at Stillwater, in the county of Washing- Where located
ton.

SEC. 2. The said Prison shall continue to be under the direction and government of three Inspectors, one of whom shall be appointed annually, by the Governor, by and with the consent of the Senate, and shall hold his office for the term of three years, and until his successor shall be appointed and qualified, and shall take and subscribe the oath of office prescribed by the Constitution, before entering upon the duties of his office. To be governed by Board of Inspectors—how appointed—term of office

SEC. 3. The Board of Inspectors shall hold their meetings at the office of the Prison, and at their first meeting held after the appointment of such Inspector, shall choose one of their number to be their President. Where meetings to be held

SEC. 4. The officers of the Prison shall consist of one Warden, who shall be principal Keeper and Clerk of the Board of Inspectors; one Deputy Warden, who shall be chief Turnkey, and both of whom shall reside at the Prison; one Physician and one Chaplain, and such number of assistant Keepers and Guards as the Warden and Inspectors may deem requisite. Officers of Prison

SEC. 5. The Warden shall be appointed by the Governor, by and with the consent and advice of the Senate, who shall hold his office for the term of two years, and until his successor shall be appointed and qualified, unless sooner removed by the Governor. How Warden appointed—term of office

SEC. 6. The Chaplain and Physician shall be appointed by the Board of Inspectors, and shall hold their respective offices during the pleasure of the Board; the Deputy Warden and assistant Keepers and Guards shall be appointed by the Warden, with the assent of the Inspectors, and shall hold their offices during the pleasure of the Warden. By whom other officers appointed

SEC. 7. It shall be the duty of the Inspectors from time to time, to enquire into and examine all matters connected with the government, discipline and police of the Prison, the punishment and employment of the prisoners confined therein, and they may from time to time require reports from the Warden in relation to any and all of the said matters. Duty of Inspectors

SEC. 8. It shall be the duty of the Inspectors to enquire into any improper conduct alleged to have been committed by the Warden or any other officers of the Prison, and for that purpose the President of the Board shall have power to issue subpoenas, to compel the attendance Further duties of Inspectors

of witnesses, and the production of papers and writings before them, in the same manner and with the like effect as in cases of arbitration.

Who to administer oath to witnesses SEC. 9. The Inspectors may examine any witnesses who shall appear before them, on oath, to be administered by the President of the Board, or in his absence by any other member of the Board.

Duty of Warden and other officers SEC. 10. It shall be the duty of the Warden and other officers of the Prison, at all times, to admit the Inspectors or either of them, into every part of said Prison, to exhibit to them, or either of them, on demand, all the books, papers, accounts, and writings pertaining to the Prison, or to the business, government, discipline or management thereof, and to render them every other facility in their power, to enable them to discharge their duties under this chapter.

To keep record of all proceedings SEC. 11. The Board of Inspectors shall keep regular minutes of their proceedings and meetings, which shall be signed by the President, and attested by their clerk.

How often Prison to be inspected--quorum--to make all rules and regulations for the Prison SEC. 12. It shall be the duty of the Inspectors to meet once in each month at the Prison, and there to inspect the same, and a majority shall constitute a quorum for the transaction of business; they shall make all necessary rules and regulations for the direction and government of all the officers of the Prison, and all rules and regulations adopted by them, shall be submitted to the Governor, who shall approve or modify the same, and such rules and regulations, with their proceedings at each meeting, shall be recorded by the Clerk, who shall attend their meetings for that purpose.

Printed copy to be furnished each officer SEC. 13. A printed copy of the rules and regulations of the Prison shall be furnished to every officer and Guard of said Prison, at the time he shall be appointed and sworn.

To keep daily record of Prison SEC. 14. The Warden or Deputy Warden shall keep a daily journal of the proceedings of the Prison, in which he shall note all infractions of the rules and regulations of the Prison, by any officer or Guard thereof, and make a memorandum of every complaint made by any convict of cruel or unjust treatment by any officer of the Prison, or a want of proper clothing or food; and also of any infraction of the rules and regulations of the Prison, by any prisoner, naming him and specifying the offence, and also what punishment, if any, was awarded, which journal shall be laid before the Inspectors at

every stated meeting, and at every special meeting when demanded.

SEC. 15. It shall be the duty of the Inspectors on the first Monday of December, annually, to audit, correct, and settle the accounts of the Warden, with the Prison and the State, for the year ending on the last day of November preceding, and make report of the same immediately to the Governor, which report must embrace and exhibit all particulars necessary to give the Governor a full understanding of the fiscal year and all other matters pertaining to the management of the Prison, and they must at the same time, furnish an estimate of the probable income and expenses of the Prison for the ensuing year.

When Inspectors to make annual settlement

SEC. 16. It shall be the duty of the Inspectors to cause a transcript of the record of their proceedings to be made out by their clerk quarterly, and transmit the same to the Governor.

Record to be made out quarterly

SEC. 17. It shall be the duty of the Inspectors to appropriate annually, out of fees received from visitors or from other funds of the Prison, a sum not less than twenty-five dollars, to be expended in the purchase of books or periodicals, for the use of the Prison Library.

From what fund money appropriated for the purchase of books

SEC. 18. There shall be paid to the officers of the Prison, the following salaries and compensation, to be paid quarterly out of the State Treasury, on the warrant of the Auditor, to wit: To the Warden the sum of seven hundred and fifty dollars; to the Deputy Warden the sum of four hundred dollars; to the Inspectors the sum of two dollars per day, for each day necessarily employed in the discharge of their duties; to the Chaplain and Physician and assistant Keepers and Guards such sums as the Board of Inspectors may deem proper and just.

Salaries of officers

SEC. 19. The Warden and Deputy Warden, shall before entering upon the duties of their offices, file in the office of the Secretary of State, the proper constitutional oath, together with a bond executed to the people of this State, with two or more sureties, duly approved by the Governor; the Warden in the sum of twelve thousand dollars, and the Deputy Warden in the sum of five thousand dollars, conditioned for the faithful performance of their duties according to law.

Wardens to file oath for faithful performance of duties

SEC. 20. It shall be the duty of the Warden to attend constantly at the Prison, except when performing some

Warden to give constant attention to Prison

other duty connected with his office; to exercise general supervision over, and give necessary directions to the Keepers and Guards; to examine whether they have been vigilant in the discharge of their respective duties, to examine daily into the health of prisoners, and take charge of the real and personal estate belonging to or connected with the Prison.

All transactions of the Prison to be conducted in the name of the Warden

SEC. 21. All the transactions and dealings of the Prison, shall be conducted in the name of the Warden, who shall be capable in law of suing and being sued in all courts and places, and in all matters concerning the said Prison by his name of office; and by that name he is hereby authorized to sue for and recover all sums of money, or any property due from any person to any former Warden of said Prison, or to the people of this State, on account of said Prison.

Shops and vacant grounds may be leased—for what length of time

SEC. 22. The shops and such vacant grounds as the Inspectors may deem proper, may be leased by the Inspectors and Warden to parties from whom they may be able to obtain the highest and best price, and for such length of time as they may deem for the interest of the State, but not for a longer term than three years, at any one time.

All able-bodied convicts may be let to service

SEC. 23. The Warden and Inspectors may let to service all able bodied convicts confined in the Prison, except such as may be precluded by the terms of their sentence, to the lessee or lessees of the Prison shops and fixtures, for such a term of years as they may deem proper, not to exceed three years at any one time, for the highest and best price they can obtain: *Provided*, Such contract shall be approved by the Governor and Auditor of State.

All rents, revenues, &c. to be paid to the Warden

SEC. 24. The rents, revenues and profits derived from the leasing of the Prison shops, grounds and convict labor, together with all charges for maintaining other than State convicts, shall be paid to the Warden and by him paid into the State Treasury.

Who to make contracts for furnishing provisions, fuel, lights

SEC. 25. The necessary provisions, fuel, lights, clothing, bedding, medicines, and all other supplies for the Prison, shall be furnished by contract when the same is practicable, to be made by the Warden under the direction of the Inspectors, with such persons as may be willing to furnish the same on the best terms.

SEC. 26. All contracts made by the Warden shall be reduced to writing, and a copy of the same shall be sub-

mitted to the Inspectors at their first meeting held there-
after, and a copy of the same filed in the office of the
Prison.

All contracts to
be reduced to
writing

SEC. 27. No officer of the Prison shall employ the con-
victs on work in which he or any other officer may have
a personal interest.

What work con-
victs may not be
employed upon

SEC. 28. The Warden shall keep a regular and cor-
rect account of all moneys received by him from every
source by virtue of his office, including all moneys taken
from convicts or received from proceeds of property
taken from them, and of all moneys paid by him, and the
person to whom, and the purposes for which the same
were paid, and to make out and deliver to the Inspectors
quarterly, a statement duly verified, of all moneys re-
ceived and paid by him on account of the Prison, speci-
fying from whom received, and to whom paid, and on
what account, and the balance remaining in his hands at
the time of rendering such account.

To keep a correct
account of all
moneys received

SEC. 29. The Warden shall annually, on the last day
of November in each year, close his accounts, and on or
before the fifth day of December next thereafter, shall
render to the Auditor of the State, a full and true account
of all moneys received by him, and of all moneys expen-
ded by him on account of the Prison, with sufficient
vouchers therefor, which account shall be duly verified
by the Warden.

When to make
annual settle-
ment

SEC. 30. The Warden shall annually, on or before the
third day of December, in each year, make and deliver
to the Inspectors of the Prison, a report exhibiting a
complete and detailed statement of the transactions of
the Prison, during the year preceding, stating the
number of convicts confined therein, and all other
matters relating to the Prison, and the management
thereof.

When to make
report to Board
of Inspectors

SEC. 31. It shall be the duty of the Warden to report
to the Secretary of State on the first Monday of Decem-
ber in each year, the names of all convicts pardoned the
preceding year, the counties in which they were tried,
and the terms for which they were sentenced.

When to make
report to Secre-
tary of State

SEC. 32. When several convicts, or any convict alone,
shall offer violence to any officer or Guard of the Prison,
or to any other person or convict, or attempt to do any
injury to the buildings or any workshop, or to any ap-
purtenances thereof, or disobey and resist any reasonable
command of any officer or Guard, such officers and

Convicts offering
violence, duty of
guards

Guards shall use all reasonable means to defend themselves, and to enforce the observance of discipline.

Duty of guards in case convicts resist the authority of any officer

SEC. 33. If any convict shall resist the authority of any officer, Keeper, or Guard of the Prison, or refuse to obey any lawful command, it shall be the duty of such officer, Keeper, or Guard, immediately to enforce obedience by the use of such weapons or other aid as may be necessary for the purpose, and if in so doing any convict, thus resisting, shall be necessarily wounded or killed by such officer or his assistants, they are justified and shall be held guiltless.

Removal of convicts in case of contagious disease

SEC. 34. In case any pestilent or contagious disease shall break out among the convicts in the Prison, the Inspectors and Warden may cause such convicts to be removed to some secure and suitable place, where such as may be sick shall receive all necessary care and medical attendance.

To receive U. S. criminals—expenses how paid

SEC. 35. It shall be the duty of the Warden of the Prison to receive therein, and safely keep, and subject to the discipline of the Prison, any criminal convicted of any crime against the United States, and sentenced to confinement therein, by any Court of the United States, sitting within this State, until such sentence shall be executed, or until such convict shall be discharged by due course of law, the United States supporting such convict, and paying the expenses of executing such sentence.

No officer to have interest in business connected with Prison

SEC. 36. No Inspector, Warden, or other officer of the Prison, shall be connected with, or have any interest in the business or shops connected with the Prison.

Disposition of property belonging to convicts

SEC. 37. It shall be the duty of the Warden to take charge of any property that convicts may have at the time of entering the Prison, and if the same is of the value of five dollars or more, may sell the same and place the proceeds at interest, for the benefit of such convict, his or her representative, when he or she may leave the Prison; and shall keep a correct account of all such property, and the proceeds thereof.

Duty of Warden upon discharge of prisoner

SEC. 38. When any convict shall be discharged from the Prison, the Warden shall furnish such convict with a decent suit of clothes, (if he or she shall not already be provided for,) at the expense of the State, and shall pay such convict from any funds belonging to the Prison, a sum of money not exceeding ten dollars to any one as he may deem necessary. The Warden shall

furnish at the expense of the State, a Bible to each convict who can read.

SEC. 39. Whenever there shall be cells sufficient, each prisoner shall be confined in separate cells.

When prisoners to be confined in separate cells

SEC. 40. The clothing and bedding for the convicts shall be of coarse material, and they shall be supplied with a sufficient quantity of substantial and wholesome food.

Of what material clothing, bedding and food to be

SEC. 41. No person shall, without the consent of the Warden, bring into or carry out any writing or any information to or from any convict.

No written information to be carried to or from convicts

SEC. 42. The following persons shall be allowed to visit the Prison at pleasure: the Governor, Lieutenant Governor, Members of the Legislature, all State officers and regularly authorized Ministers of the Gospel, and no other person shall be permitted to go within the walls of the Prison, without the special permission of the Warden.

Who allowed to visit the Prison

SEC. 43. When any convict shall be delivered to the Warden, the officer having such prisoner in charge, shall deliver to the Warden a certified copy of the sentence received by such officer, from the clerk of the court where such convict was tried, and shall take from the Warden a certificate of the delivery of such convict, and such certified copy of the sentence shall be evidence of the facts therein contained.

To deliver to Warden certified copy of sentence

SEC. 44. When any convict shall escape from the Prison, it shall be the duty of the Warden to use all proper means for the apprehension of such convict, and for this purpose he shall offer a reward not to exceed one hundred dollars and not less than twenty-five dollars; *Provided*, That if such escape was by reason of the negligence of the Warden or of any officer under him, the reward thus offered shall be paid by the Warden.

Duty of Warden in case of escaped prisoner

SEC. 45. All suitable rewards and other sums of money paid for advertising any convict, shall be approved by the Board of Inspectors, and paid out of the State Treasury.

All moneys paid to be approved by the Board

SEC. 46. The necessary expenses and legal fees of Sheriffs and other officers, incurred in conveying convicts to the State Prison, shall be approved by the Auditor of State, and shall be paid out of the State Treasury. Said Auditor may allow for said expenses and fees the following rates: For team and driver employed in conveying convicts to the Prison, three dollars per day; for Sheriff,

Sheriff's fees and expenses incurred

three dollars per day; for each assistant or guard absolutely necessary, one dollar and fifty cents per day; and such sum as may be necessary and reasonable for traveling expenses. Forty miles per day shall be the estimate for a day's travel.

No liquors to be brought upon the premises SEC. 47. No spirituous or fermented liquors shall be, under any pretence whatever, brought into or upon the premises of the Prison, except by the direction of the Prison Physician.

For defraying expenses of Prison SEC. 48. The Auditor of the State is hereby authorized and required to draw his warrant on the State Treasury, for such sums as the Inspectors may from time to time direct, for defraying the proper and necessary expenses of the Prison.

Uniform rules and fees for visitors SEC. 49. It shall be lawful for the Inspectors to establish uniform rules and fees for the admission of visitors within the Prison.

Who to be exempt from military and jury duty SEC. 50. The Warden, Deputy Warden, Inspectors, Physician, assistant Keepers, and Guards, shall be exempt from military and jury duties, while actually employed by the State as such officers.

Copies of annual report to be printed for Prison SEC. 51. There shall be printed annually, one hundred copies of the annual report of the Inspectors and Warden, for the use of the Prison, and the Warden shall forward a copy of the same, to each of the State Prisons in the United States.

When accounts to be settled by State Auditor SEC. 52. On the removal or resignation of the Warden, the Auditor of State shall settle the accounts of such Warden, on the presentation of his books, accounts, and vouchers, duly authenticated, for such purpose.

In case of vacancy in the office of Warden who to officiate SEC. 53. Whenever there shall be a vacancy in the office of Warden, or the Warden shall be temporarily absent, all the duties of Warden shall devolve upon, and be performed by the Deputy Warden, until the vacancy be filled, or the Warden return.

Duty of Physician SEC. 54. The Physician shall keep a register of all convicts placed under his care, the disease with which they are afflicted; also of the decease of any convicts, stating their names, age, time and cause thereof.

What to be deemed public property SEC. 55. All books, accounts, documents, registers, and reports shall be deemed public property, of which the Warden shall preserve at least one copy of each.

SEC. 56. The Warden of the Prison shall cause to be kept a record of each and all infractions of the rules of discipline by convicts, with the names of the convict

or convicts offending, and the date and character of each offence; which record shall be placed before the Inspectors at each regular meeting of the Board, and every convict who shall have been sentenced for a term of years, whose name does not appear upon such record of reports, shall be entitled to a deduction of one day per month from his sentence, for each month he shall continue to obey all the rules of the Prison, for the period of one year from the passage of this act.

To keep record of all infractions of rules of discipline—for what purpose

SEC. 57. All such convicts who shall have been entitled to a deduction of one day per month, according to the provisions of the above section, shall, for a like faithful observance of all the rules for the second year, be entitled to a deduction of two days per month; and if any convict shall continue his good deportment for the remainder of the term of his sentence, after the expiration of two years, he shall be entitled to a deduction of four days per month, until his term shall expire.

Deduction of term of sentence of convicts

SEC. 58. If any convict shall be guilty of a willful violation of the rules of the Prison, after he shall have become entitled to a diminution of service to which he has been sentenced, the Inspectors shall have the power to deprive such convict of all or a portion of the deductions from the term of his sentence, to which he had previously become entitled, by virtue of the provisions of this act, and it shall be the duty of the Inspectors to direct the discharge of such convict, when he shall have served out his sentence, less the time which shall be deducted therefrom, by virtue of the provisions of this act.

When convict may be deprived of deduction

SEC. 59. The Warden shall be entitled to the use of the house built for the Warden, and the necessary fuel and lights for the same, to be supplied from the common stock of the Prison, free of charge.

Place of residence of Warden

SEC. 60. There shall be stipulated in each and every lease made of any or all the Prison shops and fixtures, a provision providing for the constant employment of all convicts in the State Prison, during the continuance of such lease.

Provision for constant employment of all convicts

SEC. 61. The provisions of this act shall not affect or alter the terms of the present officers of the State Prison, nor of existing contracts.

Not to affect the term of present officers nor existing contracts

SEC. 62. All Courts and Judges on passing sentence upon any person to confinement in the State Prison, shall whenever the same is practicable, so fix the term of im-

Expiration of term of confinement

prisonment, that it will expire between the first day of April and the first day of November.

SEC. 63. This act shall take effect, and be in force from and after its passage.

Approved, March 2, 1863.

CHAPTER VII.

An Act providing for the erection of a New Building for Cells, at the State Prison.

- SECTION 1. Warden authorized to contract for the erection of a new building for cells—of what material to be built—what number of cells to contain.
2. Plan and estimate to be approved by Governor and Board of Inspectors—to advertise for furnishing material and doing the work—contract to be given to the lowest bidder.
 3. Limitation of cost.
 4. When act to take effect.

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

Who to contract for the erection of a new building—how many cells to contain

SECTION 1. The Warden of the State Prison, with the concurrence of the Board of Inspectors, is hereby authorized to contract for, and cause to be erected, a new building for cells, within the prison walls at Stillwater. The said building shall be of stone, and of sufficient size to contain eighty cells. The walls shall be erected, and the building enclosed during the present year, and the cells shall be provided from year to year as they may be needed.

Plan to be approved by Governor and Board of Inspectors—to advertise for material and for doing the work

SEC. 2. The said Warden shall cause to be prepared a plan and estimate for the said building, which he shall submit to the Board of Inspectors, and to the Governor, and upon being approved by a majority of said Inspectors, and by the Governor, he shall advertise in the newspaper authorized to publish the laws, and in a newspaper published at Stillwater, for four weeks, for sealed proposals for furnishing the materials, and doing the work, for the erection of the walls, and enclosing said building; and at the time specified in such advertise-