

prior to the time the inspector or inspectors, have after the application has been made provided for in this act, notified the persons affected that they are ready to make the inspection as herein provided for.

SEC. 15. Chapter one hundred and forty-eight (148) of the general laws of Minnesota for eighteen hundred and eighty-five (1885), and all acts and parts of acts inconsistent with this act are hereby repealed.

Acts repealed.

SEC. 16. The board of boiler inspectors may appoint one (1) or more deputies in the several counties of this state, which deputies shall have the same qualifications as are herein prescribed for boiler inspectors, and shall qualify by taking the oath prescribed by section two (2) of this act, and such deputies shall have the authority within the county for which they are appointed as the chief boiler inspectors under the provisions of this act.

Deputies.

SEC. 17. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved April 24, 1889.

CHAPTER 254.

[S. F. No. 217.]

AN ACT TO PROVIDE FOR THE MANAGEMENT OF THE STATE PRISON AT STILLWATER AND TO APPROPRIATE FOR THE EXPENSE OF SAID PRISON ANY FUNDS ARISING FROM THE LABOR OF PRISONERS, AND OTHER MISCELLANEOUS RECEIPTS OF THE PRISON.

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

State prison located at Stillwater.

SECTION 1. *State Prison located at Stillwater.*—There shall continue to be maintained for the confinement and reformation of convicts in this state a prison at Stillwater, in the county of Washington.

Managers, how appointed, term of office.

SEC. 2. *Managers—How appointed—Term of office.*—That the government and control of the Minnesota state prison, and of the prisoners sentenced thereto, shall be vested in a board of managers, to consist of five (5) members, no more than three (3) of whom shall belong to the same political party, to be appointed by the governor, one (1) from each congressional district of the state, by and with the consent of the senate; one (1) to serve one (1) year, one (1) two (2) years, one (1) three (3) years, one (1) four (4) years and one (1) five (5) years, as may be designated by the governor at the time of their appointment; and at the expiration of the term of each member of the board, his successor shall be appointed in the manner and by the authority as hereinbefore provided, but for the term of five (5) years.

Whenever a vacancy occurs in the board of managers otherwise than by the expiration of the term of a manager such vacancy shall be filled by appointment of the governor, by and with the consent of the senate, for the unexpired term; *Provided*, that the governor may remove any member of the board of managers for cause, but no member shall be removed until he shall have been allowed a hearing by the governor.

Organization of the board of managers.

SEC. 3. *Organization of the board of managers.*—Immediately after their appointment and confirmation as herein provided, the board of managers shall convene in the city of Stillwater, and shall organize by electing one (1) of their number as president of the board, to serve one (1) year and until his successor is elected. Three (3) members of the board shall constitute a quorum for the organization of the board and for the transaction of all business; but for the appointment and removal of the warden, and any business relating thereto, a concurrent vote of at least a majority of the members of the board, voting by yeas and nays, shall be necessary at any regular meeting of said board.

The members of the board of managers shall receive as compensation for their services as such managers, the sum

of five (5) dollars per diem for the time actually employed, not to exceed, however, one hundred (100) days in each year, and in addition the amount of six (6) cents per mile going and coming from their respective residences.

SEC. 4. *Duties of the board of managers.*—The board of managers shall meet once in each month at the prison, and inspect the same. They shall make all necessary rules and regulations for the direction and government of all the officers of the prison; they shall make such rules and regulations for the government of the prisoners as shall best promote their reformation, and generally, as may from time to time be promotive of the purpose of this act. In order that good behavior may be properly rewarded, they shall provide in the said rules and regulations for a correct daily record of the conduct of each convict, and his fidelity and diligence in the performance of his work, and also, in conjunction with the board of managers of the state reformatory, such rules and regulations as may be necessary for the transfer of any of the prisoners confined therein to the state reformatory, under the provisions of section twenty-two (22) of chapter two hundred and eight (208) general laws of one thousand eight hundred and eighty-seven (1887). And such rules and regulations, with their proceedings at each meeting, shall be recorded by the secretary, who shall attend their meetings for that purpose; *Provided*, That special meetings may be called by the president of the board, or by the secretary of the board upon the request of two members thereof. They shall inquire into any improper conduct which may be alleged to have been committed by the warden or any other officer or employe of the prison, and for that purpose the president of the board may issue subpoenas to compel the attendance of witnesses, and the production of books, papers and writings before the board, in the same manner and with like effect as in cases of arbitration. And the board may examine any witnesses produced before it on oath, to be administered by the president of the board, or, in his absence, by any member thereof.

Duties of the board of managers.

They shall make to the governor every two (2) years, on or before the first (1st) day of December, a full report of all their doings during the biennial period, together with an abstract of the financial transactions of the prison, an estimate of the funds necessary to be appropriated by the legislature for the prison, and such other information and recommendations as they may see fit to offer. They shall transmit with such report to the governor the biennial reports made to them by the warden, treasurer, physician, chaplain and principal teacher.

SEC. 5. *Officers appointed by the board of managers.*—The board of managers shall appoint a warden who from practical experience possesses the ability and qualifications necessary to successfully carry on the industries of the prison, and who possesses the executive ability essential to

Officers appointed by the board of managers.

the proper management of the officers and other employes under his jurisdiction, and to the enforcement and maintenance of proper discipline in every department. Said warden shall hold his office at the pleasure of the board of managers.

The board shall appoint a prison physician (who shall be a surgeon), chaplains and a principal teacher, who shall hold their offices during the pleasure of the board. They shall have the power to designate some solvent national bank located in the city of Stillwater to be the treasurer and custodian of the funds of the prison.

Officers and employes appointed by the warden.

SEC. 6. *Officers and employes appointed by the warden.*—The officers and employes of the prison, except those specified in section five (5), shall be appointed by the warden, subject to the approval of the board of managers, and shall hold office at the pleasure of the warden. The warden shall so appoint a deputy warden and an assistant deputy warden, a prison clerk, a steward, a hospital steward, a storekeeper and a matron, together with such guards and other officers as the board of managers may deem necessary for the proper management and discipline of the prison.

Board of managers to fix compensation of officers.

SEC. 7. *Board of managers to fix compensation of officers.*—The board of managers shall fix and determine the compensation of all officers and employes, payable in equal monthly installments; *provided* that the annual compensation of the following named officers shall not exceed the amounts named, viz: Warden, three thousand dollars (\$3,000), together with house rent, fuel and lights; deputy warden, two thousand dollars (\$2,000), together with house rent, fuel and lights; assistant deputy warden, twelve hundred dollars (\$1,200); clerk, fifteen hundred dollars (\$1,500); physician, one thousand dollars (\$1,000); chaplains, not exceeding twelve hundred dollars (\$1,200) altogether; principal teacher, seven hundred and fifty dollars (\$750); steward, twelve hundred dollars (\$1,200), with board and room; hospital steward, nine hundred dollars (\$900), with his board and room; all other employes such compensation as may be fixed by the board of managers. The steward, hospital steward and matron shall have board and rooms at prison, without any deduction made therefor from their salaries. The board of managers may allow such other employes of the prison as they deem proper to board at the prison at state expense.

Bonds of officers and oaths of office.

SEC. 8. *Bonds of officers and oaths of office.*—The warden, deputy warden, clerk and treasurer, before entering upon their official duties, shall give bonds with good and sufficient sureties, to be approved by the board of managers in such sums as the board of managers shall from time to time prescribe, subject to the approval of the public examiner. Said bond shall be conditioned upon the faithful discharge of the duties pertaining to said officers, and the

faithful care and due accounting for all public funds and property which may come under their charge. All officers of the prison before entering upon their duties shall take and subscribe to the proper oath of office. The oath and bond of the warden shall be filed in the office of the secretary of state. All other oaths and bonds shall be filed in the office of the warden.

SEC. 9. *Duties of the warden.*—It shall be the duty of the warden, under the rules and regulations adopted by the board of managers for the government of the prison:

Duties of the warden.

First—To be in constant attendance at the prison, except when necessarily absent or sick, in which case his duties during his absence or illness shall devolve upon the deputy warden, and in no case shall the warden and deputy warden be absent from the prison at the same time.

Second—To exercise a general superintendence over the government, discipline and police of the prison, and to superintend all the business concerns thereof, and generally to have charge of all the departments of the prison and its officers as its executive head.

Third—To examine daily into the state of the prison, and the health, conduct and safe-keeping of the prisoners, and inquire into the justice of any complaints made by any of the convicts relative to their provisions, clothing or treatment.

Fourth—To keep a daily journal of the proceedings of the prison, in which he shall note every infraction of the rules and regulations of the prison by any officer or guard thereof which shall come to his knowledge, and make a memorandum of every complaint made by any convict of cruel or unjust treatment by any officer of the prison, or of a want of good and sufficient clothing or food; and also of every infraction of the rules and regulations of the prison by any prisoner, naming him and specifying the offenses, and also what punishment and the extent thereof, if any, was awarded; which journal shall be laid before the board of managers at every stated meeting, and at every special meeting when demanded.

Fifth—To act as secretary of the board of managers, and as such secretary to attend the regular and special meetings of the board and preserve a record of the same, which shall be signed by the president and attested by the secretary. All books, accounts, documents, registers and reports shall be deemed public property, of which the warden shall preserve at least one copy of each, and the warden shall exhibit to the board of managers, or either of them, on demand, all the books, papers, accounts and writing pertaining to the prison, or to the business, government, discipline or management thereof, and render them every other facility in his power to enable them to discharge their duties.

Duties of the
warden.

Sixth—To purchase the necessary provisions, fuel, lights, clothing, bedding, medicines, and all other supplies for the prison, under the direction of the board of managers: provided, that medicines and hospital stores shall be purchased under the advice of the prison physician.

Seventh—To take charge of any property or money belonging to convicts which they may have at the time of entering the prison, or which may come into the hands of the warden during their imprisonment. *Provided that:*

(a) He shall cause a careful and accurate record of such money and property to be kept on books provided for that purpose.

(b) He may in his discretion give such money or property to the family of the convict, with the consent of the convict, taking their receipt therefor.

(c) Moneys coming into the hands of the warden from any allowance made to convicts by the state for good conduct, as hereinafter provided, shall be placed to the credit of the several convicts on the books kept for that purpose. When it can be ascertained that the family of any such convict is in a needy condition, it shall be the duty of the warden, by and with the consent and advice of the prison managers, to pay the money or such portion thereof as may be deemed necessary, to said family, taking vouchers therefor, and the warden shall keep a correct account of all convict money so received and disbursed by him, and make a full exhibit of the same in his biennial report to the board of managers.

In case any such convict has no family, or that it cannot be ascertained that his or her family are needy, then the several amounts due convicts under this act shall be placed to their several credits, and it shall be the duty of the warden to place the same to the credit of said convict in a savings bank to be designated by the board of managers, said bank to give such bonds as shall be prescribed by the board of managers.

No such funds shall be paid by the warden to any person other than the convict, or some member of his family, previous to his discharge from prison, unless the board of managers shall, by vote, authorize such payment, on request of the convict and recommendation of the warden.

When any such convict is discharged from prison, whether by expiration of sentence or pardon it shall be the duty of the warden to pay over to said convict all moneys so due, with interest which has accrued thereon, taking proper vouchers therefor; *provided*, that whenever in the judgment of the warden it is for the best interest of any discharged convict, he may pay the amount so due to said convict in installments extending over a period of not more than six months from the date of such discharge.

(d) When any convict shall die in prison, leaving mon-

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ey or other valuables to his or her credit to the amount of ten dollars (\$10) or more, it shall be the duty of the warden to pay the amount so due to the heirs or administrators of such deceased convict when they can be found; and in case no heirs or administrators can be found, the warden shall advertise in some weekly paper printed at the capitol for six (6) weeks in succession the death of such convict, stating the amount due such convict, the expense of such advertising to be paid from the money belonging to such deceased convict. Duties of the warden.
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In case no heir or administrator shall claim such funds within six (6) months after being advertised, they shall revert to the state of Minnesota and shall be paid by the warden to the treasurer of the prison. 24616

Eighth—To superintend any manufacturing and mechanical business that may be carried on by the state, pursuant to law, within the prison, to purchase tools, machinery and raw material, to sell the articles manufactured and dispose of them for the benefit of the state, and pay over the proceeds of such sales to the treasurer, under such rules as the board of managers shall prescribe. In case the labor of convicts is let, either on the contract or piece system, it shall be the duty of the warden to collect the amount due for such labor, from time to time, and pay over the same to the treasurer.

It shall be the duty of the warden, or the deputy warden under his direction, to assign the several convicts to such employment as he shall deem best, and to transfer such convicts from one branch of work to another, whenever in his judgment such change is desirable.

Ninth—To pay over all moneys received for the board of convicts, the labor of convicts, the rent of shops and offices the sale of manufactured goods, or waste material, and other miscellaneous cash receipts to the treasurer, on or before the last day of each month.

Tenth—On the removal or resignation of the warden, an inventory of all state property in his hands shall be made, and he shall turn over to the incoming warden or the board of managers, all such property, and shall take a receipt therefor, together with a receipt for all prisoners on his hands and the board of managers shall settle the accounts of such retiring warden, on the presentation of his books, accounts and vouchers, duly authenticated for that purpose.

Eleventh—The warden shall biennially, on or before the first (1st) day of October after the close of each biennial period, make and deliver to the board of managers a report exhibiting a complete and detailed statement of the transactions of the prison during the biennial period preceding, stating the number of convicts confined therein, and all other matters relating to the prison and the management thereof.

SEC. 10. *Duties of deputy warden.*—

First—Whenever there is a vacancy in the office of war-

Duties of the
deputy warden.

den, or the warden is temporarily absent, all the duties of warden shall devolve upon and be performed by the deputy warden until the vacancy is filled or the warden returns.

Second—The deputy warden shall have special charge of the discipline of the convicts and their assignment to labor, under the direction of the warden, and he shall perform such other duties as shall be prescribed by the rules of the prison or by the warden.

Third—When any convict is delivered at the prison it shall be the duty of the deputy warden, or acting deputy warden, to search the said convict in the presence of the receiving officer, and to take possession of the clothing and any money or other valuables which may be found on his person, and make a descriptive list then and there of said articles, with a record of the condition of the clothing, and the disposition made thereof. Upon the request of said convict it shall be the duty of the deputy warden to turn the clothing over to the storekeeper to be kept for said convict until his discharge, but in such cases the convict shall have no claim for clothing to be furnished by the state upon his discharge. All money and valuables shall be turned over to the warden to be kept for such convict, as provided by section nine (9) of this act: *provided*, that in the case of female convicts, these duties shall be performed by the matron.

SEC. 11. *Duties of the clerk.*—It shall be the duty of the clerk of the prison:

First—To attend at the prison daily during the proper business hours, unless by the direction of the warden or a member of the board he shall be otherwise engaged in transacting business on account of the prison.

Second—To keep the books and accounts of the prison in such manner as to clearly indicate all financial transactions relating to it; to also keep a register of convicts, in which shall be entered in alphabetical order the name of each convict, the crime of which he was convicted, the date of his conviction, time of sentence, from what county and by what court sentenced, his place of nativity, age, occupation, complexion, stature, number of previous convictions, and whether previously confined in a prison in this state, or any other state, together with when and how he was discharged. The board may require such additional facts to be stated on the register as it may deem proper.

Third—To make monthly expense lists for current expenses of each month, and separate monthly expense lists for the expenses incurred under special appropriations for each month. The said expense list shall show the name of each person rendering service or furnishing supplies, the nature of the service, and at what rate rendered, the quantity and kind of supplies furnished, and the amount to which each person is entitled by law. Said ex-

Duties of the
clerk.

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pense list shall be verified by the oath of the president of the board of managers and the warden, and shall be forwarded by the warden to the auditor of the state.

All bills or accounts against the state prison shall be made out and receipted in duplicate, and, on forwarding each expense list, the prison clerk shall also forward one set of vouchers for the preceding month. Vouchers shall be receipted in the following form: "Received of the warden of the Minnesota state prison an order on the treasurer of the state prison for dollars in payment of the within account."

SEC. 12. *Duties of the treasurer.*—The bank which shall be designated as treasurer of the state prison shall hold and safely keep all funds which may be deposited there-with on account of the state prison, and shall pay out the same only on orders signed by the warden and counter-signed by a member of the board of managers, who shall have been authorized by vote of the board to sign such order.

Duties of the treasurer.

SEC. 13. *Duties of the physician.*—It shall be the duty of the prison physician:

Duties of the physician.

First—To visit the prison daily and attend at all times to the wants of sick convicts, whether in the hospitals or in the cells, to bestow upon them all necessary medical service.

Second—In company with the deputy warden to examine weekly the cells of the convicts for the purpose of ascertaining whether they are kept in a proper state of cleanliness and ventilation, and if they are not so kept to point out to said deputy warden the deficiencies and report the same monthly to the board of managers.

Third—To prescribe the diet of sick convicts, and his directions in relation thereto shall be strictly followed, and to visit daily all convicts undergoing punishment, and to see that their health is not made to suffer unnecessarily thereby.

Fourth—To keep a daily record of all admissions to the hospital and all cases treated in the cells or elsewhere, recording such facts as may be required by the board of managers.

Fifth—To examine any convict claiming to be unable to work by reason of sickness, and if, in his opinion, such convict is unable to work, he shall immediately certify the same to the warden, and such convict shall thereupon be relieved from work and placed under medical treatment; and whenever said physician shall certify to the warden that such convict is able to work, said convict shall be required to work.

Sixth—To make a monthly report to the board of managers and a biennial report, setting forth such facts as said board of managers shall require.

Duties of the
chaplains.

SEC. 14. *Duties of the chaplains.*—It shall be the duty of the prison chaplains:

First—To hold religious services in the prison under such regulations as the board of managers and the warden may prescribe.

Second—To visit the convicts and attend to their spiritual wants, especially in time of sickness.

Third—To select books for the prison library, subject to the approval of the warden.

Fourth—To conduct suitable funeral services at the burial of each convict.

Fifth—To make a report to the board of managers at the close of each biennial period of the work performed and its results.

Sixth—To perform such other duties, not inconsistent with their calling, as the board of managers or the warden may approve and prescribe.

Duties of
principal
teacher.

SEC. 15. *Duties of the principal teacher.*—It shall be the duty of the principal teacher, under the direction of the warden, with the aid of such assistants as shall be appointed by the warden, and under such rules and regulations as may be established by the board of managers, to conduct one or more schools in the prison, for the instruction of such convicts as may be designated by the warden in the common branches of an English education. The management and discipline of the school shall correspond as nearly as practicable to the management and discipline of the common schools of the state.

The state superintendent of public instruction shall have general supervision of the school, shall require and receive quarterly reports of the condition thereof, upon blanks to be furnished from his office, and may limit and prescribe the text books to be used and course of study to be pursued in the school.

Duties of the
matron,

SEC. 16. *Duties of the matron.*—It shall be the duty of the matron:

First—To take entire charge of the female convicts, under the direction of the warden, subject to the rules and regulations established by the board of managers.

Second—To be in constant attendance at the prison and to be present invariably whenever the woman's department is unlocked, unless excused by the warden for temporary absence, in which case some competent woman must be provided to take her place.

Duties of the
steward.

SEC. 17. *Duties of the steward.*—It shall be the duty of the prison steward, under the direction of the warden:

First—To take charge of the kitchens, dining rooms, mess room and bakery,

Second—To have the custody of all provisions and commissary stores purchased for the prison. He shall check all goods received, from the invoice, making a memorandum when there is no invoice, and shall certify to the

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quantities received. He shall issue supplies only on requisitions signed by the warden or the prison clerk, and shall keep a correct record of all supplies received and issued.

Third—He shall turn over to the warden daily all cash receipts for sales of any articles belonging to the prison.

SEC. 18. *Duties of the hospital steward.*—It shall be the duty of the hospital steward to take charge of the hospital and the convicts therein under the direction of the warden and the physician. He shall have charge of the hospital stores and shall issue the same on written prescription of the physician.

Duties of the hospital steward.

SEC. 19. *Duties of the storekeeper.*—It shall be the duty of the storekeeper to have the custody of all the prison stores except commissary and hospital stores. He shall check all goods received from the invoice, making a memorandum when there is no invoice, and shall certify to the quantities received. He shall issue goods only on requisitions signed by the warden or the prison clerk, and shall keep a correct record of all stores received and issued.

Duties of the store-keeper.

SEC. 20. *Duties of other officers.*—Officers of the prison whose duties are not defined in this act shall perform such duties as may be prescribed by the rules and regulations established by the board of managers, or may be assigned by the warden; and officers whose duties are herein defined shall perform such other or additional duties as may be assigned to them by the warden at any time; and all vacancies in such offices shall be filled in the same manner in which appointments are made.

Duties of other officers.

SEC. 21. *Managers and officers not to be interested in contracts.*—No member of the board of managers shall be warden of the prison or concerned in the business thereof, or hold any other appointment or place connected with the prison, and no person shall be appointed as a member of said board or to any office or employment of the state in the prison, who is a contractor in the prison or the agent or employe of such contractor, or who is interested directly or indirectly, in any business carried on in such prison. And no member of the board of managers or any other officer or employe of the prison shall be interested, directly or indirectly, in any contract, purchase or sale, for or on account of the prison.

Managers and officers not to be interested in contracts.

No person shall be appointed as an officer or employe of said prison who is in the habit of using intoxicating liquors, and a single act of intoxication shall justify a removal or discharge.

SEC. 22. *Prison officers not to receive other compensation than that provided by law.*—No officer shall receive, directly or indirectly, any other compensation for his services than that prescribed by law, nor shall he receive any compensation whatever, directly or indirectly, for any act or service which he may do or perform for or on behalf of

Prison officers not to receive other compensation than that provided by law.

any contractor, either for the labor of the prison or for constructing buildings or furnishing of supplies; and a contractor, or employe, or agent of a contractor, concerned in such violation shall be expelled from the prison, and not again permitted within it as a contractor, agent or employe. Nor shall any officer, or employe of the prison receive any gift from a convict, or any money or other consideration for any service rendered or to be rendered for any convict. For every violation of this section the party engaged therein shall be discharged from office, and disqualified thereafter from holding any office in the prison.

Business transactions to be in the name of the warden.

SEC. 23. *Business transactions to be in the name of the warden.*—All the transactions and dealings of the prison, except as otherwise provided by law, 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, in all matters concerning the said prison, by his name of office, and by such name he is hereby authorized to sue for and recover all sums of money, or any property due from any persons to any former warden of said prison, or the people of this state on account of said prison.

Miscellaneous receipts to be paid into the state treasury and appropriated for expenses of the prison.

SEC. 24. *Miscellaneous receipts to be paid into the state treasury and appropriated for the expenses of the prison.*—All moneys received for the board of convicts, the labor of convicts, the rent of shops and offices, the sale of manufactured goods or waste materials, and other miscellaneous cash receipts, shall be paid over monthly by the institution treasurer on a proper order, to the state treasurer, and shall be accompanied by a statement showing from what sources such funds have been received, and it shall be the duty of the state treasurer to notify the auditor of state when such funds are received by him. The auditor of state shall thereupon credit the amount so reported on his books to the state prison, adding it to any appropriation which shall have been made by the legislature for the support of the prison, the purchase of raw material, or the carrying on of industries in the prison, and there is hereby appropriated for the support of the prison, the purchase of raw material, or the carrying on of industries in the prison in addition to the amounts appropriated by the legislature from time to time, all of the miscellaneous receipts above mentioned.

Maintenance of the prison library.

SEC. 25. *Maintenance of prison library.*—The board of managers shall appropriate the fees received from visitors to be expended in the purchase of books and periodicals for the use of the prison library; said library shall be selected by the chaplains subject to the approval of the warden, and shall be kept within the walls of said prison, and shall at all times be open for the free use of said convicts, under such rules and regulations in reference to the distribution of the books in said library as said managers may prescribe. No book in said library shall be loaned to

any person other than a convict within said prison, nor shall any such book be taken out of or away from said prison.

SEC. 26. *Clothing and food of convicts.*—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.

Clothing and food of convicts.

SEC. 27. *Convicts on discharge to be furnished with clothes.*—When any convict is discharged from prison, the warden shall furnish such convict with a decent suit of clothes at the expense of the state; *Provided*, That if such convict shall have to his credit on the books of the prison at the time of his discharge the sum of fifty (50) dollars or more, he shall be required to furnish clothing at his own expense; and in case such convict shall so request, it shall be the duty of the warden to act as agent for such convict in purchasing such clothing from any dealer whom the convict may designate; and it shall be the duty of the warden to exercise vigilance to protect the convict against extravagant or unreasonable charges on the part of such dealers; *And provided further*, That in case any convict has not as much as fifteen (15) dollars to his credit on the books of the prison at the time of his discharge, the warden shall pay to the convict from the current expense fund of the prison such a sum as shall make the total amount paid such convict on his discharge fifteen (15) dollars.

Convicts on discharge to be furnished with clothes.

The warden shall furnish at the expense of the state to each convict who can read such version of the sacred scriptures as such convict may desire.

SEC. 28. *Commitment papers. Duties of the clerk of the court and sheriff.* Every clerk of any court of the state of Minnesota by which a criminal shall be sentenced to the state prison shall furnish the officers having such criminal in charge a record containing a copy of the indictment and of the plea, the name and the residence of the judge presiding at the trial, 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, and shall receive therefor such compensation as the court shall direct, which record, duly certified by the clerk under his hand and seal, may be used as evidence against such criminal in any proceeding taken by him for any release from imprisonment by habeas corpus. It shall be the duty of the sheriff of the county in which said convict is sentenced, or his deputy, to convey said convict safely to the state prison at Stillwater, and deliver said convict to the warden of said state prison, together with the record received from the clerk of court, and to take the receipt of said warden for the delivery of the convict.

Commitment papers; duties of clerk of court and sheriff.

SEC. 29. *Fees and expenses for taking convicts to prison—how paid, etc.*—The necessary expenses and legal fees of

Fees and expenses for taking convicts to prison.

sheriffs and other officers, incurred in conveying convicts to state prison, shall be approved by the auditor of the state and be paid out of the state treasury. Said auditor may allow for said expenses and fees the following rates: Three (3) dollars per day for time of sheriff necessarily spent going to and from the prison; two dollars and fifty cents (2.50) per day for each guard necessary, and such sum as may be necessary, for railroad fare and actual traveling expenses. Not more than one (1) guard shall be allowed for one (1) prisoner, and one (1) additional guard for every two (2) additional prisoners. When conveyance by team is necessary, a team and driver may be employed at a rate of compensation not exceeding five (5) dollars per day; forty (40) miles per day to be estimated as a day's travel. All bills shall be rendered in writing and fully itemized and verified by oath, and accompanied by the receipt of the warden of the state prison for the delivery of such convict or convicts.

U. S. prisoners to be received; expenses, how paid.

SEC. 30. *United States convicts to be received, expenses how paid.*—All criminals sentenced to the state prison by the authority of the United States shall be received and kept according to the sentence of the court by which they were tried, and the convicts so confined shall be subject in all respects to the same discipline and treatment as though committed under the laws of this state; the warden shall charge and receive from the United States for the use of the state, for each convict forty (40) cents a day for board, and [the] cost of all clothing which may be furnished, and one (1) dollar a month for the use of the convict, and if additional guards be required, the compensation of such guards, and no other or further charge shall be made by any officer for or on account of such convicts.

Prison discipline to be enforced.

SEC. 31. *Prison discipline to be enforced.*—When any convict offers violence to any officer or guard of the prison, or to any other person or convict, or attempts to do any injury to the buildings or any workshop, or to any appurtenances thereof, or disobeys or resists any reasonable commands of any officer or guard, such officers and guards shall use all reasonable means to defend themselves and to enforce the observance of discipline.

Injury of unruly convicts; officers justified.

SEC. 32. *Injury of unruly convicts—Officers justified.*—If any convict resists the authority of any officer, keeper or guard of the prison, or refuses to obey any lawful command, such officer, keeper or guard shall immediately 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.

Confinement in separate cells.

SEC. 33. *Confinement in separate cells.*—Whenever there are cells sufficient, each convict shall be confined in a separate cell.

SEC. 34. *Intoxicating liquors not allowed in prison.*—No spirituous or fermented liquors shall be, under any pretense whatever, brought into or upon the premises of the prison, except by direction of the prison physician.

Intoxicating liquors not allowed in prison.

SEC. 35. *Convicts to have the privilege of communicating with the warden and managers.*—Every convict in the state prison shall have the privilege of communicating in writing with the warden or the board of managers. The board of managers shall designate the chaplin, or some other officer of the prison, whose duty it shall be, at least twice in each week, to visit each convict in the prison and receive any written communication addressed to the warden or board of managers, and to deliver the same to the warden. It shall be the duty of said officer to supply writing material for this purpose when necessary. Every such communication shall be endorsed with the number of the cell of the convict, and it shall be the duty of the warden to acknowledge the receipt of such communication by a written or printed card, endorsed with the cell number, which shall be returned to the convict by the said officer.

Convicts to have the privilege of communicating with the warden and managers.

Any officer charged with the duty prescribed in this section who shall refuse or neglect to deliver any such communication on the proper request of any convict, may be discharged from office by the board of managers and disqualified from holding office at the prison.

SEC. 36. *Contagious disease—Convicts may be removed.*—In case any pestilent or contagious disease breaks out among the convicts or in the prison, or in case of the total or partial destruction of the prison from any cause, the managers and warden may cause such convicts to be removed to some secure and suitable place, where such as are sick shall receive all necessary care and medical attendance at the expense of the state.

Contagious disease: convicts may be removed.

SEC. 37. *Reward for escaped convict.*—Whenever any convict escapes from the prison the warden shall 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 (\$100) and not less than twenty-five dollars (\$25); 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.

Rewards for escaped convicts.

SEC. 38. *Rewards—How approved and paid.*—All suitable rewards and other sums of money paid for advertising any convict shall be approved by the board of managers and paid out of the state treasury.

Rewards, how approved and paid.

SEC. 39. *Who may visit prison at pleasure.*—The following persons shall be allowed to visit the prison at pleasure: The members of the board of managers, the governor, lieutenant governor, members of the legislature, all state officers and regularly authorized ministers of the gospel; but no other person shall go within the walls of the prison without the special permission of the war-

Who may visit the prison at pleasure.

den, subject to such rules as the board of managers may prescribe.

*Communica-
tion with
convicts.

SEC. 40. *Communication with convicts.*—No person shall, without the consent of the warden, bring into or carry out any writing or any information to or from any convict. Any violation of this section shall be deemed a misdemeanor and shall be punished in such manner as the judge of the municipal court of the city of Stillwater or the judge of the district court of Washington county may direct; any person detected in the act of violating this section shall be deemed guilty of an infraction of the prison rule and shall be subject to arrest by any officer of the prison without warrant.

Diminution of
sentence for
good conduct.

SEC. 41. *Diminution of sentence for good conduct.*—Each convict who is sentenced for a definite term other than life, shall be entitled to diminish the period of his sentence under the following rules and regulations:

(a) For each month, commencing on the first (1st) day of his arrival at the prison, during which he has not been guilty of a violation of discipline, or of any of the rules of the prison, and has labored with diligence and fidelity, he shall be allowed a deduction of five (5) days from the period of his sentence.

(b) After he has passed one (1) full year of his sentence, in which he has not been guilty of a violation of discipline, or any of the rules of the prison, and has labored with diligence and fidelity, the deduction shall be seven (7) days from the period of his sentence for each month.

(c) After he has passed two (2) full years of his sentence, as above provided, the deduction from his term shall be nine (9) days for each month.

(d) After he has passed three (3) full years of his sentence, as above provided, the deduction from his term shall be ten (10) days for each month.

For a violation of the rules and discipline, or for a want of fidelity and care in the performance of work, he shall not only forfeit all time gained for the month in which the delinquency occurred, but according to the aggravated nature or the frequency of his offenses, the board may deduct a portion or all of his time previously gained; but the board may review the conduct record of a convict, and if it shall appear that there were special mitigating circumstances or that any violation of the rules and discipline was committed through ignorance or circumstances beyond his control, or abuse of any officer, they may restore him, in whole or in part, to the standing he possessed before such violation.

If a convict be prevented from laboring by sickness or other infirmity not intentionally produced by himself or by other cause for which he is not responsible, he shall be entitled, by good conduct, to the same deduction from his sentence each month as above provided for.

A convict who shall pass the entire period of his impris-

onment without a violation of the rules and discipline, except such as the board of managers shall excuse, shall upon his discharge from prison be restored to the rights and privileges forfeited by his conviction, and shall receive from the governor a certificate under the great seal of the state as evidence of such restoration, to be issued upon presentation to the governor of a certificate of such conduct, which shall be furnished to such convict by the warden.

SEC. 42. *Compensation for good conduct.*—All convicts confined in the Minnesota state prison who shall become entitled to a diminution of their term of sentence by good conduct while in prison in accordance with this act shall, in addition to said diminution of their term of imprisonment, receive compensation from the current expense fund for every day, except Sundays and legal holidays, at an average rate of ten (10) cents per day per convict, the compensation to be graded, at the discretion of the warden, from eight (8) to twelve (12) cents per day. The difference in the rate of compensation to be based, not on the pecuniary value of the work performed, but on the willingness, industry and good conduct of the convicts. *Provided*, that whenever any convict shall forfeit his good time for misconduct or violation of the rules and regulations of the prison he shall forfeit out of the compensation allowed under this section, fifty (50) cents for each day of good time so forfeited; and, provided, that convicts serving life sentences shall be entitled to the benefit of this section when their conduct is such as would entitle other convicts to a diminution of sentence, subject to the forfeiture of good time for misconduct, as herein provided.

Compensation,
for good
conduct.

SEC. 43. *Repealing clause.*—Title two (2) of chapter one hundred and twenty (120) of the general statutes of one thousand eight hundred and seventy-eight (1878), together with all acts and parts of acts inconsistent with this act, are hereby repealed.

Repealing
clause.

SEC. 44. *When to take effect.*—This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved April 24, 1889.