

## CHAPTER 255.

[H. F. No. 1146.]

AN ACT TO PROVIDE FOR AND REGULATE THE EMPLOYMENT OF CONVICTS IN THE STATE PRISON AT STILLWATER, AND TO REPEAL CHAPTERS ONE HUNDRED AND NINETY-SEVEN (197) AND ONE HUNDRED AND SIXTY-SIX (166) OF THE GENERAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN (1887).

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

Convicts,  
examination as  
to trade,  
business, etc.

SECTION 1. It shall be the duty of the court in which any person shall be convicted of any offense punishable in the state prison, before passing the sentence, to ascertain by the examination of such convict on oath, and in addition to such oath, by such other evidence as can be obtained, the business, if any, in which such convict had been engaged prior to such arrest and conviction; whether such convict had learned and practiced any mechanical trade, and if so, the nature of such trade and length of time the same has been followed, and the clerk of the court shall enter the facts as ascertained and decided by the court, on the minutes thereof, and shall deliver a certificate fully stating the facts so ascertained, to the sheriff of the county, who shall cause the same to be delivered to the warden of the state prison at the same time that such convict is committed to the care of said warden, pursuant to his sentence.

Convicts  
compelled to  
labor.

SEC. 2. Every person convicted of crime and committed to the state prison shall be regularly employed at and be compelled to perform a reasonable amount of hard labor in some industrial employment; and no person so committed as aforesaid, shall be exempt from such labor and employment, unless on account of incapacitating sickness or other disability rendering it impossible that such labor be performed.

Convict labor,  
different  
systems.

SEC. 3. The employment of convicts in the state prison shall in all respects be governed by the provisions of this chapter, and shall be conducted as specified in the succeeding sections hereof.

SEC. 4. Subject to the qualifications and regulations in this chapter specified, the manager shall be empowered and required to provide for the employment of such convicts in one or more of three (3) different systems of employment. One usually known as and to be designated the "State Account System;" another usually known as and to be designated the "Contract System," and a third usually known as and to be designated the "Piece Price System." *Providing*, that said convicts shall be employed as much as practicable under the State Account System.

SEC. 5. In providing for and regulating the labor of the

convicts under these systems of employments, the warden shall, in classifying and apportioning the prisoners to the work, in all cases have in view, as well the education and reformation of the individual convict as the pecuniary welfare of the state, and shall, under such rules and regulations as shall have been prescribed by the board of managers, have authority to change any convict from one class of employment to another, as may seem proper and expedient.

Warden to regulate labor of convicts, how.

SEC. 6. All or a portion of the prison shops, and such vacant grounds as the board of managers deem proper, and which are not needed to carry on industrial employment under the State Account or Piece Price systems, may be leased by the board of managers to parties from whom such board obtains the highest and best price, and for such length of time, not to exceed two (2) years, as the board may deem for the interests of the state.

Portion of prison shops may be leased.

SEC. 7. The managers may, if in their judgment they deem it proper and expedient, let to service under the Piece Price or Contract system, or both, not to exceed one-half ( $\frac{1}{2}$ ) of all able bodied convicts confined in the prison at the date of such contract or contracts to the lessee or lessees of the prison shops, or to any person or corporation, such lease to be made in accordance to the law on the subject of prisons, including this chapter, and not to exceed the term of two (2) years. Such convicts shall not be leased to any contractor or lessee for less than the sum of forty-five (45) cents per day for actual work. *Provided*, that such lease shall not be a lease of individual convicts for any specified time, so as to preclude the withdrawal of any convict and the substitution in his place of another, when deemed for the best interests of the convict, under such rules and regulations as shall have been established by the board of managers, or otherwise provided by law.

Convicts may be leased, minimum price

SEC. 8. Whenever the board of managers shall deem it expedient and proper to enter into a contract to lease the prison shops or any portion thereof, or the prison grounds or any portion thereof, to any person or persons, corporation or corporations, who may desire to rent the same, and employ convicts therein, it shall be the duty of said board of managers to pass a resolution to that effect, specifying the number of convicts whose labor and services are to be let, the time the contract shall commence, and the length of time it shall continue, together with the shop-room, yard-room, machinery, and other facilities which are to be let. Upon the passage of such resolution, the board of managers shall cause the same, together with a call for sealed bids or proposals, to be published in a newspaper printed and published in the county where the prison is situated, and in a newspaper printed and published at the state capital, for a period of three (3) weeks next preceding the time fixed in such notice for opening

Lease of prison shops, grounds, labor, etc., how made.

Lease of prison  
shops, grounds,  
labor, etc.,  
how made.

such proposals. The board shall also prepare a duplicate form of the contract to be entered into, with the date of the commencement and length of continuance of the contract, specifying the class or classes of industrial employment upon which bids will be received, and, in blank, the amount bid for the rent of shops, grounds or fixtures specified therein; the amount bid per day for the labor of the convicts to be leased, and the name of the contractor or contractors and their sureties, a copy of which shall be deposited at the prison with the warden for the inspection of all persons desirous of making bids or proposals therefor, for at least the period of twenty (20) days prior to the time fixed in said notice for the opening of such proposals. The warden shall receive and preserve, unopened, all the sealed proposals for said leasing of said shops, grounds, labor and services which shall be delivered to or received by him up to the day and hour mentioned in the public notice, and no longer, and shall thereupon, or as soon thereafter as the board of managers shall convene, lay such proposals before the board of managers, who shall proceed publicly at once to open and canvass such of them as shall be substantially in the form prescribed in the published notice, and as shall be accompanied by an offer to enter into the contract prepared as aforesaid, with the names of the bidders, kind and character of industrial employment in which the convicts will be employed, the amount bid for the rent of shops, grounds, fixtures, etc., proposed to be leased, the price per day for the labor and services of the convicts proposed to be paid, and also the names of two (2) or more sufficient sureties accompanied by their written consent to be sureties in such contract, and shall award the contract to the person or corporation who shall have brought himself or itself within the terms of the contract proposed, and shall be found by said canvass to be on the whole the highest bidder therefor. *Provided*, that no bids shall be entertained which shall be for less than forty-five (45) cents per day per convict for work to be performed by the convicts. The managers shall thereupon cause a written contract to be properly executed in duplicate by the warden and person or corporation contracting, and the person or corporation to whom the contract is awarded shall execute to the warden a good and sufficient bond with two (2) or more sureties to be approved by the board conditioned for the full performance of the contract on the part of such person or corporation, which bond shall be delivered to the board of managers and thereupon the said contracts shall be valid in law between the parties thereto. And the said board of managers shall have power to direct the enforcement of the same. This section shall be construed to allow and authorize the said board of managers to let a part of the convicts to one person or corporation

and a part to other persons or corporations, if they shall deem it for the best interests of the convicts and the state.

SEC. 9. If, upon opening such proposals mentioned, in the preceding section, the said managers shall deem it for the best interest of the state not to award such contract to any such bidders, they may reject all such proposals, and if they see fit, re-advertise the same; and if, after awarding such contract or contracts to any bidder or bidders who shall have refused or neglected to enter into any such contract, the said managers shall not deem it for the interest of the state to award the same to any person or corporation bidding a lower rate of compensation, they may reject all lower bids and re-advertise; and any bidder whose proposal shall have been accepted by the managers, and who shall have refused to enter into such contract, shall be liable for all expenses of re-advertisement in addition to all damages by reason of such refusal or neglect.

Awarding of contracts.

SEC. 10. In every contract made pursuant to the authority herein conferred, there shall be reserved to the warden, under such rules and regulations as shall have been established by the board of managers, full power and authority to prevent the demanding or imposition of unusual or severe labor whereby the health and welfare of the convicts may be impaired, or their reformation and education may be hindered or retarded; and the said warden may from time to time, subject to the approval of the board, prescribe all needful rules for the government and conduct of all contractors, their overseers and agents, in relation to the convict, and may require summary dismissal of any individual employed by any contractor in said prison, whenever it shall appear that the presence or the conduct of such individual is prejudicial to the discipline of the prison or the welfare of the convicts.

Warden to have power to regulate labor.

SEC. 11. In case the board of managers deems it proper to advertise for sealed proposals for the lease of shops, yard room, fixtures, etc., separately from proposals for bids for the labor of convicts, they shall have power and authority so to do, and they shall also have power and authority to advertise for bids for the labor of convicts separately from proposals for the lease of shops, yard room or fixtures, keeping in view the interests of the state in the premises.

Shops may be leased separately.

SEC. 12. The rents, revenues and profits derived from the leasing of the prison shops, yard room, fixtures and convict labor shall be paid to the warden and by him paid to the prison treasurer.

Revenues, to whom paid.

SEC. 13. All of the able-bodied convicts in the state prison may [be] employed in industrial labor on state account, in such manner, and in such trades, occupations or industries as to the said board shall be deemed for the best

State account system, board may provide for.

interests of the convicts and the state. The board, in its discretion, may provide for one trade or industry, or may establish a number of trades or industries, and the warden is authorized and empowered, by and with the advice and approval of the board, to purchase all needed tools and machinery for conducting such trade or trades, industry or industries, as the board may see fit to establish. He shall, with like approval, also be vested with power and authority to purchase in the market all supplies and material needed in the manufacture of any article or articles in which manufacture the board may decide to engage the convicts or any portion thereof, and shall also have authority to sell and dispose of, to the best advantage of the state, all articles of manufacture produced by the labor of convicts under such system. *Provided, however,* that the board shall first employ as many of the convicts as may be found practicable in the manufacture of articles which the state would otherwise necessarily purchase for the state prison and other state institutions.

Correct  
accounts to be  
kept and  
reported.

SEC. 14. Said board shall direct the warden to keep or cause to be kept a true and correct account of all moneys expended and received, and the purpose for which expended and the sources from which received; and annually, on or before the first (1st) day of October, he shall render to the board of managers a full and accurate account of all business transactions had during the year, together with a statement of moneys expended and received, and stock on hand; also a statement of all articles manufactured by convicts for the use of the prison and other state institutions, and the market value of the same at the time the same were furnished to such prison and other institutions, and accounts of the receipts and expenditures of the different systems of employment hereinbefore specified shall be kept separate and distinct from each other.

Officers shall  
not be  
interested in  
any business or  
contract.

SEC. 15. Neither the managers, warden nor any officer of the prison shall directly or indirectly [be] personally interested in or be connected with any business carried on, in or about the prison, nor in any contract or lease, nor in any article manufactured by the convicts under any contract or lease by the managers to any person or corporation.

Appropriation.

SEC. 16. There is hereby appropriated for the purpose of procuring tools, machinery and material for conducting industrial employment under the state account system, out of any money in the state treasury not otherwise appropriated, the sum of seventy-five thousand (\$75,000) dollars, or so much thereof as may be necessary.

Acts repealed.

SEC. 17. Chapters one hundred and ninety-seven (197) and one hundred and sixty-six (166) of the general laws of one thousand eight hundred and eighty-seven (1887).

and all other acts or parts of acts inconsistent herewith are hereby repealed.

SEC. 18. This act shall take effect and be in force from and after its passage. When act to take effect.

Approved April 24, 1889.

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## CHAPTER 256.

[S. F. No. 377.]

AN ACT TO AMEND CHAPTER TWO HUNDRED AND EIGHT (208) OF THE GENERAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN (1887), RELATING TO THE STATE REFORMATORY.

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

SECTION 1. That section fourteen (14) of chapter two hundred and eight (208) of the general laws of one thousand eight hundred and eighty-seven (1887), be and the same is hereby amended so as to read as follows:

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 cause to be transferred any person or prisoner confined in the state prison who is serving out his first sentence therein to the reformatory under such rules and regulations as the board of managers of said state reformatory, and the board of managers of the state prison in joint session shall prescribe.

Transfer of prisoners.

They shall have authority to receive and imprison inmates of the state reform school who may be transferred by the board of managers of the state reform school to the state reformatory in accordance with the provisions of law in respect thereto, and such inmates, when transferred to the state reformatory, shall be under the guardianship of the board of managers of the said reformatory during their minority, subject to parole and release in like manner and under like conditions to persons sentenced to the said re-