

stock shall in all cases be, or be made equal to a stock producing six per cent. per annum; and if at any time the stock assigned and transferred to the Auditor of State for circulating notes or any part thereof, shall depreciate ten per cent. or more in value, in the New York market, the Auditor of State shall reduce the rate at which the same shall be held as securities, and require such banking association or banker owning such stock, to make up the deficiency with such additional stocks as required by this Act, to be transferred and assigned as aforesaid; or such banking association or banker may make good such deficiency by returning to the Auditor of State, such amount of bank bills previously issued to him or them, as shall be equal to the deficiency of security created or caused by the depreciation of the said stocks held as security as aforesaid; *Provided*, That if, in the opinion of the Auditor and Governor, any stocks offered shall be deemed insecure, they shall not be received as such securities under the provisions of this Act.

Must equal 6 per cent interest

Depreciation must be made good

Insecure stocks

Sec. 2. Section two of said Act is hereby repealed.

Repeal of sec 2 chapter 32

Sec. 3. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM. HOLCOMBE,
President of the Senate.

APPROVED--August fourteenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, }
August 14, 1858. }

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

FRANCIS BAASEN, Secretary of State.

CHAPTER XXXIV.

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

- SECTION 1. Location of State Prison at Stillwater.
2. Prison to be under direction of three Inspectors, to be appointed by Governor.
 3. Organization of Board; terms of office.
 4. Annual appointment of one Inspector to be made.
 5. Officers of the Prison.
 6. Appointment of Warden.
 7. Appointment of Clerk, Physician, and Chaplain.
 8. Appointment of Deputy Warden, Assistant Keepers, and Guards.
 9. Inspectors to meet at stated times for examinations.

10. Inspectors to audit and settle accounts of Warden, and report to Governor.
11. Inspectors to examine into reported misconduct of Warden.
12. Inspectors to examine into disorderly conduct of prisoners; punishment.
13. Proceedings of Board to be kept by Clerk.
14. Rules and regulations to be established by Inspectors.
15. Printed copies of rules and regulations to be furnished the officers of Prison.
16. Warden and Deputy Warden to keep journal of their proceedings.
17. Officers of Prison to have no business connected with workshops of Prison.
18. Salaries of officers; to be paid out of State Treasury.
19. Appropriation for the purchase of books for prisoners.
20. Bonds to be executed by Warden, Deputy Warden and Clerk.
21. Per diem allowance for services of Inspectors.
22. Special duties of the Warden.
23. Prison business transactions to be in name of Warden.
24. Provisions to be supplied by contract, or under direction of Inspectors.
25. All contracts to be reduced to writing.
26. Medicines, clothing, &c. to be purchased by Warden, under direction of Inspectors.
27. Warden and Deputy Warden to keep account of monies received and disbursed.
28. Annual report to be made by Warden.
29. Names of convicts pardoned to be reported annually to Legislature.
30. Vacancy in office of Warden, how supplied.
31. Physician to keep register of cases under his charge.
32. Books, accounts, &c. deemed public property.
33. Prohibits officers from employing convict-labor for their own benefit.
34. Prisoners to be confined in separate cells.
35. Clothing, bedding, and fare of convicts, to be of coarse quality.
36. Warden shall furnish a Bible for each convict.
37. Warden to take charge of and preserve property of convicts until their release.
38. Convicts upon their release to be furnished with suit of clothes, at expense of State.
39. Prohibits bringing in or carrying out any writing without consent of Warden.
40. Persons entitled to visit Prison.
41. On taking charge of a convict, Warden to receive certified copy of sentence.
42. Escape of convicts, Warden to offer reward.
43. Rewards for convicts, and necessary advertising, to be audited by Auditor and paid out of State Treasury.
44. Forbids the sale of liquor about the premises of Prison.
45. Expenses for conveying convicts to Prison to be paid out of State Treasury.
46. Auditor to draw warrants for expenses, under direction of Inspectors.
47. Uniform rules for admission of visitors to be adopted.
48. Officers of Prison to be exempt from military and jury duty.
49. One hundred copies of annual report of Inspectors to be printed for use of Prison.
50. Auditor to settle account of Warden on removal or resignation.
51. Workshops to highest and best bidders.
52. The rents and revenues thereof to be paid into State Treasury.
53. Letting of convicts; price to be received for services.
54. Stipulation to be made in lease for constant employment of all convicts.
55. Warden to be entitled to dwelling-house free of rent.
56. Attorney-General required to inquire into conduct of former Warden and affairs of Prison.
57. Attorney-General to investigate title to land appertaining to State Prison.
58. Provides for the removal of the machinery and tools now connected with the Prison, at the expense of parties owning the same.
59. Repeals Act of May 23d, 1837, and other acts for the government of the Prison.
60. Act takes effect on passage.

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

Location of state
prison

SECTION 1. There shall be maintained for the security and reformation of convicts in this State, a State Prison at Stillwater, in the County of Washington.

Prison inspectors
how appointed

SEC. 2. The State Prison shall be under the direction and government of three Inspectors, who shall be appointed by the Governor by and with the consent of the Senate, and

shall hold their offices for the respective terms of one, two and three years, and shall take and subscribe to the constitutional oath.

SEC. 3. The Board of Inspectors shall, as soon as may be after their appointment, meet at the State Prison office and shall elect one of their number President, and determine by lot their respective terms of office. Organization of board—terms

SEC. 4. The Governor shall, on the first Monday in January, A. D. 1859, and annually thereafter, appoint one State Prison Inspector who shall hold his office for three years, and until his successor is appointed and qualified. Annual appointment of Inspector

SEC. 5. The officers of the prison shall consist of one Warden, who shall be principal keeper and reside at the prison; one Deputy Warden, one Clerk, one Chaplain and one Physician, and such other assistant keepers and guards as the Inspectors may deem requisite. Officers of the prison

SEC. 6. The Warden shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall hold his office for two years, unless sooner removed by the Governor. Warden

SEC. 7. The clerk, physician and chaplain shall be appointed by the Inspectors, and shall hold their offices during the pleasure of the Board. Clerk, physician and chaplain

SEC. 8. The deputy warden, 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. Deputy warden, assistant keepers and guards

SEC. 9. It is the duty of the Inspectors to meet together at stated times, at the prison, once at least in every three months, and oftener if necessary, to attend to and inspect the concerns of the prison, the manner of keeping the books and accounts, and the register of punishments kept by the warden, and from time to time carefully to examine the same, and to keep a record of their doings; one of them, at least, must visit the prison as often as once in each month, to examine into all the concerns thereof, and to see that the laws and regulations thereof are duly observed, and the duties of the warden faithfully performed, and to advise with the warden of the prison on the concerns thereof, whenever thereto requested; and each of them shall at all times have free access to all parts of the prison, and be allowed to inspect and examine all the books, accounts and writings pertaining to the prison, or the business, management and government thereof; and the Inspectors as soon as may be after each stated meeting, or oftener, if necessary, shall transmit to the Governor a transcript of the record of their doings, and such other information relative to the concerns of the prison, as they may deem proper. Stated meetings of Inspectors—their duties

SEC. 10. It is the duty of the Inspectors, on the first Monday of January, annually, to audit, correct and settle the accounts of the warden with the prison and the State, To audit accounts of warden

for the year ending on the last day of December, preceding, and make report thereof in the same month to the Governor, which report must exhibit all particulars necessary to give the Governor a full understanding of the fiscal and other concerns of the prison, and must, at the same time, furnish an estimate of the probable income and expense of the prison for the ensuing year.

To investigate
improper conduct
of warden

SEC. 11. It is the duty of the Inspectors to inquire into any improper conduct which may be alleged to have been committed by the warden of the prison in relation to the concerns thereof; and for that purpose may issue subpoenas for witnesses to compel their attendance, and the production of papers and writings, may examine witnesses under oath to be administered by the President, and may adjudicate on such alleged improper conduct in like manner and with like effect as in case of arbitration.

To punish improper
conduct of
prisoners

SEC. 12. The Inspectors must examine into all disorderly conduct among the prisoners, and when it appears to them that such conduct is disorderly, refractory or disobedient, they may order such punishment as they may deem necessary to enforce obedience, and as shall not be inconsistent with humanity.

To keep minutes
of proceedings

SEC. 13. The Board of Inspectors shall keep regular Minutes of their proceedings, which shall be signed by the President and attested by the clerk and kept in the prison office.

To establish rules
and regulations

SEC. 14. The Inspectors shall from time to time establish such rules and regulations, consistent with the law of the State, as they may deem expedient for the government and regulation of the prison and prisoners, and shall cause a copy of the same to be laid before the Governor, who may approve or modify the same.

To furnish printed
copies to officers
of prison

SEC. 15. A printed copy of the rules and regulations of the prison shall be furnished to every officer and guard at the time he is appointed and sworn in.

The warden to
keep record of
proceedings

SEC. 16. The Warden and Deputy Warden shall keep a journal of all their proceedings of the Prison, in which he shall note all the infractions of the rules by any officer or prisoner, and make a memorandum of all complaints made by prisoners of cruel and unjust treatment; also, what punishment was inflicted, which journal shall be laid before the Inspectors at their stated meetings, and at any special meeting when demanded.

No officer to have
interest in the
work shops

SEC. 17. No Inspector, Warden or other officer shall be connected with, or have an interest in the business or shops connected with the prison.

Salaries of officers

SEC. 18. There shall be paid to the several 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 six hundred dollars; to the clerk, three hundred dollars; to the deputy warden, three

hundred and fifty dollars ; to any and all assistant keepers and guards, a sum not exceeding two hundred dollars per annum, and to the physician such sum as the Inspectors shall allow; *Provided*, That if the warden shall perform the duties of deputy warden and clerk, or either of them, he shall receive the salary to which they or either of them are entitled by virtue of this Act.

SEC. 19. It shall be the duty of the Inspectors to appropriate annually the sum of twenty-five dollars out of the avails of the prison labor and fees received from visitors, for the purchase of books for the use of prisoners.

SEC. 20. The Inspectors shall receive for their services the sum of two dollars per day, for each day actually employed in and about said prison.

SEC. 21. The warden, deputy warden and clerk of the prison shall, before entering upon the duties of their offices, execute to the people of this State a bond with two or more sureties, to be approved by the Governor, the warden in the sum of twenty thousand dollars, the deputy warden in the sum of ten thousand dollars, and the clerk in the sum of six thousand dollars, conditioned for the faithful performance of their duties according to law.

SEC. 22. It shall be the duty of the Warden to attend constantly at the prison, except when performing some other duty connected with his office, to exercise general supervision over and give necessary direction to the keepers ; to examine whether they have been vigilant in the discharge of their respective duties ; to examine daily into the health of prisoners, and to take charge of the real and personal estate belonging to, or connected with the prison.

SEC. 23. All the dealings and transactions of the prison shall be conducted in the name of the Warden.

SEC. 24. The prisoners confined in the State Prison shall be supplied with provision by contract, unless the Inspectors shall otherwise direct; such contract to be made by the warden, on such terms as may be most beneficial, to the interest of the people of this State, and subject to such regulations as the Inspectors may prescribe.

SEC. 25. All contracts to be made shall be reduced to writing, and a copy thereof filed with the clerk of the prison.

SEC. 26. The necessary medicines, clothing and other stores shall, from time to time, be purchased by the warden, under the direction of the Inspectors.

SEC. 27. It shall be the duty of the warden and deputy warden to keep a correct account of all moneys received by them or either of them, by virtue of their office, and the person to whom, and the purpose for which it was paid, and make out and deliver a quarterly statement verified to the Inspectors of the prison.

SEC. 28. The Warden shall annually, on the last Monday

Annual report of December, close his accounts, and prepare and submit an accurate report of all moneys received on account of the prison, and of all moneys expended and the vouchers therefor, which report shall be submitted to the Legislature.

Names of convicts pardoned SEC. 29. It shall be the duty of the Warden to report on the last Monday in December in each year, to the Secretary of State the names of convicts pardoned the preceding year, the counties in which they were tried, and the term for which they were sentenced.

Vacancy in office of warden SEC. 30. 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.

Physician—his duties SEC. 31. 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 and all convicts, stating their names, ages, time and cause of death.

Books and accounts SEC. 32. All books, accounts, documents and registers shall be deemed public property, of which the Warden shall preserve at least one copy of each.

Convict labor—of ficers to have no interest in SEC. 33. No officer of the prison shall employ the convict labor on any work in which he or any other officer has a personal interest.

Solitary confinement SEC. 34. Whenever there shall be cells sufficient, each prisoner shall be confined in separate cells.

Clothing and bedding SEC. 35. The clothing and bedding of convicts shall be of coarse material, and they shall be supplied with a sufficient quantity of coarse wholesome food.

Bibles for convicts SEC. 36. The Warden shall furnish, at the expense of the State, a Bible to each convict who can read.

Property of 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 value is of five dollars or more, shall 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.

Discharge of convicts SEC. 38. When any convict shall leave the prison, the Warden shall furnish such convict a suit of clothes, not to exceed in value the sum of ten dollars, (if he or she be not already provided for,) at the expense of the State.

Prohibition to visitors—visitors specified SEC. 39. No person shall, without the consent of the Warden, bring into or carry out any writing or any information to or from any convict.

SEC. 40. The following persons shall be allowed to visit the prison at pleasure: The Governor, Lieutenant Governor, Members of the Legislature, all State Officers, Prosecuting Attorneys, and all 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.

Sec. 41. 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, 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.

Certified copy of sentence

Sec. 42. 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, 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 any officer under him, the reward thus offered shall be paid by the Warden.

Escape of convicts—reward

Sec. 43. All suitable rewards and other sums of money necessarily paid for advertising any convict, shall be audited by the Auditor and paid out of the State Treasury.

Payment of rewards

Sec. 44. No spirituous or fermented liquors shall ever be sold on any pretence whatever in or about the prison.

No spirituous liquors

Sec. 45. The expenses and fees of Sheriff's and other officers incurred in conveying convicts to the State Prison, shall be paid out of the State Treasury.

Fees for conveying convicts

Sec. 46. The Auditor is hereby authorized and required to draw his warrant on the treasury for such sums as the Inspectors may from time to time direct, for defraying the expenses in and about the State Prison.

Payment of expenses

Sec. 47. It shall be lawful for the Inspectors to establish uniform rules for the admission of visitors within the prison.

Admission of visitors

Sec. 48. The Warden, Deputy Warden, Clerk, Inspectors, Physician, Assistant Keepers, and Guards, shall be exempt from military and jury duties while actually employed by the State as such officers.

Officers exempt from military & jury duty

Sec. 49. There shall be printed annually, for the use of the prison, one hundred copies of the annual report of the Inspectors, and the Warden shall forward a copy of the same to each of the State Prisons in the United States.

Annual report to be printed

Sec. 50. On the removal or resignation of the Warden, the Auditor shall settle the accounts of such Warden on the presentation of his books, accounts and vouchers, duly authenticated for that purpose.

Removal or resignation of warden

Sec. 51. The shops in and about the prison shall be leased by the Inspectors and Wardens to such parties as they may be able to obtain the highest and best price, and for such length of time as may seem to them proper, but not to exceed the space of five years at any one time.

Lease of workshops

Sec. 52. The rents, revenues and profits derived from the property thus leased, shall be paid semi-annually to the Warden of the prison, and by him paid into the State Treasury.

Rents to be paid into state treasury

Sec. 53. The Warden shall let to service all convicts confined in the State Prison—except such as may be precluded

Labor of convicts
—wages

by the terms of their sentence—to the lessee or lessees of the prison shops and fixtures, and shall receive for the services of each able-bodied man, the sum of seventy-five cents per day.

Employment of
all the convicts

SEC. 54. There shall be stipulated in every lease made to any or all the prison shops and fixtures, a provision providing for the constant employment of all convicts in the State Prison during the pendency of the lease.

Warden's dwell-
ing

SEC. 55. The Warden shall be entitled to the use of the house built for the Warden, during his term of office, free of charge.

Attorney General
—special duties

SEC. 56. It is hereby made the duty of the Attorney General of the State, and he is hereby empowered and directed, immediately to enquire into the conduct and management of the Territorial Prison by the late Warden, F. R. Delano, and all other officers of the Territorial Prison, and to institute such action or actions as may be necessary for the protection of the interest and dignity of the State.

Attorney General
—special duties

SEC. 57. The Attorney General shall, as soon as practicable, investigate the title of the land appertaining to the Stillwater Prison, and report the same to the Governor of the State, and the Governor may, at his discretion, refer the matter to the Legislature at its next session, or order such proceedings to be instituted in the premises as shall be best calculated to promote the interest of the State.

Disposal of ma-
chinery and tools
at present in the
prison

SEC. 58. The owner or owners of the tools, machinery and fixtures in and about the Stillwater Prison, may, and are hereby authorized, to remove the same at their own proper costs and expense, and the space of twelve months is hereby allowed for the removal of the same, and for the purpose of using and removing, shall have free passage through the outer gates of the yard from the hours of 7 o'clock A. M., until 5 o'clock P. M., from the 20th of September till the 20th of March, and from 6 o'clock, A. M., till 7 o'clock P. M., during the remainder of said term; *Provided*, That the owner and owners of the tools, machinery and fixtures, shall prefer no claim against the State on account of placing such tools, machinery and fixtures within the yard of said prison; *And, provided further*, That the owners of such machinery and tools shall, within thirty days after the passage of this Act, give notice to the Governor of their acceptance of the provision of this section, and in case such notice shall not be given in the time specified above, the Attorney General is hereby empowered to commence such suit or suits against such owner or owners on behalf of the State immediately, as shall be necessary to obtain possession of the prison buildings and grounds.

Repeal of former
acts

SEC. 59. An Act entitled "An Act to amend An Act entitled An Act for the government of the Territorial Prison of Minnesota, approved May 23d, 1857," and all laws and Acts or parts of Acts relating to the Territorial prison and the government thereof, are hereby repealed.

SEC. 60. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August second, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, }
August 2d, 1858.

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

FRANCIS BAASEN, Secretary of State.

CHAPTER XXXV.

An Act for a Homestead Exemption.

- SECTION 1. Eighty acres of land in the county, or a town lot with the dwelling house thereon, exempt from execution.
2. Exemption not to extend to any mortgage rightfully obtained—wife to sign mortgage.
 3. Procedure to set apart homestead, on a levy being made.
 4. Provides for survey of land, if dissatisfaction exists.
 5. Provides for sale of all lands exceeding the limits prescribed.
 6. Dwelling houses on leased property may be claimed as homesteads.
 7. No exemption from sale for taxes.
 8. Enumeration of personal property to be exempted from execution.
 9. No exemption from attachment or execution for laborers, mechanics' or clerks wages.
 10. All laws inconsistent herewith repealed.
 11. Act takes effect on passage.

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

SECTION 1. That a homestead consisting of any quantity of land not exceeding eighty acres, and the dwelling house thereon, and its appurtenances, to be selected by the owner thereof, and not included in any incorporated town, city or village, or instead thereof, at the option of the owner, a quantity of land not exceeding in amount one lot, being within an incorporated town, city or village, and the dwelling house thereon and its appurtenances, owned and occupied by any resident of this State, shall not be subject to attachment, levy or sale upon execution or any other process, issuing out of any Court within this State. This section

Homestead exemption—area and dwelling house

Approved 11/1/58
220000 Ea
under
E. M. C.