

peal, in her own name alone, to the court of law or equity for redress and protection that her husband has to appear in his name alone; *Provided*, this act shall not confer upon the wife a right to vote or hold office, except as is otherwise provided by law.

SEC. 2. All laws or portions of laws, inconsistent with the foregoing are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved Feb. 2nd, 1887.

CHAPTER 208.

[S. F. No. 289.]

AN ACT ENTITLED AN ACT TO ESTABLISH THE MINNESOTA REFORMATORY AT ST. CLOUD, MINNESOTA, AND TO PROVIDE FOR THE GOVERNMENT THEREOF.

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

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SECTION 1. There is hereby established on section seven (7), township thirty-five (35), range thirty (30), in the county of Sherburne, in this state, a State Reformatory.

State reformatory. 64034

SEC. 2. The government of said reformatory shall be under the control of a board of managers, consisting of six (6) citizens of this state, which board shall have general superintendence of said reformatory and shall conduct the same on non partizan principles. They shall have no compensation for their services, but shall be allowed their reasonable traveling and other official expenses. The following named persons shall constitute the first board of managers of said reformatory, whose term of office, set opposite their names herein, shall date from the approval of this act by the governor: Gordon E. Cole, of Rice county, term of office six (6) years; John Cooper, of Stearns county, term of office five (5) years; Robert Smith, of Ramsey county, term of office four (4) years; H. S. Griswold, of Fillmore county, term of office three (3) years; T. H. Barrett, of Stevens county, term of office two (2) years; G. W. Holland, of Crow Wing county, term of office one (1) year. The succeeding members of said board of managers shall be appointed by the governor by and with the advice and consent of the senate as soon as the respective terms of office aforesaid shall expire. They shall hold their office for six (6) years each and until their successors are appointed,

Board of managers.

provided that not more than three (3) persons, comprising said board, shall be appointed from the same political party, and that the appointments to fill vacancies occurring before the expiration of the term shall be for the unexpired term. Whenever a vacancy shall occur in said board of managers, by the refusal of either of the members thereof to act, or otherwise, such vacancies shall be filled by the governor, by and with the advice and consent of the senate, and when the senate is not in session by the governor, subject to the consent and approval of the senate, when it shall convene. The governor may remove any of the managers for misconduct, incompetency or neglect of duty, after opportunity shall be given them to be heard on written charges.

General super-
intendent.

246.82

SEC. 3. The board of managers shall appoint a general superintendent and shall have power to remove him for cause, after opportunity shall be given him to be heard upon written charges. All other officers shall be appointed by the superintendent and removable at his pleasure.

Accounts.

SEC. 4. The board of managers shall examine all the accounts, expenditures and vouchers relating to the business of the reformatory, monthly, and shall certify their approval or disapproval of the same to the Auditor of the State.

Managers to
have general
charge.

SEC. 5. Said board of managers shall have the charge and general superintendence of the grounds, and the grading and improvement thereof, and of the construction of the reformatory and the necessary shops and appurtenances, and they are hereby authorized to purchase the necessary building materials for the same and employ all the necessary labor. All purchases of materials and supplies to the amount exceeding five hundred (500) dollars shall be made by contract and awarded to the lowest responsible bidder, after notice published for two (2) weeks in one daily newspaper published at the capital of the state, and in each of the newspapers published in the county where the reformatory is located, when sealed proposals will be received for the supply of the materials and supplies required.

Purchases
made by con-
tract

Board to re-
port to gov-
ernor.

246.06

SEC. 6. It shall be the duty of such board of managers, on or before the tenth (10th) day of January in each year to report to the governor the condition of said reformatory and their proceedings in regard to the inmates, the progress of the work of construction, the amount of money expended, and of the current expenditures in the conduct and management of such reformatory, with a detailed statement thereof, with such recommendations as the board of managers may deem proper

SEC. 7. The annual compensation of the several officers,

keepers, guards and teachers of the reformatory shall be fixed by the said board of managers, in their discretion, at sums not exceeding the following: For the superintendent, thirty-five hundred (\$3,500) dollars; to the physician, one thousand (\$1,000) dollars; to the principal keeper one thousand (\$1,000) dollars; to the clerk, one thousand (\$1,000) dollars; to the chaplain, one thousand (\$1,000) dollars, who shall perform such duties as teacher as shall be assigned to him by the board of managers, without additional compensation; to the storekeeper, six hundred (\$600) dollars; to the hall-keeper, six hundred (\$600) dollars; to the yard-keeper (\$600) dollars; to the keepers, each, five hundred (\$500) dollars; to the guards, each, forty (\$40) dollars per month; to the sergeant of the guard, six hundred (\$600) dollars; to the teachers, each, three hundred (\$300) dollars; all of said officers, except the physician, shall be boarded and lodged at the expense of the state, and if, for any reason, the term of service of any of them shall terminate before the end of the year, their compensation shall be paid only for the term of service at the rate of the annual compensation above provided, and such salaries shall be in full for all services performed by them.

Compensation of officers.

SEC. 8. Every officer who shall be appointed in pursuance of the provisions of this act, shall take and file in the office of the secretary of state, within fifteen (15) days after his appointment, the constitutional oath of office, and the superintendent and such other officers, as shall be required by the state auditor so to do shall respectively give bonds to the state in such penalty and with such sureties as the state auditor shall approve conditioned for the faithful performance of their duty as required by law.

Officers to file oath of office and give bonds.

246.03

SEC. 9. Any person who shall be convicted of an offence, punishable by imprisonment in the Minnesota State Reformatory, and who, upon such conviction, shall be sentenced to imprisonment therein, shall be imprisoned according to this act and not otherwise.

SEC. 10. Any person not exceeding thirty (30) years of age, nor less than sixteen (16) years of age, who has never before been convicted of crime, may, in the discretion of the court before which such person is tried, be sentenced to said reformatory.

Who shall be sentenced to reformatory.

640.35

SEC. 11. Every sentence to the reformatory of a person hereafter convicted of felony or misdemeanor, shall be a general sentence to imprisonment in the Minnesota State Reformatory at St. Cloud, and the courts of this state imposing such sentence shall not fix the limit or duration thereof. The term of such imprisonment of any person so convicted and sentenced shall be terminated by the managers of the reformatory as authorized by this act, but such imprisonment shall not exceed the maximum term provided

Courts shall not fix limit of sentence.

by law for the crime for which the prisoner was convicted and sentenced, nor be less than the minimum term provided by law.

Clerks of courts to furnish officers record of trial and conviction

SEC. 12. Every clerk of any court by which a criminal shall be sentenced to the Minnesota State Reformatory shall furnish the officers having such criminal in charge a record, containing a copy of the indictment and of the plea, the name and residence of the judge presiding at the time, also the jurors and witnesses sworn on the trial, such synopsis of the testimony as the judge may direct, the charge of the court, the verdict, the sentence pronounced and the date thereof, which record, duly certified by the clerk under his hand and official seal, may be used as evidence against such criminal in any proceeding taken by him for a release from imprisonment by habeas corpus. The said synopsis of the testimony taken on the trial and of the charge of the court shall be furnished to the clerk for the purposes of this act by the stenographer acting upon the trial, or, if no stenographer be present, by the county attorney of the county. The stenographer or county attorney furnishing such copy shall be entitled to such compensation in every case in which they shall perform the duties required by this act as shall be certified to be just by the presiding judge at the trial, and shall be paid by the county in which the trial is had as part of the court expenses. The clerk shall also, upon any such conviction and sentence, forthwith transmit to the superintendent of the reformatory notice thereof.

Who shall convey criminals to reformatory.

SEC. 13. Upon the receipt of such notice, the superintendent, in person, or a subordinate officer of the reformatory, by said superintendent for that purpose duly delegated, shall proceed to the place of the trial and conviction, and the sheriff, or keeper of the jail, having the custody of the convict, shall deliver him to such superintendent or delegated officer with the record of his trial and conviction, as made up by the clerk, and such convict shall thereupon be conveyed to the reformatory, the expense of which conveyance shall be charged against and paid out of the earnings or other funds of the reformatory.

Power to transfer certain criminals to state prison at Stillwater.

SEC. 14. The board of managers shall have power to transfer to the state prison at Stillwater any prisoner, who subsequently to his committal shall be shown to have been at the time of his conviction more than thirty (30) years of age, or to have been previously convicted of crime; and may also transfer any apparently incorrigible prisoner whose presence in the reformatory appears to be seriously detrimental to the well being of the institution, to the state prison, and such managers may, by written requisition, require the return to the reformatory of any person who may have been so transferred. They may also

246.14

with the advice and consent of the warden of the state prison, cause to be transferred any person or prisoner confined in the state prison who is serving out his first sentence in the state prison to the reformatory.

Such board of managers shall also have power to establish rules and regulations, under which prisoners within the reformatory may be allowed to go upon parole outside of the reformatory buildings and inclosures, but to remain while on parole in the legal custody and under the control of the board of managers and subject at any time to be taken back within the inclosure of said reformatory and full power to enforce such rules and regulations and to retake and to reimprison any convict so upon parol, is hereby conferred upon said board, whose written order, certified by its secretary, shall be a sufficient warrant for all officers named in it to authorize such officers to return to actual custody any conditionally released or paroled prisoner, and it is hereby made the duty of all officers to execute said order, the same as ordinary criminal process.

Power to establish certain rules and regulations.

The said board of managers shall also have power to make all rules and regulations necessary and proper for the employment, discipline, instruction, education, removal, temporary or conditional release and return as aforesaid of all the convicts in said reformatory.

The board of managers are hereby authorized to receive and retain, during their term of sentence to the state prison, such prisoners so transferred from said state prison as aforesaid, and the laws applicable to the convicts in the state prison, so far as they relate to the commutation of imprisonment for good conduct, shall be applicable to said convicts when so transferred.

SEC. 15. It shall be the duty of said board of managers to maintain such control over all prisoners committed to their custody as shall prevent them from committing crime, but secure their self support and accomplish their reformation. When any person shall be received into the reformatory upon direct sentence thereto, the superintendent shall cause to be entered in a register the date of such admission, the name, age, nativity, nationality, with such other facts as can be ascertained of parentage, of early social influences, as seem to indicate the constitutional and acquired defect and tendencies of the prisoner, and based upon these an estimate of the present condition of the prisoner, and the best probable plan of treatment. Upon such register shall be entered, quarter-yearly or oftener, minutes of observed improvement or deterioration of character, and notes as to methods of treatment employed, also all orders or alterations affecting the standing of such prisoner, the circumstances of the final release and any subsequent facts of his or her personal history which may be brought to the knowledge of said superintendent.

Register to be kept.

246.13

System of marks for credit and debit.

SEC. 16. The board of managers shall, under a system of marks or otherwise, fix upon a uniform plan under which shall be determined what number of marks or what credit shall be earned by each prisoner confined in the reformatory under the provisions of this act, as the condition of increased privileges or of release from their control, which system shall be subject to revision from time to time. Each prisoner so confined shall be credited for good personal demeanor, diligence in labor and study and for results accomplished, and be charged for derelictions, negligences and offences. An abstract of the record in the case of each prisoner remaining under the control of said board of managers shall be made up semi-annually, considered by the managers at a regular meeting and filed with the secretary of state, which abstract shall show the date of admission, the age, the then present situation, whether in the reformatory or state prison or elsewhere, whether any and how much progress or improvement has been made, and the reason for the release or continued custody, as the case may be. The managers shall establish rules and regulations by which the standing of each prisoners' account of marks or credits shall be made known to him as often as once a month, and may make provision by which the prisoner may see and converse with some one of said managers during every month. When it appears to said managers that there is a strong or reasonable probability that any prisoner will live and remain at liberty without violating the law, and that his release is not incompatible with the welfare of society, they shall issue to such prisoner an absolute release from imprisonment, provided that the minimum term prescribed by law has expired, and shall certify the fact of such release and the grounds thereof to the governor. The governor may thereupon in his discretion restore such person to citizenship. But no petition or other form of application for the release of any prisoner shall be entertained by the managers.

Supervision of persons on parol.

SEC. 17. The said managers may appoint suitable persons in any part of the state charged with the duty of supervising prisoners who are released on parols, and who shall perform such other lawful duties as may be required of them by the managers, and such persons shall be subject to direction and removal by said managers and shall be paid for the duties actually performed under the direction of said managers, a reasonable compensation for their services and expenses. The same shall be charged upon and paid from the earnings or other funds of the reformatory.

Education and instruction of prisoners.

SEC. 18. The board of managers shall make suitable provision for the education and instruction of the prisoners in the trades or employments for which they shall seem best fitted, provided that said board shall retain the control of the convict labor in their own hands.

256.65

The system of convict labor is prohibited in said reformatory.

Convict labor prohibited.

SEC. 19. It shall be the duty of said board of managers, either by the allotment of piece-work to the convict and crediting him with all overwork at the current rates which similar labor commands, or in such other mode as may, in their discretion seem most desirable to make such provision for the pecuniary assistance of the prisoner on his discharge or the support of his family while he is in confinement as may seem to them proper, and that whenever any prisoner earns a greater sum per week than his actual expenses for board and clothing, to the state, that all such surplus shall belong to such prisoner; not more than one-half of it shall be used under the direction of the prisoner for the support of those dependent on him; and the remainder shall be paid to such prisoner at his discharge in sums of not more than five dollars per week until the fund so accumulated is exhausted. And it shall be the duty of said board of managers, either themselves or through some prisoners' aid society to be organized by them, to exercise a supervision over all discharged prisoners with a view to keep them in the paths of honesty.

Pecuniary assistance of prisoners.

SEC. 20. That there shall be appropriated from the monies in the treasury of this state not otherwise appropriated for the purpose of erecting and maintaining the said reformatory and for carrying out the provisions of this act the sum of fifty thousand (50,000) dollars for the year A. D. eighteen hundred and eighty-eight (1888) and the sum of fifty thousand (50,000) dollars for the year A. D. eighteen hundred and eighty-nine (1889). Said monies shall be paid out by the treasurer of this state on orders signed by the chairman of the board of managers of said reformatory attested by the secretary thereof.

Appropriations.

SEC. 21. All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 22. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved March 2d, 1887.