

GENERAL STATUTES

OF THE

STATE OF MINNESOTA,

IN FORCE JANUARY, 1891.

VOL. 2.

CONTAINING ALL THE LAW OF A GENERAL NATURE NOW IN FORCE AND NOT IN
VOL. 1, THE SAME BEING THE CODE OF CIVIL PROCEDURE AND ALL REME-
DIAL LAW, THE PROBATE CODE, THE PENAL CODE AND THE CRIM-
INAL PROCEDURE, THE CONSTITUTIONS AND ORGANIC ACTS.

COMPILED AND ANNOTATED

BY

JNO. F. KELLY,

OF THE ST. PAUL BAR.

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CHAPTER 106 (G. S. ch. 120).

JAILS AND PRISONS.

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TITLE 1.

COUNTY JAILS.

IN GENERAL.

SEC. 6892. **Jail for every county.**— There shall be established and kept in every county, by authority of the board of county commissioners, and at the expense of the county, a jail for the safe-keeping of prisoners.

G. S. ch. 120, § 1.

SEC. 6893. **When no sufficient jail.**— When there is no sufficient jail in any county wherein any criminal offence has been committed, the examining magistrate upon his own motion, or the district judge upon application of the sheriff, may order any person charged with a criminal offence, and directed to

be committed to prison, to be sent to the jail of the county nearest having a sufficient jail; and the sheriff of such nearest county shall, on exhibit of such magistrate or judge's order, receive and keep in custody, in the jail of his county, the prisoner ordered to be committed as aforesaid; and the said sheriff shall, upon the order of the district court or a judge thereof, re-deliver such prisoner when demanded.

G. S. ch. 120, § 3. 25 M. 385.

SEC. 6894. Fugitives from justice.— Any county jail may be used for the safe keeping of any fugitive from justice in this state, in accordance with the provisions of any act of congress; and the jailor shall be entitled to reasonable compensation for the support and custody of such fugitive from the officer having him in custody.

G. S. ch. 120, § 4.

SEC. 6895. United States prisoners.— All sheriffs and jailors to whom any person is sent or committed by virtue of legal process issued by or under the authority of the United States, shall be and they are required to receive such person into custody, and to keep him safely until discharged by due course of law; and all such sheriffs and jailors 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 state.

G. S. ch. 120, § 5.

SEC. 6896. Same — Support of.— 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 state.

G. S. ch. 120, § 6.

SHERIFF'S DUTIES.

SEC. 6897. Keep copy of process.— When a prisoner is confined by virtue of any process directed to the sheriff, and which requires to be returned to the court whence it issued, such sheriff shall keep a copy of the same, together with his return made thereon; which copy, duly certified by such sheriff, shall be prima facie evidence of his right to retain such prisoner in custody.

G. S. ch. 120, § 16.

SEC. 6898. Preserve orders of commitment, etc.— All instruments of every kind, or attested copies thereof, by which a prisoner is committed or liberated, shall be regularly indorsed and filed, and safely kept in a suitable box by such sheriff, or by his deputy acting as a jailor. Such box, with its contents, shall be delivered to the successor of the officer having charge of the jail.

G. S. ch. 120, § 18. 29 M. 198.

SEC. 6899. Calendar of prisoners.— The sheriffs of the respective counties shall keep a true and exact calendar or register of all prisoners committed to any jail 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 of all persons committed to prison, the place of abode, the time of their commitment, 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 prisoner is 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.

G. S. ch. 120, § 10. 29 M. 198.

SEC. 6900. **Return copy to court.**— 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 neglects or refuses to do so, he shall be punished by fine, not exceeding three hundred dollars.

G. S. ch. 120, § 11.

CONDUCT OF JAIL.

SEC. 6901. **Sheriff responsible.**— The sheriff of the county, by himself or deputy, shall keep the jail, and be responsible for the manner in which the same is kept; he shall keep separate rooms for the sexes, except where they are lawfully married; he shall provide proper meat, drink and fuel for prisoners.

G. S. ch. 120, § 2.

SEC. 6902. **How kept.**— The keeper of such jail shall see that the same is constantly kept in a cleanly and healthful condition, and 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.

G. S. ch. 120, § 8. 35 M. 366.

SEC. 6903. **Treatment of juvenile prisoners.**— Juvenile prisoners shall be treated with humanity, and in a manner calculated to promote their reformation; they shall be kept, if the jail will admit of it, in apartments separate from those containing more experienced and hardened criminals; the visits of parents, guardians and friends who desire to exert a moral influence over them shall, at all reasonable times, be permitted.

G. S. ch. 120, § 7.

SEC. 6904. **Bibles — Religious instruction.**— The keeper of each jail shall provide, at the expense 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; 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.

G. S. ch. 120, § 9.

SEC. 6905. **Convict furnished with tools.**— Whenever any person is confined in any jail pursuant to the sentence of any court, if such sentence, or any part thereof, is that he be confined at hard labor, the sheriff of the county in which such person is confined shall furnish such convict with suitable tools and materials to work with, if, in the opinion of such 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 is confined, and said county shall be entitled to his earnings.

G. S. ch. 120, § 12.

SEC. 6906. **Bedding, clothing, etc.**— The keeper of each jail shall furnish necessary bedding, clothing and fuel, and medical aid for all prisoners who are in his custody, unless the same are furnished by the county, and shall be paid therefor out of the county treasury; and such payment shall not be deducted from the sum he is entitled to receive for the weekly support of the prisoner, as provided by law.

G. S. ch. 120, § 19.

SEC. 6907. **Solitary confinement.**— Whenever any person committed to jail for any cause whatever, is unruly, or disobeys any of the regulations estab-

lished for the management of jails, the sheriff or keeper may order such prisoner to be kept in solitary confinement, and fed on bread and water only, for a period not exceeding twenty days for each offence.

G. S. ch. 120, § 20.

SEC. 6908. Keeping prisoners from other counties.— Whenever any prisoner by the proper authority is directed to be confined in any county other than that in which the offence was committed, the sheriff of the county in which such prisoner is to be confined shall keep said prisoner at the expense of the county in which the offence was committed, and shall be allowed therefor four dollars per week. The board of county commissioners of the county from which said prisoner was sent, at their first session after the commitment of such prisoner, shall authorize the auditor of their county to issue to the sheriff of the county to which such prisoner was sent for confinement, orders upon their county treasurer for the expense of maintaining such prisoner from the time of his confinement until the meeting of the court at which he is to be tried; and if such prisoner is not tried at the first term of said court, the said board, at their first meeting thereafter, shall provide in like manner for the maintenance of such prisoner until the next session of said court, and so on, in like manner, until said prisoner is finally tried.

G. S. ch. 120, § 17.

SEC. 6909. Liquors to convicts forbidden.— No sheriff, jailor or keeper of any jail, shall, under any pretence, give, sell or deliver to any person committed to any 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 certifies in writing that the health of such prisoner requires it; in which case he may be allowed the quantity prescribed, and no more.

G. S. ch. 120, § 13.

SEC. 6910. Penalty for violation by keeper.— If any sheriff, jailor or keeper of any jail sells or delivers to any prisoner in his custody, or willingly or negligently suffers any such prisoner to have, any liquor prohibited in the preceding section, or places or keeps together prisoners of different sexes, contrary to the provisions of the second 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 jail, for the term of five years.

G. S. ch. 120, § 14.

SEC. 6911. Penalty for violation by others.— If any person other than mentioned in the preceding section, sells or delivers to any person committed for any cause whatever, any liquor prohibited in this chapter, or has in his possession, in the precincts of any jail, 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.

G. S. ch. 120, § 15.

SEC. 6912. Removal in case of fire.— If any jail, or any building thereto attached, takes fire, and the prisoners are exposed to danger by such fire, the keeper may remove them 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.

G. S. ch. 120, § 24.

ESCAPES.

SEC. 6913. How punished.— If any person who may be in any jail, under sentence of imprisonment in the state prison, shall break jail and escape, he shall be punished by imprisonment in the state prison for the term of one year, in addition to the unexpired term for which he was originally sentenced.

G. S. ch. 120, § 21.

SEC. 6914. **Same.**— If any person under sentence of imprisonment in the county jail, or any person committed for the purpose of detaining him for trial, for any offence not capital, shall break jail and escape, he shall be imprisoned in the county jail for the term of six months.

G. S. ch. 120, § 22.

SEC. 6915. **Same.**— If any person committed to jail for the purpose of detaining him for trial for a capital offence, shall break jail and escape, he shall be imprisoned in the state prison for the term of two years.

G. S. ch. 120, § 23.

TITLE 2.

STATE PRISON.

The law in this title repeals G. S. ch. 120, title 2; acts 1866, chs. 10, 12; 1867, ch. 14; 1869, ch. 45; 1870, ch. 39; 1871, ch. 47; 1873, ch. 137; 1874, ch. 17; 1881, ch. 70; 1881, Ex. S. ch. 52. Acts 1875, ch. 100, and 1885, ch. 157, provided for commissioners to locate a second prison.

SEC. 6916. **State prison located at Stillwater.**— There shall continue to be maintained for the confinement and reformation of convicts in this state a prison at Stillwater, in the county of Washington.

1889, ch. 254, § 1: "An act to provide for the management of the state prison at Stillwater, and to appropriate for the expense of said prison any funds arising from the labor of prisoners, and other miscellaneous receipts of the prison." Approved April 24, 1889. Repeals title 2, ch. 120, of G. S., and all inconsistent acts. This section same as § 25, ch. 120, G. S.

SEC. 6917. **Managers — How appointed — Term of office.**— That the government and control of the Minnesota state prison, and of the prisoners sentenced thereto, shall be vested in a board of managers, to consist of five members, no more than three of whom shall belong to the same political party, to be appointed by the governor, one from each congressional district of the state, by and with the consent of the senate; one to serve one year, one two years, one three years, one four years and one five years, as may be designated by the governor at the time of their appointment; and at the expiration of the term of each member of the board, his successor shall be appointed in the manner and by the authority as hereinbefore provided, but for the term of five years.

Whenever a vacancy occurs in the board of managers otherwise than by the expiration of the term of a manager such vacancy shall be filled by appointment of the governor, by and with the consent of the senate, for the unexpired term; *provided*, that the governor may remove any member of the board of managers for cause, but no member shall be removed until he shall have been allowed a hearing by the governor.

1889, ch. 254, § 2. Prior to this law, prison managed by three inspectors appointed by governor for three years. G. S. ch. 120, § 26.

SEC. 6918. **Organization of the board of managers.**— Immediately after their appointment and confirmation as herein provided, the board of managers shall convene in the city of Stillwater, and shall organize by electing one of their number as president of the board, to serve one year and until his successor is elected. Three members of the board shall constitute a quorum for the organization of the board and for the transaction of all business; but for the appointment and removal of the warden, and any business relating thereto, a concurrent vote of at least a majority of the members of the board,

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voting by yeas and nays, shall be necessary at any regular meeting of said board.

The members of the board of managers shall receive as compensation for their services as such managers, the sum of five dollars per diem for the time actually employed, not to exceed, however, one hundred days in each year, and in addition the amount of six cents per mile going and coming from their respective residences.

1889, ch. 254, § 3. Supersedes G. S. ch. 120, § 27, and part of § 42 (44). Inspectors' compensation increased from two to five dollars per day by acts 1874, ch. 16.

SEC. 6919. **Duties of the board of managers.**— The board of managers shall meet once in each month at the prison, and inspect the same. They shall make all necessary rules and regulations for the direction and government of all the officers of the prison; they shall make such rules and regulations for the government of the prisoners as shall best promote their reformation, and generally, as may from time to time be promotive of the purpose of this act. In order that good behavior may be properly rewarded, they shall provide in the said rules and regulations for a correct daily record of the conduct of each convict, and his fidelity and diligence in the performance of his work, and also, in conjunction with the board of managers of the state reformatory, such rules and regulations as may be necessary for the transfer of any of the prisoners confined therein to the state reformatory, under the provisions of section twenty-two of chapter two hundred and eight,¹ general laws of one thousand eight hundred and eighty-seven. And such rules and regulations, with their proceedings at each meeting, shall be recorded by the secretary, who shall attend their meetings for that purpose; *provided*, that special meetings may be called by the president of the board, or by the secretary of the board upon the request of two members thereof. They shall inquire into any improper conduct which may be alleged to have been committed by the warden or any other officer or employe of the prison, and for that purpose the president of the board may issue subpoenas to compel the attendance of witnesses, and the production of books, papers and writings before the board, in the same manner and with like effect as in cases of arbitration. And the board may examine any witnesses produced before it on oath, to be administered by the president of the board, or, in his absence, by any member thereof.

They shall make to the governor every two years, on or before the first day of December, a full report of all their doings during the biennial period, together with an abstract of the financial transactions of the prison, an estimate of the funds necessary to be appropriated by the legislature for the prison, and such other information and recommendations as they may see fit to offer. They shall transmit with such report to the governor the biennial reports made to them by the warden, treasurer, physician, chaplain and principal teacher.

1889, ch. 254, § 4. Supersedes and contains gist of §§ 36, 32, 33 and 40, ch. 120, G. S. ¹This law is title 4, ch. 35, *ante*.

SEC. 6920. **Officers appointed by the board of managers.**— The board of managers shall appoint a warden who from practical experience possesses the ability and qualifications necessary to successfully carry on the industries of the prison, and who possesses the executive ability essential to the proper management of the officers and other employes under his jurisdiction, and to the enforcement and maintenance of proper discipline in every department. Said warden shall hold his office at the pleasure of the board of managers.

The board shall appoint a prison physician (who shall be a surgeon), chaplains and a principal teacher, who shall hold their offices during the pleasure of the board. They shall have the power to designate some solvent national bank located in the city of Stillwater to be the treasurer and custodian of the funds of the prison.

1889, ch. 254, § 5. Supersedes § 29 and part of § 30, ch. 120, G. S., which provided for appointment of warden by the governor, and physician and chaplain by the board of inspectors.

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[SECS. 6921-6924.]

SEC. 6921. Officers and employes appointed by the warden.— The officers and employes of the prison, except those specified in section five,¹ shall be appointed by the warden, subject to the approval of the board of managers, and shall hold office at the pleasure of the warden. The warden shall so appoint a deputy warden and an assistant deputy warden, a prison clerk, a steward, a hospital steward, a storekeeper and a matron, together with such guards and other officers as the board of managers may deem necessary for the proper management and discipline of the prison.

1889, ch. 254, § 6. Supersedes § 30, ch. 120, G. S. ¹Sec. 6920, *supra*.

SEC. 6922. Board of managers to fix compensation of officers.— The board of managers shall fix and determine the compensation of all officers and employes, payable in equal monthly installments; *provided*, that the annual compensation of the following named officers shall not exceed the amounts named, viz.: Warden, three thousand dollars, together with house rent, fuel and lights; deputy warden, two thousand dollars, together with house rent, fuel and lights; assistant deputy warden, twelve hundred dollars; clerk, fifteen hundred dollars; physician, one thousand dollars; chaplains, not exceeding twelve hundred dollars altogether; principal teacher, seven hundred and fifty dollars; steward, twelve hundred dollars, with board and room; hospital steward, nine hundred dollars, with his board and room; all other employes such compensation as may be fixed by the board of managers. The steward, hospital steward and matron shall have board and rooms at prison, without any deduction made therefor from their salaries. The board of managers may allow such other employes of the prison as they deem proper to board at the prison at state expense.

1889, ch. 254, § 7. Supersedes § 42 (44), ch. 120, G. S., as amended 1869, ch. 45; 1871, ch. 47; 1874, ch. 16; 1881, ch. 70; 1881, Ex. S. ch. 52. Warden's compensation increased from \$750 to \$1,800 by acts 1871; to \$2,500 by acts 1881; to \$3,000 by acts 1889; deputy warden from \$400 to \$1,400 by acts 1871; to \$2,000 by acts 1881, Ex. S. ch. 52. Compensation of others fixed by inspectors.

SEC. 6923. Bonds of officers and oaths of office.— The warden, deputy warden, clerk and treasurer, before entering upon their official duties, shall give bonds with good and sufficient sureties, to be approved by the board of managers in such sums as the board of managers shall from time to time prescribe, subject to the approval of the public examiner. Said bond shall be conditioned upon the faithful discharge of the duties pertaining to said officers, and the faithful care and due accounting for all public funds and property which may come under their charge. All officers of the prison before entering upon their duties shall take and subscribe to the proper oath of office. The oath and bond of the warden shall be filed in the office of the secretary of state. All other oaths and bonds shall be filed in the office of the warden.

1889, ch. 254, § 8. Supersedes § 43 (45), ch. 120, G. S.

SEC. 6924. Duties of the warden.— It shall be the duty of the warden, under the rules and regulations adopted by the board of managers for the government of the prison:

First — To be in constant attendance at the prison, except when necessarily absent or sick, in which case his duties during his absence or illness shall devolve upon the deputy warden, and in no case shall the warden and deputy warden be absent from the prison at the same time.

Second — To exercise a general superintendence over the government, discipline and police of the prison, and to superintend all the business concerns thereof, and generally to have charge of all the departments of the prison and its officers as its executive head.

Third — To examine daily into the state of the prison, and the health, conduct and safe-keeping of the prisoners, and inquire into the justice of any complaints made by any of the convicts relative to their provisions, clothing or treatment.

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Fourth — To keep a daily journal of the proceedings of the prison, in which he shall note every infraction of the rules and regulations of the prison by any officer or guard thereof which shall come to his knowledge, and make a memorandum of every complaint made by any convict of cruel or unjust treatment by any officer of the prison, or of a want of good and sufficient clothing, or food; and also of every infraction of the rules and regulations of the prison by any prisoner, naming him and specifying the offenses, and also what punishment and the extent thereof, if any, was awarded; which journal shall be laid before the board of managers at every stated meeting, and at every special meeting when demanded.

Fifth — To act as secretary of the board of managers, and as such secretary to attend the regular and special meetings of the board and preserve a record of the same, which shall be signed by the president and attested by the secretary. All books, accounts, documents, registers and reports shall be deemed public property, of which the warden shall preserve at least one copy of each, and the warden shall exhibit to the board of managers, or either of them, on demand, all the books, papers, accounts and writing pertaining to the prison, or to the business, government, discipline or management thereof, and render them every other facility in his power to enable them to discharge their duties.

Sixth — To purchase the necessary provisions, fuel, lights, clothing, bedding, medicines, and all other supplies for the prison, under the direction of the board of managers: provided, that medicines and hospital stores shall be purchased under the advice of the prison physician.

Seventh — To take charge of any property or money belonging to convicts which they may have at the time of entering the prison, or which may come into the hands of the warden during their imprisonment. *Provided that:*

(a) He shall cause a careful and accurate record of such money and property to be kept on books provided for that purpose.

(b) He may in his discretion give such money or property to the family of the convict, with the consent of the convict, taking their receipt therefor.

(c) Moneys coming into the hands of the warden from any allowance made to convicts by the state for good conduct, as hereinafter provided, shall be placed to the credit of the several convicts on the books kept for that purpose.

When it can be ascertained that the family of any such convict is in a needy condition, it shall be the duty of the warden, by and with the consent and advice of the prison managers, to pay the money or such portion thereof as may be deemed necessary, to said family, taking vouchers therefor, and the warden shall keep a correct account of all convict money so received and disbursed by him, and make a full exhibit of the same in his biennial report to the board of managers.

In case any such convict has no family, or that it cannot be ascertained that his or her family are needy, then the several amounts due convicts under this act shall be placed to their several credits, and it shall be the duty of the warden to place the same to the credit of said convict in a savings bank to be designated by the board of managers, said bank to give such bonds as shall be prescribed by the board of managers.

No such funds shall be paid by the warden to any person other than the convict, or some member of his family, previous to his discharge from prison, unless the board of managers shall, by vote, authorize such payment, on request of the convict and recommendation of the warden.

When any such convict is discharged from prison, whether by expiration of sentence or pardon it shall be the duty of the warden to pay over to said convict all moneys so due, with interest which has accrued thereon, taking proper vouchers therefor; *provided*, that whenever in the judgment of the warden it is for the best interest of any discharged convict, he may pay the amount so due to said convict in installments extending over a period of not more than six months from the date of such discharge.

(d) When any convict shall die in prison, leaving money or other valuables to his or her credit to the amount of ten dollars or more, it shall be the duty of the warden to pay the amount so due to the heirs or administrators of such deceased convict when they can be found; and in case no heirs or administrators can be found, the warden shall advertise in some weekly paper printed at the capital for six weeks in succession the death of such convict, stating the amount due such convict, the expense of such advertising to be paid from the money belonging to such deceased convict.

In case no heir or administrator shall claim such funds within six months after being advertised, they shall revert to the state of Minnesota and shall be paid by the warden to the treasurer of the prison.

Eighth — To superintend any manufacturing and mechanical business that may be carried on by the state, pursuant to law, within the prison, to purchase tools, machinery and raw material, to sell the articles manufactured and dispose of them for the benefit of the state, and pay over the proceeds of such sales to the treasurer, under such rules as the board of managers shall prescribe. In case the labor of convicts is let, either on the contract or piece system, it shall be the duty of the warden to collect the amount due for such labor, from time to time, and pay over the same to the treasurer.

It shall be the duty of the warden, or the deputy warden under his direction, to assign the several convicts to such employment as he shall deem best, and to transfer such convicts from one branch of work to another, whenever in his judgment such change is desirable.

Ninth — To pay over all moneys received for the board of convicts, the labor of convicts, the rent of shops and offices, the sale of manufactured goods, or waste material, and other miscellaneous cash receipts to the treasurer, on or before the last day of each month.

Tenth — On the removal or resignation of the warden, an inventory of all state property in his hands shall be made, and he shall turn over to the incoming warden or the board of managers, all such property, and shall take a receipt therefor, together with a receipt for all prisoners on his hands and the board of managers shall settle the accounts of such retiring warden, on the presentation of his books, accounts and vouchers, duly authenticated for that purpose.

Eleventh — The warden shall biennially, on or before the first day of October after the close of each biennial period, make and deliver to the board of managers a report exhibiting a complete and detailed statement of the transactions of the prison during the biennial period preceding, stating the number of convicts confined therein, and all other matters relating to the prison and the management thereof.

1889, ch. 254, § 9. Supersedes §§ 38, 39, 44 (46), 45 (47), 52 (55), 53 (56), 54 (57), 55 (59), 60 (63), 61 (64), 75 (78), 78 (81), 79 (82), 87, 88, 89, 90, of G. S., and acts 1874, ch. 17, §§ 2, 3, 4, 5, 9.

SEC. 6925. Duties of deputy warden.—

First — Whenever there is a vacancy in the office of warden, or the warden is temporarily absent, all the duties of warden shall devolve upon and be performed by the deputy warden until the vacancy is filled or the warden returns.

Second — The deputy warden shall have special charge of the discipline of the convicts and their assignment to labor, under the direction of the warden, and he shall perform such other duties as shall be prescribed by the rules of the prison or by the warden.

Third — When any convict is delivered at the prison it shall be the duty of the deputy warden, or acting deputy warden, to search the said convict in the presence of the receiving officer, and to take possession of the clothing and any money or other valuables which may be found on his person, and make a descriptive list then and there of said articles, with a record of the condition of the clothing, and the disposition made thereof. Upon the request of said convict it shall be the duty of the deputy warden to turn the clothing over to the storekeeper to be kept for said convict until his discharge, but in such

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cases the convict shall have no claim for clothing to be furnished by the state upon his discharge. All money and valuables shall be turned over to the warden to be kept for such convict, as provided by section nine¹ of this act: *provided*, that in the case of female convicts, these duties shall be performed by the matron.

1889, ch. 254, § 10. Supersedes § 76 (79), ch. 120, G. S. ¹Sec. 6924, *supra*.

SEC. 6926. **Duties of the clerk.**— It shall be the duty of the clerk of the prison:

First — To attend at the prison daily during the proper business hours, unless by the direction of the warden or a member of the board he shall be otherwise engaged in transacting business on account of the prison.

Second — To keep the books and accounts of the prison in such manner as to clearly indicate all financial transactions relating to it; to also keep a register of convicts, in which shall be entered in alphabetical order the name of each convict, the crime of which he was convicted, the date of his conviction, time of sentence, from what county and by what court sentenced, his place of nativity, age, occupation, complexion, stature, number of previous convictions, and whether previously confined in a prison in this state, or any other state, together with when and how he was discharged. The board may require such additional facts to be stated on the register as it may deem proper.

Third — To make monthly expense lists for current expenses of each month, and separate monthly expense lists for the expenses incurred under special appropriations for each month. The said expense list shall show the name of each person rendering service or furnishing supplies, the nature of the service, and at what rate rendered, the quantity and kind of supplies furnished, and the amount to which each person is entitled by law. Said expense list shall be verified by the oath of the president of the board of managers and the warden, and shall be forwarded by the warden to the auditor of the state.

All bills or accounts against the state prison shall be made out and receipted in duplicate, and, on forwarding each expense list, the prison clerk shall also forward one set of vouchers for the preceding month. Vouchers shall be receipted in the following form: "Received of the warden of the Minnesota state prison an order on the treasurer of the state prison for — dollars in payment of the within account."

1889, ch. 254, § 11.

SEC. 6927. **Duties of the treasurer.**— The bank which shall be designated as treasurer of the state prison shall hold and safely keep all funds which may be deposited therewith on account of the state prison, and shall pay out the same only on orders signed by the warden and countersigned by a member of the board of managers, who shall have been authorized by vote of the board to sign such order.

1889, ch. 254, § 12.

SEC. 6928. **Duties of the physician.**— It shall be the duty of the prison physician:

First — To visit the prison daily and attend at all times to the wants of sick convicts, whether in the hospitals or in the cells, to bestow upon them all necessary medical service.

Second — In company with the deputy warden to examine weekly the cells of the convicts for the purpose of ascertaining whether they are kept in a proper state of cleanliness and ventilation, and if they are not so kept to point out to said deputy warden the deficiencies and report the same monthly to the board of managers.

Third — To prescribe the diet of sick convicts, and his directions in relation thereto shall be strictly followed, and to visit daily all convicts undergoing punishment, and to see that their health is not made to suffer unnecessarily thereby.

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Fourth — To keep a daily record of all admissions to the hospital and all cases treated in the cells or elsewhere, recording such facts as may be required by the board of managers.

Fifth — To examine any convict claiming to be unable to work by reason of sickness, and if, in his opinion, such convict is unable to work, he shall immediately certify the same to the warden, and such convict shall thereupon be relieved from work and placed under medical treatment; and whenever said physician shall certify to the warden that such convict is able to work, said convict shall be required to work.

Sixth — To make a monthly report to the board of managers and a biennial report, setting forth such facts as said board of managers shall require.

1889, ch. 254, § 13. Supersedes § 77 (80), ch. 120, G. S.

SEC. 6929. Duties of the chaplains.— It shall be the duty of the prison chaplains:

First — To hold religious services in the prison under such regulations as the board of managers and the warden may prescribe.

Second — To visit the convicts and attend to their spiritual wants, especially in time of sickness.

Third — To select books for the prison library, subject to the approval of the warden.

Fourth — To conduct suitable funeral services at the burial of each convict.

Fifth — To make a report to the board of managers at the close of each biennial period of the work performed and its results.

Sixth — To perform such other duties, not inconsistent with their calling, as the board of managers or the warden may approve and prescribe.

1889, ch. 254, § 14.

SEC. 6930. Duties of the principal teacher.— It shall be the duty of the principal teacher, under the direction of the warden, with the aid of such assistants as shall be appointed by the warden, and under such rules and regulations as may be established by the board of managers, to conduct one or more schools in the prison, for the instruction of such convicts as may be designated by the warden in the common branches of an English education. The management and discipline of the school shall correspond as nearly as practicable to the management and discipline of the common schools of the state.

The state superintendent of public instruction shall have general supervision of the school, shall require and receive quarterly reports of the condition thereof, upon blanks to be furnished from his office, and may limit and prescribe the text-books to be used and course of study to be pursued in the school.

1889, ch. 254, § 15.

SEC. 6931. Duties of the matron.— It shall be the duty of the matron:

First — To take entire charge of the female convicts, under the direction of the warden, subject to the rules and regulations established by the board of managers.

Second — To be in constant attendance at the prison and to be present invariably whenever the woman's department is unlocked, unless excused by the warden for temporary absence, in which case some competent woman must be provided to take her place.

1889, ch. 254, § 16.

SEC. 6932. Duties of the steward.— It shall be the duty of the prison steward, under the direction of the warden:

First — To take charge of the kitchens, dining rooms, mess room and bakery.

Second — To have the custody of all provisions and commissary stores purchased for the prison. He shall check all goods received, from the invoice, making a memorandum when there is no invoice, and shall certify to the quantities received. He shall issue supplies only on requisitions signed by

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the warden or the prison clerk, and shall keep a correct record of all supplies received and issued.

Third — He shall turn over to the warden daily all cash receipts for sales of any articles belonging to the prison.

1889, ch. 254, § 17.

SEC. 6933. Duties of the hospital steward.— It shall be the duty of the hospital steward to take charge of the hospital and the convicts therein under the direction of the warden and the physician. He shall have charge of the hospital stores and shall issue the same on written prescription of the physician.

1889, ch. 254, § 18.

SEC. 6934. Duties of the storekeeper.— It shall be the duty of the storekeeper to have the custody of all the prison stores except commissary and hospital stores. He shall check all goods received from the invoice, making a memorandum when there is no invoice, and shall certify to the quantities received. He shall issue goods only on requisitions signed by the warden or the prison clerk, and shall keep a correct record of all stores received and issued.

1889, ch. 254, § 19.

SEC. 6935. Duties of other officers.— Officers of the prison whose duties are not defined in this act shall perform such duties as may be prescribed by the rules and regulations established by the board of managers, or may be assigned by the warden; and officers whose duties are herein defined shall perform such other or additional duties as may be assigned to them by the warden at any time; and all vacancies in such offices shall be filled in the same manner in which appointments are made.

1889, ch. 254, § 20.

SEC. 6936. Managers and officers not to be interested in contracts. No member of the board of managers shall be warden of the prison or concerned in the business thereof, or hold any other appointment or place connected with the prison, and no person shall be appointed as a member of said board or to any office or employment of the state in the prison, who is a contractor in the prison or the agent or employe of such contractor, or who is interested directly or indirectly, in any business carried on in such prison. And no member of the board of managers or any other officer or employe of the prison shall be interested, directly or indirectly, in any contract, purchase or sale, for or on account of the prison.

No person shall be appointed as an officer or employe of said prison who is in the habit of using intoxicating liquors, and a single act of intoxication shall justify a removal or discharge.

1889, ch. 254, § 21. Supersedes § 51 (54).

SEC. 6937. Prison officers not to receive other compensation than that provided by law.— No officer shall receive, directly or indirectly, any other compensation for his services than that prescribed by law, nor shall he receive any compensation whatever, directly or indirectly, for any act or service which he may do or perform for or on behalf of any contractor, either for the labor of the prison or for constructing buildings or furnishing of supplies; and a contractor, or employe, or agent of a contractor, concerned in such violation shall be expelled from the prison, and not again permitted within it as a contractor, agent or employe. Nor shall any officer, or employe of the prison receive any gift from a convict, or any money or other consideration for any service rendered or to be rendered for any convict. For every violation of this section the party engaged therein shall be discharged from office, and disqualified thereafter from holding any office in the prison.

1889, ch. 254, § 22.

SEC. 6938. Business transactions to be in the name of the warden. All the transactions and dealings of the prison, except as otherwise provided

by law, shall be conducted in the name of the warden, who shall be capable in law of suing and being sued in all courts and places, in all matters concerning the said prison, by his name of office, and by such name he is hereby authorized to sue for and recover all sums of money, or any property due from any persons to any former warden of said prison, or the people of this state on account of said prison.

1889, ch. 254, § 23. Supersedes and substantially § 45 (47), ch. 120, G. S.

SEC. 6939. Miscellaneous receipts to be paid into the state treasury and appropriated for the expenses of the prison.—All moneys received for the board of convicts, the labor of convicts, the rent of shops and offices, the sale of manufactured goods or waste materials, and other miscellaneous cash receipts, shall be paid over monthly by the institution treasurer on a proper order, to the state treasurer, and shall be accompanied by a statement showing from what sources such funds have been received, and it shall be the duty of the state treasurer to notify the auditor of state when such funds are received by him. The auditor of state shall thereupon credit the amount so reported on his books to the state prison, adding it to any appropriation which shall have been made by the legislature for the support of the prison, the purchase of raw material, or the carrying on of industries in the prison, and there is hereby appropriated for the support of the prison, the purchase of raw material, or the carrying on of industries in the prison in addition to the amounts appropriated by the legislature from time to time, all of the miscellaneous receipts above mentioned.

1889, ch. 254, § 24. Supersedes § 48 (51), ch. 120, G. S.

SEC. 6940. Maintenance of prison library.—The board of managers shall appropriate the fees received from visitors to be expended in the purchase of books and periodicals for the use of the prison library; said library shall be selected by the chaplains subject to the approval of the warden, and shall be kept within the walls of said prison, and shall at all times be open for the free use of said convicts, under such rules and regulations in reference to the distribution of the books in said library as said managers may prescribe. No book in said library shall be loaned to any person other than a convict within said prison, nor shall any such book be taken out of or away from said prison.

1889, ch. 254, § 25. Supersedes §§ 41, 42, 43, ch. 120, G. S., and acts 1873, ch. 137:

SEC. 6941. Clothing and food of convicts.—The clothing and bedding for the convicts shall be of coarse material, and they shall be supplied with a sufficient quantity of substantial and wholesome food.

1889, ch. 254, § 26. Supersedes and same as § 64 (67), ch. 120, G. S.

SEC. 6942. Convicts on discharge to be furnished with clothes.—When any convict is discharged from prison, the warden shall furnish such convict with a decent suit of clothes at the expense of the state; *provided*, that if such convict shall have to his credit on the books of the prison at the time of his discharge the sum of fifty dollars or more, he shall be required to furnish clothing at his own expense; and in case such convict shall so request, it shall be the duty of the warden to act as agent for such convict in purchasing such clothing from any dealer whom the convict may designate; and it shall be the duty of the warden to exercise vigilance to protect the convict against extravagant or unreasonable charges on the part of such dealers; *and provided further*, that in case any convict has not as much as fifteen dollars to his credit on the books of the prison at the time of his discharge, the warden shall pay to the convict from the current expense fund of the prison such a sum as shall make the total amount paid such convict on his discharge fifteen dollars.

The warden shall furnish at the expense of the state to each convict who can read such version of the sacred scriptures as such convict may desire.

1889, ch. 254, § 27. Supersedes § 61 (64), ch. 120, G. S.

SEC. 6943. Commitment papers — Duties of clerk of court and sheriff.— Every clerk of any court of the state of Minnesota by which a criminal shall be sentenced to the state prison shall furnish the officers having such criminal in charge a record containing a copy of the indictment and of the plea, the name and the residence of the judge presiding at the trial, also the jurors and witnesses sworn on the trial, such synopsis of the testimony as the judge may direct, the charge of the court, the verdict, the sentence pronounced and the date thereof, and shall receive therefor such compensation as the court shall direct, which record, duly certified by the clerk under his hand and seal, may be used as evidence against such criminal in any proceeding taken by him for any release from imprisonment by habeas corpus. It shall be the duty of the sheriff of the county in which said convict is sentenced, or his deputy, to convey said convict safely to the state prison at Stillwater, and deliver said convict to the warden of said state prison, together with the record received from the clerk of court, and to take the receipt of said warden for the delivery of the convict.

1889, ch. 254, § 28. Supersedes § 67 (70), ch. 120, G. S.

SEC. 6944. Fees and expenses for taking convicts to prison.— The necessary expenses and legal fees of sheriffs and other officers, incurred in conveying convicts to state prison, shall be approved by the auditor of the state and be paid out of the state treasury. Said auditor may allow for said expenses and fees the following rates: Three dollars per day for time of sheriff necessarily spent going to and from the prison; two dollars and fifty cents per day for each guard necessary, and such sum as may be necessary, for railroad fare and actual traveling expenses. Not more than one guard shall be allowed for one prisoner, and one additional guard for every two additional prisoners. When conveyance by team is necessary, a team and driver may be employed at a rate of compensation not exceeding five dollars per day; forty miles per day to be estimated as a day's travel. All bills shall be rendered in writing and fully itemized and verified by oath, and accompanied by the receipt of the warden of the state prison for the delivery of such convict or convicts.

1889, ch. 254, § 29. Supersedes and substantially § 70 (73), ch. 120, G. S., as amended 1870, ch. 39.

SEC. 6945. United States convicts received — Expenses.— All criminals sentenced to the state prison by the authority of the United States shall be received and kept according to the sentence of the court by which they were tried, and the convicts so confined shall be subject in all respects to the same discipline and treatment as though committed under the laws of this state; the warden shall charge and receive from the United States for the use of the state, for each convict forty cents a day for board, and [the] cost of all clothing which may be furnished, and one dollar a month for the use of the convict, and if additional guards be required, the compensation of such guards, and no other or further charge shall be made by any officer for or on account of such convicts.

1889, ch. 254, § 30. Supersedes § 59 (62), ch. 120, G. S.

SEC. 6946. Prison discipline to be enforced.— When any convict offers violence to any officer or guard of the prison, or to any other person or convict, or attempts to do any injury to the buildings or any workshop, or to any appurtenances thereof, or disobeys or resists any reasonable commands of any officer or guard, such officers and guards shall use all reasonable means to defend themselves and to enforce the observance of discipline.

1889, ch. 254, § 31. Supersedes but same as § 56 (59), ch. 120, G. S.

SEC. 6947. Injury of unruly convicts — Officers justified.— If any convict resists the authority of any officer, keeper or guard of the prison, or refuses to obey any lawful command, such officer, keeper or guard shall imme-

distately enforce obedience by the use of such weapons or other aid as may be necessary for the purpose. And if in so doing, any convict thus resisting shall be necessarily wounded or killed by such officer or his assistants, they are justified and shall be held guiltless.

1889, ch. 254, § 32. Supersedes but same as § 57 (60), ch. 120, G. S.

SEC. 6948. **Confinement in separate cells.**— Whenever there are cells sufficient, each convict shall be confined in a separate cell.

1889, ch. 254, § 33. Supersedes but same as § 62 (65), ch. 120, G. S., and acts 1866, ch. 12.

SEC. 6949. **Intoxicating liquors not allowed in prison.**— No spirituous or fermented liquors shall be, under any pretense whatever, brought into or upon the premises of the prison, except by direction of the prison physician.

1889, ch. 254, § 34. Supersedes but same as § 71 (74), ch. 120, G. S.

SEC. 6950. **Convicts to have the privilege of communicating with warden and managers.**— Every convict in the state prison shall have the privilege of communicating in writing with the warden or the board of managers. The board of managers shall designate the chaplain, or some other officer of the prison, whose duty it shall be, at least twice in each week, to visit each convict in the prison and receive any written communication addressed to the warden or board of managers, and to deliver the same to the warden. It shall be the duty of said officer to supply writing material for this purpose when necessary. Every such communication shall be endorsed with the number of the cell of the convict, and it shall be the duty of the warden to acknowledge the receipt of such communication by a written or printed card, endorsed with the cell number, which shall be returned to the convict by the said officer.

Any officer charged with the duty prescribed in this section who shall refuse or neglect to deliver any such communication on the proper request of any convict, may be discharged from office by the board of managers and disqualified from holding office at the prison.

1889, ch. 254, § 35.

SEC. 6951. **Contagious disease — Removal of convicts.**— In case any pestilent or contagious disease breaks out among the convicts or in the prison, or in case of the total or partial destruction of the prison from any cause, the managers and warden may cause such convicts to be removed to some secure and suitable place, where such as are sick shall receive all necessary care and medical attendance at the expense of the state.

1889, ch. 254, § 36. Supersedes § 58 (61), ch. 120, G. S.

SEC. 6952. **Reward for escaped convict.**— Whenever any convict escapes from the prison the warden shall use all proper means for the apprehension of such convict, and for this purpose he 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 of any officer under him the reward thus offered shall be paid by the warden.

1889, ch. 254, § 37. Supersedes but same as § 68 (71), ch. 120, G. S.

SEC. 6953. **Rewards — How approved and paid.**— All suitable rewards and other sums of money paid for advertising any convict shall be approved by the board of managers and paid out of the state treasury.

1889, ch. 254, § 38. Supersedes but same as § 69 (72), ch. 120, G. S.

SEC. 6954. **Who may visit prison at pleasure.**— The following persons shall be allowed to visit the prison at pleasure: The members of the board of managers, the governor, lieutenant governor, members of the legislature, all state officers and regularly authorized ministers of the gospel; but no other person shall go within the walls of the prison without the special permission of the warden, * subject to such rules as the board of managers may prescribe.

1889, ch. 254, § 39. Supersedes but same as § 66 (69), ch. 120, G. S., except below *.

SEC. 6955. Communication with convicts.— No person shall, without the consent of the warden, bring into or carry out any writing or any information to or from any convict.* Any violation of this section shall be deemed a misdemeanor and shall be punished in such manner as the judge of the municipal court of the city of Stillwater or the judge of the district court of Washington county may direct; any person detected in the act of violating this section shall be deemed guilty of an infraction of the prison rule and shall be subject to arrest by any officer of the prison without warrant.

1889, ch. 254, § 40. Above * is § 65 (68), ch. 120, G. S.

SEC. 6956. Diminution of sentence for good conduct.— Each convict who is sentenced for a definite term other than life, shall be entitled to diminish the period of his sentence under the following rules and regulations:

(a) For each month, commencing on the first (1st) day of his arrival at the prison, during which he has not been guilty of a violation of discipline, or of any of the rules of the prison, and has labored with diligence and fidelity, he shall be allowed a deduction of five (5) days from the period of his sentence.

(b) After he has passed one (1) full year of his sentence, in which he has not been guilty of a violation of discipline, or any of the rules of the prison, and has labored with diligence and fidelity, the deduction shall be seven (7) days from the period of his sentence for each month.

(c) After he has passed two (2) full years of his sentence, as above provided, the deduction from his term shall be nine (9) days for each month.

(d) After he has passed three (3) full years of his sentence, as above provided, the deduction from his term shall be ten (10) days for each month.

For a violation of the rules and discipline, or for a want of fidelity and care in the performance of work, he shall not only forfeit all time gained for the month in which the delinquency occurred, but according to the aggravated nature or the frequency of his offenses, the board may deduct a portion or all of his time previously gained; but the board may review the conduct record of a convict, and if it shall appear that there were special mitigating circumstances or that any violation of the rules and discipline was committed through ignorance or circumstances beyond his control, or abuse of any officer, they may restore him, in whole or in part, to the standing he possessed before such violation.

If a convict be prevented from laboring by sickness or other infirmity not intentionally produced by himself or by other cause for which he is not responsible, he shall be entitled, by good conduct, to the same deduction from his sentence each month as above provided for.

A convict who shall pass the entire period of his imprisonment without a violation of the rules and discipline, except such as the board of managers shall excuse, shall upon his discharge from prison be restored to the rights and privileges forfeited by his conviction, and shall receive from the governor a certificate under the great seal of the state as evidence of such restoration, to be issued upon presentation to the governor of a certificate of such conduct, which shall be furnished to such convict by the warden.

1889, ch. 254, § 41. Supersedes §§ 85, 86, ch. 120, G. S. Acts 1867, ch. 14; 1874, ch. 17, § 1; 1881, Ex. S. ch. 16.

SEC. 6957. Compensation for good conduct.— All convicts confined in the Minnesota state prison who shall become entitled to a diminution of their term of sentence by good conduct while in prison in accordance with this act shall, in addition to said diminution of their term of imprisonment, receive compensation from the current expense fund for every day, except Sundays and legal holidays, at an average rate of ten (10) cents per day per convict, the compensation to be graded, at the discretion of the warden, from eight (8) to twelve (12) cents per day. The difference in the rate of compensation to be based, not on the pecuniary value of the work performed; but on the will-

ingness, industry and good conduct of the convicts. *Provided*, that whenever any convict shall forfeit his good time for misconduct or violation of the rules and regulations of the prison he shall forfeit out of the compensation allowed under this section, fifty (50) cents for each day of good time so forfeited; and, provided, that convicts serving life sentences shall be entitled to the benefit of this section when their conduct is such as would entitle other convicts to a diminution of sentence, subject to the forfeiture of good time for misconduct, as herein provided.

Repealing clause.— Title two (2) of chapter one hundred and twenty (120) of the general statutes of one thousand eight hundred and seventy-eight (1878), together with all acts and parts of acts inconsistent with this act, are hereby repealed.

1889, ch. 254, §§ 42, 43. Supersedes acts 1874, ch. 17, §§ 1, 7.

SEC. 6958. Solitary confinement abolished.— That in all cases where the time of imprisonment is during life, solitary imprisonment in the state prison is hereby abolished, excepting for prison discipline.

1876, ch. 79: "An act to abolish solitary imprisonment in the state prison." Approved March 2, 1876.

SEC. 6959. Maintenance of paupers discharged from prison.— Whenever the county commissioners of any county in this state shall make out a claim against the state for the maintenance or support of any pauper, coming direct from the state's prison, after his or her discharge as a convict thereof, and shall set forth by such claim the name of such convict, the term of service, date of discharge, crime for which imprisoned, together with the time such person or persons have been supported by their county, the same duly verified under oath by the chairman of such county board, such claim or claims shall be paid by the state treasurer out of the appropriation for current expenses of state's prison; *provided, however*, that such support or maintenance shall not be charged at a higher rate than three and one half dollars per week for each person so maintained. *And provided, further*, that no money shall be paid under the provisions of this act for the support of any pauper so discharged prior to its passage, except the amount which will be due to Washington county for the support of John Klohn.

And that any claim or claims for the support of such convict paupers before the first of January, one thousand eight hundred and seventy-five, shall be made out up to that date, and thereafter such claims shall be made annually, and be presented by the treasurer of the county making such claim.

1875, ch. 116: "An act to provide for the maintenance of paupers discharged from the state's prison." Approved February 27, 1875.

TITLE 3.

EMPLOYMENT OF CONVICTS IN STATE PRISON.

SEC. 6960. Trade of convict ascertained before sentence.— 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 ascer-

tained, 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.

1889, ch. 255, § 1: "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)." Approved April 24, 1889. Acts 1887, ch. 166, abolished convict labor contracts, and provided for convicts to labor under management of the institution and a sale of the products. Acts 1887, ch. 197, prohibited prison contractors to enter into competition with artisan labor. Acts 1878, ch. 87, and 1881, ch. 136, were enactments regulating the convict labor contracts with Seymour, Sabin & Co.

SEC. 6961. **Convict to be employed.**—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.

1889, ch. 255, § 2.

SEC. 6962. **Employment governed by this law.**—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.

1889, ch. 255, § 3.

SEC. 6963. **Systems of employment.**—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 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.

1889, ch. 255, § 4.

SEC. 6964. **Duty of warden.**—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.

1889, ch. 255, § 5.

SEC. 6965. **Lease of prison shops.**—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 years, as the board may deem for the interests of the state.

1889, ch. 255, § 6.

SEC. 6966. **Letting to service.**—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 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 years. Such convicts shall not be

leased to any contractor or lessee for less than the sum of forty-five 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.

1889, ch. 255, § 7.

SEC. 6967. Duty of board of managers.— 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.

Publish notice.— 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 weeks next preceding the time fixed in such notice for opening such proposals.

Form of contract.— 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 days prior to the time fixed in said notice for the opening of such proposals.

Bids.— 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 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 cents per day per convict for work to be performed by the convicts.

Contract.— 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 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

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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.

1889, ch. 255, § 8.

SEC. 6968. Rejection of bids.— 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, readvertise 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 readvertise; 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 readvertisement in addition to all damages by reason of such refusal or neglect.

1889, ch. 255, § 9. -

SEC. 6969. Rules for contractors.— 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.

1889, ch. 255, § 10.

SEC. 6970. Separate proposals.— 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.

1889, ch. 255, § 11.

SEC. 6971. Revenues paid to warden.— 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.

1889, ch. 255, § 12.

SEC. 6972. Employment on state account.— 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 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 ap-

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proval, 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.

1889, ch. 255, § 13.

SEC. 6973. Warden to keep accounts.—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 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.

1889, ch. 255, § 14.

SEC. 6974. Officers not to be interested.—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.

1889, ch. 255, § 15.

SEC. 6975. Appropriation.—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 dollars, or so much thereof as may be necessary.

1889, ch. 255, § 16.

SEC. 6976. Repeal.—Chapters one hundred and ninety-seven and one hundred and sixty-six of the general laws of one thousand eight hundred and eighty-seven, and all other acts or parts of acts inconsistent herewith are hereby repealed.

1889, ch. 255, § 17.