

S. F. No. 344.

CHAPTER 23.

Board of pardons.

An act relating to the board of pardons and prescribing the powers and duties thereof.

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

Governor, chief justice, attorney general.

SECTION 1. There is hereby created a board of pardons which shall consist of the governor, the chief justice of the supreme court and the attorney general; and said board shall have the power to grant pardons and reprieves and to commute the sentence of any person convicted of any offense against the law of the state of Minnesota, in the manner and under the conditions and regulations hereinafter prescribed, but not otherwise.

Pardon by unanimous vote.

SEC. 2. Every pardon or commutation of sentence shall be in writing and shall have no force or effect unless the same was granted by an unanimous vote by said board convened as such.

Reprieve by any member temporary.

A reprieve in a case where capital punishment has been imposed, may be granted by any member of the said board, but for such time only as may be reasonably necessary to secure a meeting of said board of pardons for the consideration of an application for the pardon or commutation of the sentence of the person so reprieved. Said board may grant an absolute or a conditional pardon, and any conditional pardon shall state the terms and conditions on which it was granted.

Absolute or conditional pardon.

Warrant.

Such board of pardons may issue its warrant under the seal of said board to any proper officers to carry into effect such pardon, which warrant shall be obeyed and executed instead of the sentence which was first or originally pronounced.

Return of warrant.

SEC. 3. Whenever any convict is pardoned by such board, or his punishment is commuted or a reprieve is granted, the officer to whom the warrant for that purpose is issued, after executing the same shall make return thereof under his hand with his doings thereon, to the governor, as soon as may be, and he shall also file with the clerk of the court in which the offender was convicted, an attested copy of the warrant and return, a brief abstract of which the clerk shall subjoin to the record of his conviction.

Board meetings.

SEC. 4. The board of pardons shall be convened by the governor within twenty days after the passage of this act, and shall hold at least four regular meetings in each calendar year, and may hold such other meetings as it shall deem expedient.

Such regular meetings shall be held on the second Mondays of January, April, July and October of each year. All meetings of the said board shall be held in the executive chamber at the state capitol, or in such other place as may be ordered by said board.

SEC. 5. Every application for a pardon, reprieve, or commutation of sentence shall be in writing, addressed to the board of pardons, and shall be signed by the convict or some person in his behalf. It shall concisely state the grounds upon which the pardon, reprieve or commutation is sought, and in addition shall contain the following facts: 1. The name under which the convict was indicted, and every alias by which he has been known. 2. The date and terms of sentence and the names of the offense for which it was imposed. 3. The name of the trial judge and of the county attorney who participated at the trial of the convict, together with that of the county in which he was tried. 4. A succinct statement of the evidence adduced at the trial with the endorsement of the judge or county attorney who tried the case, that the same is substantially correct. If such statement and endorsement are not furnished, the reason thereof shall be stated. 5. The age, birth place, parentage, occupation, residence, during five years immediately preceding conviction, of convict. 6. A statement of other arrests, indictments and convictions, if any, of the convict.

Application
for pardon,
how made.

Record of
applicant and
history of
case

The board of pardons may adopt other such rules and regulations not inconsistent with the provisions of this act, as may appear to them proper and necessary to carry out the provisions thereof.

SEC. 6. All applications for pardons, reprieves or commutations of sentence shall be filed with the clerk of the board of pardons. The said clerk shall, immediately upon receipt of such application, mail notice thereof, and of the time and place of hearing thereof to the judge of the court wherein the applicant was tried and sentenced, and to the prosecuting attorney who prosecuted the applicant, or his successor in office, *provided* that a reprieve in capital cases may be granted as provided in section two (2) without such notice, and *provided further* that pardons or commutations of sentence of persons committed to a county jail or to a workhouse may be granted by said board without notice.

Action
upon ap-
plication.

SEC. 7. The governor's private secretary, or in his absence the executive clerk, shall be and act as the clerk of the board of pardons and shall perform the duties herein required of such clerk, and such other duties as may be prescribed by said board of pardons without other or further compensation. The board shall be sup-

Clerk of
board.

Secretary of state furnish books, blanks stationery.

plied by the secretary of state with such books, blanks and stationery as shall be necessary. Said board shall preserve a record of every petition received for a pardon, reprieve or commutation of sentence, and of every pardon, reprieve or commutation of sentence granted or refused and the reasons assigned therefor.

Records to be kept.

The clerk shall keep such records and perform such duties in relation thereto as shall be prescribed by the board, and all such records and files shall be kept and preserved in the office of the governor at the state capitol, and shall be open to the inspection of the public at all reasonable times.

Seal.

SEC. 8. The board of pardons shall supply itself with a seal, with every pardon, reprieve, or commutation of sentence shall be attested. It may issue process requiring the presence of any person before it, or the presence of any officer before it, with or without books and papers, in any matter pending before said board, and may take whatever reasonable steps in such matter as it may deem necessary to a proper determination thereof.

Compensation for travel and attendance.

Whenever a person is summoned before the board by its authority, he may be allowed such compensation for travel and attendance as the board, in its discretion, may deem reasonable.

Appropriation.

SEC. 9. The sum of three hundred dollars, or so much thereof as may be necessary, is hereby annually appropriated, out of any moneys of the state not otherwise appropriated, for the purpose of carrying out and enforcing the provisions of this act.

SEC. 10. This act shall take effect and be in force from and after its passage.

Approved February 26, 1897.

S. F. No. 77.

CHAPTER 24.

Cemetery associations.

An act to amend gen. statutes 1894, chapter 34, title 5, relating to cemetery associations.

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

Reconveyance in trust.

SECTION 1. Any cemetery association incorporated under title 5, ch. 34, of the general statutes of this state shall have the power to accept a reconveyance, from the owner, of any lot or lots in such cemetery in perpetual trust for such uses and trusts as the grantor shall designate not inconsistent with cemetery pur-