

# REVISED LAWS

# MINNESOTA

## 1905

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MARK B. DUNNELL

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of the governor, and shall be open to public inspection at all reasonable times. ('97 c. 23 ss. 5, 7, 8)

**5431. Issuance of process—Witnesses—Standing appropriation—**The board may issue process requiring the presence of any person or officer before it, with or without books and papers, in any matter pending, and may take such reasonable steps in the matter as it may deem necessary to a proper determination thereof. Whenever any person is summoned before the board by its authority, he may be allowed such compensation for travel and attendance as it may deem reasonable. The sum of three hundred dollars is hereby appropriated annually for carrying out the provisions of this subdivision. ('97 c. 23 ss. 8, 9)

## CHAPTER 105

### STATE PRISON AND STATE REFORMATORY

#### STATE PRISON

**5432. Location and management—**The state prison shall be continued at its present site in Stillwater for the confinement and reformation of convicts, and be under the general management of the board of control. (7449)

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**5433. Contractors not to be employed—Compensation—**No prison contractor or his agent or employee, and no person directly or indirectly interested in any business carried on therein, shall hold office or employment in said prison. Nor shall any officer or employee therein be directly or indirectly interested in any contract, purchase or sale for or on account of the prison, or receive any compensation for services performed for or on behalf of any contractor, or for his services other than that prescribed by law. And no official or employee shall receive any gift from a prisoner therein, or any money or other consideration for services rendered or to be rendered to him. Every contractor, his agent or employee, violating any provision of this section, shall be thereafter barred from obtaining any contract for labor in said prison, and every officer or employee violating the same shall be discharged, and thereafter disqualified from holding any position therein. (7469, 7470; '95 c. 154 s. 16)

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**5434. Visitors—Fees—**The members of the state board of control, the governor, lieutenant governor, members of the legislature, state officers, and regularly authorized ministers of the gospel may visit the prisoners at pleasure, but no other persons, without special permission of the warden, under rules prescribed by said board. A moderate fee may be required of visitors, other than those allowed to visit at pleasure. Such fees shall be used to defray the expenses of ushers for conducting such visitors, for the maintenance of the prison library, the prison band, and other entertainments of the inmates. (7473, 7487)

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**5435. Clothing and food—Money on discharge—**Convicts shall be supplied with substantial, wholesome food in sufficient quantities, and bedding and clothing of coarse material. Upon discharge the warden, at the expense of the state, shall furnish each convict released with one good, serviceable suit of clothing and underclothing, and, when released between October 1 and March 31 following, with a good, serviceable overcoat; and he shall pay to each convict, when released, twenty-five dollars in money drawn from the current expense fund. (7474, 7475; '97 c. 243)

**5436. Commitment papers—Duty of clerk and officer—**The clerk of every court by which a criminal shall be sentenced to the state prison or state reformatory shall furnish the officer or person having such criminal in charge a record containing a copy of the indictment and plea, the name and residence of the judge presiding, of the jurors, and of the witnesses sworn on the trial,

such synopsis of the testimony as the judge may direct, the charge of the court, the verdict, and the sentence, with the date thereof, which record, duly certified by such clerk under his official seal, may be used as evidence against such criminal in any proceeding for release taken by him by habeas corpus. The synopsis above referred to shall be furnished by the stenographer acting on the trial, and, in case there is none, by the county attorney. The clerk shall also deliver to the sheriff or other officer or person conveying such convict to the state prison, state reformatory, or other place of confinement specified therein, a certified commitment directing him to deliver such convict and the aforesaid copy of record to the principal officer in charge of the prison or reformatory, and take his receipt therefor. (3592, 7476, 7508)

**5437. United States convicts**—Every convict duly committed to said prison by authority of the United States shall be received, maintained, and disciplined in compliance with his sentence, in the same manner as other prisoners therein, upon payment made by the United States of forty cents per day, the cost of all discharge clothing furnished, the expense of every additional guard required, and one dollar per month for the use of the convict. (7478)

**5438. Discipline**—If any convict shall offer violence to any officer, guard, or any other person or convict, they may defend themselves in any manner and by any means which may appear to be necessary under the circumstances. If any such convict shall attempt to injure the buildings or appurtenances, or to resist the lawful authority of any officer or guard, or shall refuse to obey their reasonable demands, such officer or guard may enforce obedience and discipline in such manner as may appear necessary; and if, in so doing, any convict so resisting lawful authority shall be necessarily wounded or killed by such officer, guard, or assistants, they shall be held justified. (7479, 7480)

**5439. Separate cells**—Whenever there are cells sufficient, each convict shall be confined in a separate cell. (7481)

**5440. Intoxicating liquors**—No spirituous or fermented liquors shall be brought into or upon the grounds of the prison, under any pretence whatever, except by direction of the prison physician. (7482)

**5441. Convicts may communicate with warden or board**—Every convict may communicate, in writing, with the warden and board of control, under regulations prescribed by said board for that purpose. (7483)

**5442. Contagious disease—Removal of convicts**—In case of an epidemic of any infectious or contagious disease in said prison, whereby the health or lives of the prisoners may be endangered, the warden, with the approval of the board of control, may cause the prisoners so affected to be removed to some other secure and suitable place or places for care and treatment; and, should said prison be destroyed, in whole or in part, by fire or other casualty, so as to become unsuitable for proper detention and custody of the convicts, the warden, with the approval of said board, may remove them, or any number thereof, to such other safe and appropriate place as may be provided. (7484)

**5443. Reward for escaped convict**—Upon the escape of a convict from the state prison or reformatory, the warden or superintendent, as the case may be, shall use all proper means for his apprehension and return, and for that purpose may offer a reward of not more than twenty-five dollars, and, with the approval of the board of control, a further sum not exceeding one hundred dollars, to be paid from the state treasury, provided that such warden or superintendent, as the case may be, shall himself pay such reward if the escape is due to his negligence or that of any officer under him. (7485, 7486)

**5444. Communication with convicts**—No person, without the consent of the warden, shall bring into or carry out of the prison any writing or any information to or from any convict. Every violation of this provision shall be a misdemeanor and punished accordingly. On discovery such person may be arrested by any prison officer without warrant. (7488)

**5445. Diminution of sentence**—Every convict sentenced for a definite term other than life may diminish such term as follows:

1. For each month, commencing on the day of his arrival, during which he

has not violated any prison rule or discipline, and has labored with diligence and fidelity, five days.

2. After one year of such conduct, seven days for each month.

3. After two years of such conduct, nine days for each month.

4. After three years, ten days for each month for the entire time thereafter.

Said board, in view of the aggravated nature and frequency of offences, may take away any or all of the good time previously gained, and, in consideration of mitigating circumstances or ignorance on the part of the convict, may afterwards restore him, in whole or in part, to the standing he possessed before such good time was taken away. Whenever a convict shall pass the entire period of his imprisonment without an unexcused violation of the rules or discipline, upon his discharge he shall be restored to his rights and privileges forfeited by conviction, and receive from the governor a certificate, under the seal of the state, as evidence of such restoration. (7489)

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**5446. Vocation of convict—Examination by court—**Every court, before imposing a state prison or reformatory sentence, shall ascertain by examination of the convict on oath, and such other evidence as can be obtained, the business, if any, followed by him before his arrest, whether he had learned and practiced any mechanical trade, and, if so, the nature thereof, and length of time followed. The clerk shall enter upon the minutes the facts so ascertained, by the court, and deliver a certificate thereof to the sheriff of the county and other proper officer, who shall cause the same to be delivered to the warden, superintendent, or other chief officer of the state prison or reformatory at the time of the commitment. Every person committed to such institution shall be regularly employed at, and compelled to perform a reasonable amount of hard labor in, some industrial work, unless exempted on account of sickness or other disability. ('95 c. 154 ss. 1, 2)

Sentence should be to hard labor (68-465, 71+681).

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**5447. No contract labor—Tools and machinery—**No contracts for leasing the labor of prisoners confined in any such institution, at a certain rate per diem, giving the contractor full control of the labor of the prisoners, shall be made; but such prisoners shall be employed, under regulations established by said board of control, in such industries as shall from time to time be fixed upon by the officers in charge and said board, or in the manufacture of articles by the piece, under the so-called "piece price system," by contracts with persons furnishing the materials. The chief officer, under the direction of said board, shall purchase such tools, implements, and machinery as they shall deem necessary for the work. ('95 c. 154 ss. 3, 4)

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**5448. Sale of binding twine—Regulation—Penalty—**The price of binding twine manufactured at the state prison shall be fixed by the warden and board of control not later than March 1 each year, and until May 1 thereafter such twine shall be sold only to actual consumers in quantities needed for their use, for cash or security approved by the warden. Of the unsold twine on hand May 1, five hundred thousand pounds shall be reserved to fill subsequent orders of consumers. The balance may be sold to dealers within the state who enter into a written agreement to sell only to actual consumers therein for their own use, at a price not greater than one cent per pound above the purchase price and freight from the prison. The state shall retain a contingent interest in twine so sold, and upon violation of such agreement may declare such twine forfeited to it and retake possession thereof. Every dealer purchasing such twine shall keep it separate from other twine, and also keep a correct record of all his sales, showing the date, amount, price, and name of purchaser, which shall be open to the inspection of the warden, board of control, and the proper county attorney. Sales shall be distributed among the agricultural counties as nearly as practicable in proportion to the acreage of grain therein, and after July 1 all twine on hand may be sold. Every dealer who shall violate the terms of said written agreement, and every person violating any provision of this section, shall be guilty of a gross misdemeanor. ('03 c. 104)

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**5449. Number employed in one industry**—The number of prisoners employed in a single industry at the same time shall not exceed ten per cent. of the total number of persons engaged in such industry in this state, unless a greater number shall be necessary to produce materials or articles to be supplied to state and other municipal institutions, penal or charitable. But this shall not apply to the number of prisoners employed in the manufacture of binding twine. The number employed in any such industry shall be determined by a commission of three, to consist of the labor commissioner, who shall be chairman, a member of the board of control, and a citizen of the state engaged or interested in some manufacturing industry not connected with the state prison or reformatory; the last two to be appointed by the governor. ('95 c. 94)

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**5450. Habitual drinkers**—No person shall be appointed as an officer or employee of any state prison or state reformatory who is in the habit of using intoxicating liquors, and a single act of intoxication shall justify a removal or discharge. ('95 c. 154 s. 15)

**5451. Sentence on reformatory plan**—Whenever any person not less than seventeen nor more than thirty years old, who has never been sentenced to a state prison or reformatory, is convicted of an offence punishable by imprisonment in the state prison, the court, in its discretion, may sentence him to the state prison in like manner and on like conditions as are provided for sentence to the reformatory, designating the sentence to be upon the reformatory plan; and in such cases paroles and releases shall be granted upon the same terms and conditions as from the reformatory. (7507)

**5452. Parole of prisoners**—The state board of control may parole any prisoner: Provided,

1. No convict shall be paroled who has been previously convicted of a felony other than the one for which he is serving sentence, either in this state or elsewhere.

2. No convict serving a time sentence shall be paroled until he shall have served at least one-half of his full term, not reckoning good time.

3. No convict serving a life sentence shall be paroled until he has served thirty-five years, less the diminution which would have been allowed for good conduct had his sentence been for thirty-five years, and then only by unanimous consent, in writing, of the members of the board of pardons.

4. Such convicts while on parole shall remain in the legal custody and under control of the board of control, subject at any time to be returned to the prison or reformatory, and the written order of said board, certified by the warden, shall be a sufficient warrant to any officer to retake and return to actual custody any such convict. Geographical limits wholly within the state may be fixed in each case, and the same enlarged or reduced according to the conduct of the prisoners.

5. In considering applications for parole said board shall not entertain any petition, receive any written communication, or hear any argument from any attorney or other person not connected with said prison, in favor of the parole of any prisoner, but it may institute inquiries by correspondence or otherwise as to the previous history or character of such prisoner. (7510; '01 c. 232)

**STATE REFORMATORY**

**5453. Location and management**—The state reformatory shall be continued at its present site, in Sherburne county, and be under the general management of the board of control.

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**5454. Sentence—Term of imprisonment**—Any person not less than sixteen nor more than thirty years of age, convicted of a crime punishable by imprisonment in the state prison, and never before sentenced to a state prison or reformatory, may be sentenced to the reformatory, which sentence shall be without limit as to time. The commitment and accompanying papers shall be the same as upon a sentence to the state prison. Such imprisonment shall not exceed the maximum term, and may be terminated by the board of control at any time after the expiration of the minimum term provided by law

for the crime. Whenever after sentence to the reformatory the term of confinement for such offence has been reduced by law, said board may release after service of such reduced term. (3589-3591)

**5455. Transfer of prisoners**—The board of control may transfer from the reformatory to the state prison, from the state prison to the reformatory, and from the state training school to the reformatory whenever, in its judgment, such transfer will be advantageous to the person transferred, or to the institution from which such transfer is made. But no life prisoner shall be transferred, and no person who has been transferred from the training school shall be transferred from the reformatory to the state prison. Said board shall make all needful rules for the employment, discipline, instruction, removal, release, or return of inmates of said institutions. (3594, 3600)

**5456. Register of convicts**—Whenever any person is received into the reformatory upon direct sentence thereto, the superintendent shall cause to be entered in a register the date of his admission, his name, age, nativity, nationality, and such other facts as can be ascertained of his parentage, early social influences, and tendencies, and an estimate of his present condition and of the best probable plan of treatment. At least once every three months, minutes shall also be made thereon of observed improvement or deterioration of character, methods of treatment employed, orders or charges affecting the standing of such convict, the circumstances of his final release, and such facts of his subsequent history as may be ascertained. (3595)

**5457. Record of conduct—Release—Citizenship**—Each prisoner shall be credited for good personal demeanor, diligence in labor and study, and results accomplished, and be charged for derelictions, negligences, and offences, under such uniform system of marks or other method as shall be prescribed by the board of control; and he shall be informed of his standing under such system each month, and be permitted during each month to converse with some member of the board. Whenever said board shall grant an absolute release, it shall certify the fact and the grounds therefor to the governor, who may, in his discretion, restore the person released to citizenship. But no application for such release shall be entertained by the board. (3596; '99 c. 130)

**5458. Instruction in trades—Contract system prohibited**—The board shall cause the inmates to be instructed in trades or employments for which they seem best fitted. Contract labor is hereby prohibited in the reformatory, and no inmate thereof shall be required to labor at stonework more than eight hours per day. (3598)

**5459. Aid for prisoner or his family**—Said board may make provision for such pecuniary assistance of prisoners on their discharge, or for the support of their families while in confinement, as may seem proper, by the allowance of moderate wages, to be paid from the current expense fund of the institution. The sum arising therefrom shall, until the prisoner's final discharge, be under the control of the superintendent, to be used for the benefit of such prisoner and his family; but, should any such person wilfully escape from the reformatory, or become a fugitive from justice, he shall thereby forfeit all earnings remaining under the control of the superintendent, and the same shall be placed in the inmates' benefit fund. (3595)

**5460. Parole of prisoners**—The board of control may parole any inmate of the reformatory under such reasonable conditions as may be deemed expedient, but such prisoner while so on parole shall be and remain at all times within the legal custody of the board, and subject to be returned to the institution, either for breach of the conditions of his parole or otherwise. Said board shall have power to enforce the terms and conditions of such parole, and to retake and reimprison any such paroled prisoner; and its written order, certified by its secretary, shall be a sufficient warrant for all officers therein named, and they shall execute the same as ordinary criminal process. (3594)

**5461. Supervision of paroled or discharged convicts—State agents**—The state board of control, as far as possible, shall exercise supervision over paroled and discharged convicts, and, when deemed necessary for that purpose, may appoint a state agent, fix his salary, and allow him traveling expenses. It

may also appoint suitable persons in any part of the state for the same purpose. Every such agent or person shall perform such duties as it may prescribe in behalf or in supervision of prisoners paroled or discharged from the state prison, the state reformatory, or other public prison in the state, including assistance in obtaining employment, and the return of paroled prisoners. Such agent and such persons shall hold office at the will of the board, and the persons so appointed shall be paid a reasonable compensation for the services actually performed by them. Each shall be paid from the current expense fund of the institution or institutions for whose benefit he was appointed. (3597, 3602; '03 c. 286)

## CHAPTER 106

### JAILS, LOCKUPS, AND JUVENILE OFFENDERS

#### COUNTY JAILS

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**5462. How constructed and maintained**—The county board of each county is authorized to construct and maintain at the expense of its county a jail for the safe keeping of prisoners, and also, adjoining and connected therewith, a residence for the use of the sheriff. (7417; '03 c. 198)

**5463. Fugitives from justice how kept—Compensation**—Any county jail may be used for the safe keeping of fugitives from justice in this state, in accordance with the provisions of any act of Congress. The officer holding any such fugitive in custody shall pay the sheriff one dollar as a commitment fee, and fifty-seven cents per day, for the use of the county, for his board. (7418)

**5464. United States prisoners**—Whenever any person is committed to any jail by any process issued under authority of the United States, the sheriff or jailer shall receive such person into custody, and safely keep him until discharged by due course of law, subject in all respects to the same liabilities and remedies as though committed under process issued under state authority. The United States shall pay to the sheriff, for the use of the county, for each prisoner so kept and boarded, the sum of fifty-seven cents per day. (7419, 7420)

**5465. Commitment, etc., preserved**—Every instrument, or attested copy thereof, by which a prisoner is committed or liberated, shall be indorsed, filed, and safely kept in a suitable box by the sheriff or jailer, and delivered to his successor; and, whenever the process by which any prisoner is committed is required to be returned to the court, such sheriff or jailer shall keep a copy thereof, duly certified by himself, which shall be prima facie evidence of his right to retain such prisoner in custody. (7421, 7422)

**5466. Register of prisoners—Return to court**—Every sheriff shall keep in a book furnished by the county a register of all prisoners committed to any jail under his charge. It shall contain the name of every person committed, by what authority, his residence, date of commitment, and, if for a criminal offence, a description of the person, when and by what authority liberated, and, in case of escape, the time and manner thereof. At the opening of each term of district court he shall make a certified transcript therefrom to such court, showing all cases therein not previously disposed of. Every sheriff who neglects or refuses to so report shall be guilty of a gross misdemeanor. (7423, 7424)

**5467. Officers appointed by sheriff**—The sheriff of every county maintaining a jail, with the approval of the judges of the district court therein, shall appoint a competent woman as matron, who, under his direction, shall have exclusive charge of all female prisoners. He may, in the same manner, whenever the average number of prisoners in such jail for the preceding six months shall have been ten or more, appoint a night watchman, and, when twenty or

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