

CHAPTER 296—H. F. No. 1126.

An Act to authorize cemetery corporations to sell and convey real estate not suitable for cemetery purposes.

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

Cemetery corporation may sell certain real estate.—Section 1. That any cemetery corporation which has been heretofore incorporated under the laws of the State of Minnesota may sell and convey, for other than burial or cemetery purposes, any real estate lawfully acquired by it, which is not suitable or fit for cemetery purposes, and which has not been platted for such purposes.

Approved April 19, 1911.

CHAPTER 297—H. F. No. 1128.

An Act relating to persons licensed by any city, now or hereafter having over fifty thousand inhabitants, to engage in or follow the business or occupation of hawker or peddler therein.

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

Continuous license.—Section 1. Any person now or hereafter licensed by any city, now or hereafter, having over fifty thousand inhabitants, to engage or follow the business or occupation of hawker or peddler therein, shall have the right and be entitled to engage in and follow said business or occupation within the limits of such city without paying any additional license therefor, and without obtaining any other or additional license therefor, notwithstanding any law of this state to the contrary.

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

Approved April 19, 1911.

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CHAPTER 298—S. F. No. 9.

An Act to provide for the indeterminate sentence of persons convicted of crime and to authorize and regulate the paroling of convicts.

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

Indeterminate sentence in certain cases.—Section 1. Whenever any person is convicted of any felony or crime committed after the passage of this act punishable by imprisonment in the

state prison or state reformatory, except treason or murder in any of the degrees thereof defined by law, the court in imposing sentence shall not fix a definite term of imprisonment but shall sentence every such person to the state reformatory or to the state prison, as the nature of the case may require, and every such sentence shall be without limit as to time, and the person sentenced shall be subject to release on parole and to final discharge by the board of parole as hereinafter provided, but imprisonment under such sentence shall not exceed the maximum term provided by law for the offense for which such person shall be convicted; *provided*, that if a person be sentenced for two or more such separate offenses sentence shall be pronounced for each offense and imprisonment thereunder may equal but shall not exceed the total of the maximum terms provided by law for such separate offenses, which total shall, for the purpose of this act, be construed as one continuous term of imprisonment. And *provided further*, that where one is convicted of a felony or crime that is punishable by imprisonment in the state prison or state reformatory, or by fine or by imprisonment in the county jail, or both, the court may impose the lighter sentence, if it shall so elect.

Time sentence not to be void.—Sec. 2. If through mistake or otherwise any person shall be sentenced for a definite period of time for any offense other than treason or murder in any of the degrees thereof, such sentence shall not be void but the prisoner shall be deemed to be sentenced nevertheless as provided and required by the terms of this act, and he shall be entitled to all the benefits and subject to the liabilities of this act in the same manner and to the same extent as if sentence had been pronounced in the terms and manner required thereby.

State board of parole.—Sec. 3. A board having power to parole and discharge prisoners confined in the state prison or state reformatory is hereby created, to be known and designated as state board of parole. Said board shall be composed of three persons, viz.: the member of the state board of control of state institutions oldest in continuous service as a member of said board of control shall be ex-officio a member of said state board of parole and chairman thereof, the warden of the state prison at Stillwater shall be ex-officio a member of said board, and the third member thereof shall be a citizen of this state who shall be appointed by the governor by and with the consent of the senate. Said board shall elect one of its members secretary thereof, and any two of said board shall constitute a quorum with power to act.

Registers to be kept.—Sec. 4. The state board of parole shall cause to be kept at the state prison and state reformatory

such registers and records of the prisoners in said respective institutions as they may from time to time require, and said board shall keep a separate record of all its acts relating to each of said institutions, and the persons confined in, removed or committed thereto, or paroled or discharged therefrom, and the secretary shall furnish a copy thereof to the state board of control.

Citizen member to be appointed for six years—compensation.

Sec. 5. The citizen so appointed as a member of said state board of parole shall hold his office for the term of six years and until his successor is appointed and qualified and shall receive as compensation the sum of fifteen dollars per day for each day actually spent in the discharge of his official duties, and all necessary expenses while on official business. The other members of the board shall receive no additional salaries or compensation for services performed as provided thereip. Said per diem and all the expenses of said state board of parole, including expenses of all investigations authorized by this act, and of all appointees and employes thereof, and the salaries of the same shall be verified, audited and paid through the state board of control in the same manner that expenses and salaries of the members and employes of said board of control are verified, audited and paid, and in respect thereto shall be subject to all of the laws and rules governing said state board of control and such salaries and expenses shall be paid out of the funds of said state prison and said state reformatory in the proportion that may be determined by said state board of control.

Powers of board.—Sec. 6. The said state board of parole may parole any person sentenced to confinement in the state prison or state reformatory, *provided* that no convict serving a life sentence shall be paroled until he has served thirty-five years, less the diminution which would have been allowed for good conduct had his sentence been for thirty-five years and then only by unanimous consent in writing of the members of the board of pardons. Such convicts while on parole shall remain in the legal custody and under the control of the state board of parole, subject at any time to be returned to the state prison or state reformatory, and the written order of said board, certified by the warden or superintendent of the state reformatory, shall be a sufficient warrant to any officer to retake and return to actual custody any such convict. Geographical limits wholly within the state may be fixed in each case and the same enlarged or reduced according to the conduct of the prisoner.

In considering applications for parole or final release said board shall not be required to hear oral argument from any attorney or other person not connected with the prison or reformatory in favor of or against the parole or release of any prisoners,

but it may institute inquiries by correspondence, taking testimony or otherwise, as to the previous history, physical or mental condition, and character of such prisoner, and each member of said board is hereby authorized to administer oaths to witnesses for every such purpose.

Credits for prisoners.—Sec. 7. Each prisoner shall be credited for good prison demeanor, diligence in labor and study and results accomplished, and be charged for derelictions, negligences and offenses under such uniform system of marks or other methods as shall be prescribed by the board. He shall be informed of his standing under such system each month. Whenever said board shall grant an absolute release it shall certify the fact and the grounds therefor to the governor, who may in his discretion restore the prisoner released to citizenship. But no application for such release shall be entertained by the board.

To keep in communication with paroled prisoners.—Sec. 8. It shall be the duty of the state board of parole to keep in communication, as far as possible, with all prisoners who are on parole and also with their employers, and when any person upon parole has kept the conditions thereof in such manner and for such period of time as shall satisfy the board that he is reliable and trustworthy, and that he will remain at liberty without violating the law, and that his final release is not incompatible with the welfare of society, then said board shall have power in its discretion to grant to such prisoner a final discharge from confinement under any such sentence, and thereupon said board shall issue to such prisoner a certificate of such final discharge, and shall also cause a record of the acts of said prisoner to be made showing the date of his commitment, his record while in prison, the date of his parole, his record while on parole, and their reasons for determining his final discharge, together with any other facts which such board may deem proper, and shall forward such record to the governor, together with the recommendation of said board as to whether such prisoner should be restored to any of the rights and privileges of citizenship, and the governor may, in his discretion restore such person so released to any or all of the rights and privileges of citizenship, except in cases where deprivation of any of the rights or privileges of citizenship is specifically made a part of the penalty for the offense for which such person shall have been committed. Nothing in this act shall be construed as impairing the power of the board of pardons to grant a pardon or commutation in any case.

Persons now serving subject to parole.—Sec. 9. All persons heretofore convicted and imprisoned, or hereafter convicted and imprisoned either in the state prison or state reformatory for of-

fenses committed prior to the passage of this act, shall be subject to parole and release by said state board of parole upon the terms and in the manner provided by the laws in force prior to the passage hereof, and all of the powers, duties and functions conferred by law upon and now exercised by the state board of control in respect to the parole, release and return of such prisoners and the appointment of agents and employes in respect thereto are hereby vested in and shall be exercised by the said state board of parole.

Supervision by board.—Sec. 10. Said board of parole as far as possible, shall exercise supervision over paroled and discharged convicts and when deemed necessary for that purpose, may appoint state agents, fix their salaries and allow them traveling expenses. It may also appoint suitable persons in any part of the state for the same purpose. Every such agent or person shall perform such duties as said board may prescribe in behalf of or in the supervision of prisoners paroled or discharged from the state prison, state reformatory, or other public prison in the state, including assistance in obtaining employment and the return of paroled prisoners. Such agents and such persons shall hold office at the will of the board of parole and the person so appointed shall be paid reasonable compensation for the services actually performed by them. Each shall be paid from the current expense fund of the institution or institutions for whose benefit he was appointed.

Information to be furnished by county attorney.—Sec. 11. It shall be the duty of the county attorney upon the conviction of any person to the state prison or reformatory, to furnish to the warden or superintendent thereof, as the case may be, all information and data in his possession relating to the history and character of every such person so convicted, and a brief synopsis of all information in his possession relating to the commission of the crime of which such person is convicted.

Rules governing the granting of paroles.—Sec. 12. Said board of parole shall have power from time to time to make, alter, amend and publish rules governing the granting of paroles and final discharges and the procedure relating thereto, and as to the conditions of parole and the conduct and employment of prisoners on parole, and such other matters touching the exercise of the powers and duties conferred upon said board by this act as to their agents and employes as said board may deem proper.

Certain acts repealed.—Sec. 13. All acts and parts of acts in conflict herewith are hereby repealed, *provided* that the repeal thereof shall not in any manner affect the parole, release, dis-

charge, custody, retaking or re-confinement of any prisoner now or heretofore confined, paroled, or subject to be re-taken or reimprisoned.

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

Approved April 20, 1911.

CHAPTER 299—S. F. No. 19.

An Act to provide for the preparation, publication, and purchase of a compilation of the General Statutes.

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

Minnesota statutes compilation commission.—Section 1. The governor, the chief justice of the supreme court and the attorney general of the State of Minnesota are hereby constituted a commission named the Minnesota statutes compilation commission and are hereby empowered to enter into a contract by and on behalf of the State of Minnesota with any person, firm or corporation for the preparation, compilation and publication of the general statutes of this state.

What compilation shall contain.—Sec. 2. Such compilation shall include all the general statutes of this state in force at the time of its publication, including the Session Laws of 1913. It shall also include the constitution, organic act, enabling act, and act of admission, of the State of Minnesota, and the constitution of the United States. It shall be published in one volume and be entitled, General Statutes, 1913. The sections shall be numbered consecutively throughout the volume and contain references to prior compilations and session laws showing the history of the section. Beneath each section there shall be a brief statement of any decisions of the supreme court relating thereto, with references to the Minnesota Reports and the Northwestern Reporter.

Discretion of compiler.—Sec. 3. The compiler is authorized to change headlines, cross-references, and the spelling of words.

When published.—Sec. 4. Such compilation shall be published as soon as possible after the next regular session of the legislature.

Prima facie evidence.—Sec. 5. Such compilation shall be prima facie evidence of the statutes therein contained, in all the courts of this state, without further proof or authentication.