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THE
REVISED STATUTES,
OF THE
TERRITORY OF MINNESOTA,

PASSED AT THE SECOND SESSION OF THE
LEGISLATIVE ASSEMBLY,

COMMENCING JANUARY 1, 1851.

PRINTED AND PUBLISHED PURSUANT TO LAW, UNDER THE SUPERVISION OF M. S. WILKINSON.

SAINT PAUL:

JAMES M. GOODHUE, TERRITORIAL PRINTER.

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1851

CHAPTER 133.

OF PRISONS, THEIR MANAGEMENT AND DISCIPLINE,
AND OF IMPRISONMENT FOR OFFENCES.

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Common jails to be used as prisons.

SEC. 1. The common jails now erected, or which shall hereafter be erected, in the several counties in the charge of the respective sheriffs, shall be used as prisons:

1. For the detention of persons charged with offences and duly committed for trial:

2. For the detention of persons who may be duly committed to secure their attendance as witnesses on the trial of any criminal cause:

3. For the confinement of persons pursuant to a sentence, upon a conviction for an offence, and of all other persons duly committed for any cause authorized by law:

4. For the confinement of persons who may be sentenced to imprisonment in the territorial prison, until a suitable prison shall be provided.

When no jail in county, prisoner how disposed of.

SEC. 2. Whenever there is no jail erected in any county, every judicial or executive officer of such county, who shall have power to order, sentence or deliver any person to the county jail, may order, sentence or deliver such person to the jail of any adjoining county; and if there is no jail erected in any adjoining county, then to either of the forts or garrisons in the territory, with the consent of the commanding officer of the same; and the jailor of any such adjoining county shall receive and keep such prisoner in the same manner as if he had been ordered, sentenced or delivered to him by any officer or court of his own county. The county from which such prisoner was taken, shall pay all the expenses of keeping and maintaining him in said jail.

Expenses of convict how paid.

SEC. 3. All charges and expenses for safe keeping and maintaining convicts, who have been sentenced to confinement in the territorial prison, shall be paid out of the treasury of the territory yearly; the accounts of the keeper being first allowed by the board of county commissioners of the county where the convict shall be confined; and the expenses of safe

keeping and maintaining persons charged with offences, and duly committed for trial, and of those who are sentenced to confinement in the county jail, or who may be committed for the non-payment of any fine, shall be paid out of the treasury of the county; the account of the keeper being in like manner allowed by the board of county commissioners: *Provided*, That the territory, nor any county, shall ever pay more than two and a half dollars a week for the support of any person as aforesaid.

Expenses of prisoners when paid by county.

SEC. 4. The county commissioners in the several counties shall be inspectors of the prisons in their respective counties, and shall visit them at least once in each year, and shall examine fully into the condition of such prison, as to health cleanliness and discipline; and the keeper thereof shall lay before them a calendar setting forth, the name, age, and cause of committal of each prisoner; and if it shall appear to the said inspectors, that any of the provisions of law, have been violated or neglected, they shall forthwith give notice to the district attorney of the county.

County commissioners to be inspectors of prisons.

SEC. 5. No sheriff, jailor or keeper of any prison, shall, under any pretence, give, sell or deliver to any person, committed to prison for any cause whatever, any spirituous liquor, or any mixed liquor, part of which is spirituous, or any wine, cider or strong beer, unless a physician shall certify in writing, that the health of such prisoner requires it, in which case he may be allowed the quantity prescribed, and no more. And no sheriff, jailor or keeper as aforesaid, shall put up, or keep in the same room, male and female prisoners together.

Sheriff or jailor not to give liquor to persons confined in jail.

SEC. 6. If any sheriff, jailor or keeper of any prison, shall sell or deliver to any prisoner in his custody, or shall willingly or negligently suffer any such prisoner to have any liquor, prohibited in the fifth section of this chapter, or shall place or keep together, prisoners of different sexes, contrary to the provisions of the said fifth section, he shall in each case forfeit and pay for the first offence, the sum of twenty-five dollars; and such officer shall on a second conviction, be further sentenced to be incapable of holding the office of sheriff, deputy sheriff, jailor or keeper of any prison, for the term of five years.

Penalty for giving liquor to prisoners or putting different sexes in one room.

SEC. 7. If any person, other than is mentioned in the preceding section, shall sell or deliver to any person committed for any cause whatever, any liquor, prohibited in this chapter, or shall have in his possession, in the precincts of any prison, any such liquor, with intent to carry or deliver the same to any prisoner confined therein, he shall be punished by fine not exceeding fifteen dollars.

Penalty for other persons to furnish liquor, &c.

SEC. 8. The keeper of such prison, shall see that the same is constantly kept in a cleanly and healthful condition, and shall see that strict attention is constantly paid to the personal cleanliness of all the prisoners in his custody, as far as may be, and shall cause the shirt of each prisoner to be washed at least once in each week; each prisoner shall be furnished daily with as much clean water, as he shall have occasion for, either for drink, or for the purpose of personal cleanliness, and with a clean towel, once a week, and shall be served three times each day with wholesome food, which shall be well cooked, and in sufficient quantity.

Prisons to be kept cleanly.

SEC. 9. The keeper of each prison shall provide, at the expence of the county, for each prisoner under his charge, who may be able and desirous to read, a copy of the bible, or new testament, to be used by such prisoner at proper seasons during his confinement; and any minister of the gospel, disposed to aid in reforming the prisoners, and instructing them in their moral and religious duties, shall have access to them at seasonable and proper times.

Bible to be furnished each prisoner.

SEC. 10. The sheriffs of the respective counties shall keep a true and exact calendar, or register of all prisoners committed to any prison under their care, and the same shall be kept in a book, to be provided by the county for that purpose; said calendar shall contain the names

Sheriff shall keep calendar of all persons committed to prison.

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Calendar what to contain.

of all persons who shall be committed to prison, the places of abode, the time of their commitment, shall state the cause of their commitment, and the authority that committed them, and if they are committed for criminal offences, shall contain a description of their persons, and when any prisoners shall be liberated, said calendar shall state the time when, and the authority by which such liberation took place, and if any prisoner escapes, shall also state particularly the time and manner of said escape.

Sheriff to furnish court with copy of calendar.

SEC. 11. At the opening of each session of the district court, within his county, the sheriff shall return a copy of said calendar under his hand, to the judge holding said court, and if any sheriff shall neglect or refuse so to do, he shall be punished by fine, not exceeding three hundred dollars.

Jails how to be constructed.

SEC. 12. In the jails erected, or which shall be hereafter erected in this territory, there shall be provided sufficient and convenient apartments, for confining prisoners not criminal, separate from felons, and other criminals, and also for confining persons of different sexes, separate and apart from each other.

Person sentenced to solitary imprisonment when to be continued.

SEC. 13. Whenever any person shall be duly sentenced to solitary imprisonment, and confinement at hard labor, in the territorial prison, or either of them, the sheriff of the proper county is required to execute such sentence of solitary imprisonment until a suitable territorial prison shall be provided, by confining such convict in one of the cells of the jail, or if there be no such cell, then in the most retired and solitary part of the jail; and during the time of such solitary imprisonment, the convict shall be fed with bread and water only, unless other food shall be necessary for the preservation of his health; and no intercourse shall be allowed with such convict during such confinement, except for the conveyance of food and other necessary purposes.

Sentence to imprisonment at hard labor how executed

SEC. 14. Whenever any person shall be confined in any jail pursuant to the sentence of any court, if such sentence or any part thereof shall be that he be confined at hard labor, the sheriff of the county in which such person shall be confined, shall furnish such convict with suitable tools and materials to work with, if in the opinion of the said sheriff, the said convict can be profitably employed either in the jail or yard thereof; and the expense of said tools and materials, shall be defrayed by the county, in which said convict shall be confined; and said county shall be entitled to his earnings.

When keeper may order prisoner to solitary confinement, &c.

SEC. 15. Whenever any person committed to prison for any cause whatever, shall be unruly, or shall disobey any of the regulations established for the management of prisons, the sheriff or keeper may order such prisoner to be kept in solitary confinement and fed on bread and water only, as is provided in the thirteenth section of this chapter, for a period not exceeding twenty days for each offence.

Necessary bedding, &c., to be furnished prisoners.

SEC. 16. The keeper of each prison shall furnish necessary bedding, clothing and fuel, and medical aid for all prisoners who shall be in his custody, and shall be paid therefor according to the provisions of the third section of this chapter; and such payment shall not be deducted from the sum he is entitled to receive, for the weekly support of the prisoner, according to the provisions of said third section.

Penalty for breaking prison.

SEC. 17. If any person who may be in any prison, under sentence of imprisonment in the territorial prison, shall break the prison and escape, he shall be punished by imprisonment in the territorial prison, for the term of one year, in addition to the unexpired term for which he was originally sentenced.

Penalty for person not convicted breaking prison.

SEC. 18. If any person who may be imprisoned pursuant to a sentence of imprisonment in the county jail, or any person who shall be committed for the purpose of detaining him for trial, for any offence

not capital, shall break prison and escape, he shall be imprisoned in the county jail for the term of six months.

SEC. 19. If any person who shall be committed to prison, for the purpose of detaining him for trial, for a capital offence, shall break prison and escape, he shall be imprisoned in the territorial prison, for the term of two years.

Person committed for trial for capital offence.
Penalty for breaking prison.

SEC. 20. If any prison, or any building thereto, shall be on fire, and the prisoners shall be exposed to danger by such fire, the keeper may remove such prisoners to a place of safety, and there confine them, so long as may be necessary to avoid such danger, and such removal and confinement shall not be deemed an escape of such prisoners.

Prisoners how disposed of in case of fire.

SEC. 21. When any poor convict shall have been confined in any prison for the space of six months, for the non-payment of fine and costs only, or either of them; the sheriff of the county in which such person shall be imprisoned shall make a report thereof to any two justices of the peace for such county; if required by such justices, the said keeper shall bring such verdict before them, either at the prison, or at such other convenient place thereto as they shall direct, the said justices shall proceed to inquire into the truth of said report, and if they shall be satisfied that such report is true, and the convict has not had since his conviction any estate, real or personal, with which he could have paid the sum, for the non-payment of which he was committed, they shall make a certificate thereof to the sheriff of the county and direct him to discharge such convict from prison, and the sheriff shall forthwith discharge him.

Persons imprisoned for non-payment of fines and costs how released.

SEC. 22. All sheriffs, jailors, prison keepers, and their, and each, and every, of all their deputies, within this territory, to whom any person or persons shall be sent or committed, by virtue of legal process, issued by, or under the authority of the United States, shall be, and they are hereby enjoined and required to receive such persons into custody, and to keep them safely until they be discharged by due course of the laws of the United States; and all such sheriffs, jailors, prison keepers, and their deputies, offending in the premises, shall be liable to the same pains and penalties, and the parties aggrieved shall be entitled to the same remedies against them, or any of them, as if such prisoners had been committed to their custody by virtue of legal process issued under the authority of this territory.

Sheriffs, deputies, &c., to receive prisoners into custody.

SEC. 23. The United States shall be liable to pay for the support and keeping of said prisoners, the same charges and allowances, as are allowed for the support and keeping of prisoners committed under the authority of this territory.

United States to pay for keeping such prisoners.

SEC. 24. Before every stated term of the United States court, to be held within this territory, the said sheriffs, jailors, and prison keepers shall make out, under oath, a calendar of prisoners in their custody, under the authority of the United States, with the date of their commitment, by whom committed, and for what offence, and transmit the same to the judge of the district court of the United States, for this district, and at the end of every six months they shall transmit to the United States marshal for this district, for allowance and payment of their account, if any, against the United States, for the support and keeping of such prisoners as aforesaid.

Calendar of prisoners to be made out before court.