

*James C. Child*  
35  
THE

PUBLIC STATUTES

OF THE

STATE OF MINNESOTA.

(1849—1858.)

---

COMPILED BY  
MOSES SHERBURNE and WILLIAM HOLLINSHEAD, Esqrs.,  
COMMISSIONERS.

---

---

PUBLISHED BY STATE AUTHORITY.

---

SAINT PAUL:  
THE PIONEER PRINTING COMPANY.

1859.

## CHAPTER 119.

## PRISONS, AND IMPRISONMENT FOR OFFENSES. (a)

## SECTION

1. Common jails to be used as prisons.
2. When no jail in county, prisoner how disposed of.
3. Expenses of convict how paid; expenses of prisoners when paid by county.
4. County commissioners to be inspectors of prisons.
5. Sheriff or jailor not to give liquor to persons confined in jail.
6. Penalty for giving liquor to prisoners, or putting different sexes in one room.
7. Penalty for other persons to furnish liquor, &c.
8. Prisons to be kept cleanly.
9. Bible to be furnished each prisoner.
10. Sheriff shall keep calendar of all persons committed to prison; calendar what to contain.
11. Sheriff to furnish court with copy of calendar.
12. Jails how to be constructed.
13. Persons sentenced to solitary imprisonment when confined.
14. Sentence to imprisonment at hard labor, how executed.
15. When keeper may order prisoner to solitary confinement, &c.
16. Necessary bedding, &c., to be furnished prisoners.
17. Penalty for breaking prison.
18. Penalty for person not convicted for breaking prison.
19. Person committed for trial for capital offense; penalty for breaking prison.
20. Prisoners how disposed of in case of fire.
21. Persons imprisoned for non-payment of fines and costs, how released.
22. Sheriffs, deputies, &c., to receive prisoners into custody.
23. United States to pay for keeping such prisoners.
24. Calendar of persons to be made out before court.
25. To be prison in each county.
26. Grand-juries to examine prisons, and report.
27. Sheriff or deputy to keep jail.
28. Plaintiff to pay board of defendant.
29. County board when to allow for keeping prisoner.
30. Sheriff's evidence to hold prisoner.
31. Sheriff to file commitments, &c., and keep in box.
32. Box to pass to his successor.
33. Persons from one county when confined in jail of another.
34. Fugitive from justice may be kept in county jail.
35. Juvenile prisoners, treatment of.
36. Conflicting acts repealed.
37. Act to take effect when.
38. To be state prison at Stillwater.
39. Prison inspectors; their appointment.
40. Their board how organized.
41. Governor appoint one state inspector annually.
42. Officers of prison.

## SECTION

43. Warden's appointment.
44. Clerk's, physician's, and chaplain's appointments.
45. Deputy warden, assistant keepers, guards, appointment of.
46. Meetings and duties of inspectors.
47. To audit warden's accounts.
48. To investigate allegations against warden.
49. To punish disorderly, &c., prisoners.
50. To keep minutes of proceedings.
51. To make rules and regulations.
52. Printed copy of same to be given each prison officer.
53. Warden's and deputy warden's journal.
54. No officer to be interested in shops, &c., of prison.
55. Salaries of prison officers.
56. Books for prisoners to be purchased.
57. Inspectors, pay of.
58. Bonds of officers.
59. Warden's duties.
60. His name used in prison business.
61. Provisions how to be supplied.
62. Contracts how made.
63. Medicines and clothing, how supplied.
64. Warden's and deputy's accounts of money received.
65. Warden's annual report.
66. Warden's annual report of pardons.
67. Supply of vacancy in warden's office.
68. Physician's duties.
69. Books, accounts, &c., public property.
70. Officers not to employ convicts for themselves.
71. Solitary confinement when.
72. Clothing, food, &c., of convicts to be coarse.
73. Bible to be given each convict.
74. Warden to keep and return property, or its value with interest.
75. Convict discharged, to have suit of clothes.
76. Limitation of conveying writing or information to convict.
77. Who may visit prison.
78. Warden to have certified copy of sentence.
79. Proceedings on escape of convict.
80. Rewards, &c., in escape, how paid.
81. No liquors to be sold in or near prison.
82. Fees for conveyance of convicts.
83. Payment of expenses of prison.
84. Inspectors may make rules as to visitors.
85. Officers, &c., exempt from military duty.
86. Annual report of inspectors printed.
87. Warden's accounts settled on his leaving office.
88. Lease of workshops.
89. Rents to go to state treasury.
90. Labor of convicts, how let.
91. Provision for employing all convicts.
92. Warden's dwelling house free.
93. Special duties of attorney-general as to late warden and officers.
94. Same, as to title to land of Stillwater prison.
95. Conditions on which owner of tools, &c., at Stillwater prison may remove them.
96. Former acts repealed.
97. Act takes effect when.

(a) The act of August 2, 1858, which is contained in this chapter, changes to some extent provisions of the revised statutes.



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

ing liquor to prisoners or putting different sexes in one room.

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

Penalty for other persons to furnish liquor, &c.

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

Prisons to be kept cleanly.

(9.) SEC. IX. The keeper of each prison 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, to be used by such prisoner at proper seasons during his confinement; and any minister of the gospel, disposed to aid in reforming the prisoners, and instructing them in their moral and religious duties, shall have access to them at seasonable and proper times.

Bible to be furnished each prisoner.

(10.) SEC. X. The sheriffs of the respective counties shall keep a true and exact calendar, or register of all prisoners committed to any prison under their care, and the same shall be kept in a book, to be provided by the county for that purpose; said calendar shall contain the names of all persons who shall be committed to prison, the places of abode, the time of their commitment, shall state the cause of their commitment, and the authority that committed them, and if they are committed for criminal offenses, shall contain a description of their persons, and when any prisoners shall be liberated, said calendar shall state the time when, and the authority by which such liberation took place, and if any prisoner escapes, shall also state particularly the time and manner of said escape.

Sheriff shall keep calendar of all persons committed to prison.

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

Calendar what to contain.

Sheriff to furnish court with copy of calendar.

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

Jails how to be constructed.

(13.) SEC. XIII. Whenever any person shall be duly sentenced to solitary imprisonment and confinement at hard labor, in the territorial prison, or either of them, the sheriff of the proper county is required to execute such sentence of solitary imprisonment until a suitable territorial prison shall be provided, by confining such convict in one of the cells of

Persons sentenced to solitary imprisonment when to be confined.

the jail, or if there be no such cell, then in the most retired and solitary part of the jail; and during the time of such solitary imprisonment the convict shall be fed with bread and water only, unless other food shall be necessary for the preservation of his health; and no intercourse shall be allowed with such convict during such confinement, except for the conveyance of food and other necessary purposes.

Sentence to imprisonment at hard labor how executed.

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

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

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

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

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

Penalty for breaking prison.

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

Penalty for person not convicted breaking prison.

(18.) SEC. XVIII. If any person who may be imprisoned pursuant to a sentence of imprisonment in the county jail, or any person who shall be committed for the purpose of detaining him for trial, for any offense not capital, shall break prison and escape, he shall be imprisoned in the county jail for the term of six months.

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

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

Prisoners how disposed of in case of fire.

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

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

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

non-payment of which he was committed, they shall make a certificate thereof to the sheriff of the county and direct him to discharge such convict from prison, and the sheriff shall forthwith discharge him.

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

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

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

United States to pay for keeping such prisoners.

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

Calendar of prisoners to be made out before court.

An Act to provide for the regulation of County Jails.

[Passed August 2, 1858.] c. 8

(25.) SEC. I. *Be it enacted by the legislature of the state of Minnesota:* That there shall be established and kept in every county, by authority of the board of county supervisors, and at the expense of the county, a prison for the safe keeping of prisoners lawfully committed.

Prisons to be established in every county.

(26.) SEC. II. That the grand-jury at each term of the circuit court, shall make personal inspection of the condition of the county prison, as to the sufficiency of the same for the safe keeping of prisoners, their convenient accommodation and health, and shall inquire into the manner in which the same has been kept since the last term; and the court shall give this duty in special charge to such grand-jury, and it shall be imperative upon the board of supervisors to issue the necessary orders, or cause to be made the necessary repairs, in accordance with the complaint or recommendation of the grand-jury.

Grand-juries to examine prisoners and report.

(27.) SEC. III. The sheriff of the county, by himself or deputy, shall keep the jail, and shall 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.

Sheriffs or their deputies required to keep jail.

(28.) SEC. IV. The cost of keeping a defendant imprisoned by civil process shall be taxed as costs against the plaintiff therein, at the rate of forty cents per day, and if such plaintiff shall fail to pay the same in advance, the defendant may be discharged, but such costs may afterwards be recovered against the defendant.

Costs for keeping defendant in civil suits to be paid by plaintiff.

# MINNESOTA STATUTES 1858

Keeping of criminals to be paid by county.

(29.) SEC. V. Whenever a prisoner is committed for crime or in any suit in behalf of the state, the county board shall allow the sheriff his reasonable charge for supplying such prisoner.

Sheriff's evidence to retain prisoner.

(30.) SEC. VI. When a prisoner is confined by virtue of any process directed to the sheriff, and which shall require to be returned to the court, when it issued, such sheriff shall keep a copy of the same, together with his returns made thereon, which copy, duly certified by such sheriff, shall be prima facie evidence of his right to retain such prisoner in custody.

Commitments &c. to be filed by sheriff.

(31.) SEC. VII. 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.

Box to pass to successor.

(32.) SEC. VIII. Such box, with its contents, shall be delivered to the successor of the officer having charge of the prison.

Confinement of persons from one county in jail of another county.

(33.) SEC. IX. When there is no sufficient prison in any county wherein any criminal offense shall have been committed, any judge of the circuit court of such county, upon application of the sheriff, may order any person charged with a criminal offense, and ordered 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 judge's order, receive and keep in custody, in the jail of his county, the prisoner ordered to be committed as aforesaid, at the expense of the county from which said prisoner was sent; and the said sheriff shall, upon the order of the circuit court, or a judge thereof, re-deliver such prisoner, when demanded.

Fugitives from justice may be confined in any county jail.

(34.) SEC. X. Any county jail may be used for the safe keeping of any fugitive from justice or labor in this State, in accordance with the provisions of any act of Congress, and the jailor shall, in this case, be entitled to reasonable compensation for the support and custody of such fugitive from the officer having him in custody.

Juvenile prisoners; their treatment.

(35.) SEC. XI. 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.

Conflicting acts repealed.

(36.) SEC. XII. All acts or parts of acts inconsistent with this act, are hereby repealed.

Take effect when.

(37.) SEC. XIII. This act shall take effect and be in force from and after its publication.

## STATE PRISON.

An Act to provide for the Government of the State Prison of the State of Minnesota.

[Passed August 2, 1858.] c. 34

Location of state prison.

(38.) SEC. I. *Be it enacted by the legislature of the state of Minnesota:* There shall be maintained for the security and reformation of convicts in this state, a state prison at Stillwater, in the county of Washington.

Prison inspectors how appointed.

(39.) SEC. II. The state prison shall be under the direction and government of three inspectors, who shall be appointed by the governor by and with the consent of the senate, and shall hold their offices for the respective terms of one, two, and three years, and shall take and subscribe to the constitutional oath.

Organization of board; terms.

(40.) SEC. III. The board of inspectors shall, as soon as may be after their appointment, meet at the state prison office, and shall elect one of

*Provision for Enlarging Chok 4/2 1858*

their number president, and determine by lot their respective terms of office.

(41.) SEC. IV. The governor shall, on the first Monday in January, A. D. 1859, and annually thereafter, appoint one state prison inspector, who shall hold his office for three years, and until his successor is appointed and qualified. Annual appointment of inspector.

(42.) SEC. V. The officers of the prison shall consist of one warden, who shall be principal keeper and reside at the prison; one deputy warden, one clerk, one chaplain, and one physician, and such other assistant keepers and guards as the inspectors may deem requisite. Officers of the prison.

(43.) SEC. VI. The warden shall be appointed by the governor, by and with the advice and consent of the senate, and shall hold his office for two years, unless sooner removed by the governor. Warden.

(44.) SEC. VII. The clerk, physician and chaplain shall be appointed by the inspectors, and shall hold their offices during the pleasure of the board. Clerk, physician, and chaplain.

(45.) SEC. VIII. The deputy warden, assistant keepers and guards shall be appointed by the warden, with the assent of the inspectors, and shall hold their offices during the pleasure of the warden. Deputy warden, assistant keepers and guards.

(46.) SEC. IX. It is the duty of the inspectors to meet together at stated times, at the prison, once at least in every three months, and oftener if necessary, to attend to and inspect the concerns of the prison, the manner of keeping the books and accounts, and the register of punishments kept by the warden, and from time to time carefully to examine the same, and to keep a record of their doings; one of them, at least, must visit the prison as often as once in each month, to examine into all the concerns thereof, and to see that the laws and regulations thereof are duly observed, and the duties of the warden faithfully performed, and to advise with the warden of the prison on the concerns thereof, whenever thereto requested; and each of them shall at all times have free access to all parts of the prison, and be allowed to inspect and examine all the books, accounts and writings pertaining to the prison, or the business, management and government thereof; and the inspectors as soon as may be after each stated meeting, or oftener if necessary, shall transmit to the governor a transcript of the record of their doings, and such other information relative to the concerns of the prison, as they may deem proper. Stated meetings of inspectors; their duties.

(47.) SEC. X. It is the duty of the inspectors, on the first Monday of January, annually, to audit, correct and settle the accounts of the warden with the prison and the state, for the year ending on the last day of December preceding, and make report thereof in the same month to the governor, which report must exhibit all particulars necessary to give the governor a full understanding of the fiscal and other concerns of the prison, and must, at the same time, furnish an estimate of the probable income and expense of the prison for the ensuing year. To audit accounts of warden.

(48.) SEC. XI. It is the duty of the inspectors to inquire into any improper conduct which may be alleged to have been committed by the warden of the prison in relation to the concerns thereof; and for that purpose may issue subpoenas for witnesses to compel their attendance, and the production of papers and writings, may examine witnesses under oath to be administered by the president, and may adjudicate on such alleged improper conduct in like manner and with like effect as in case of arbitration. To investigate improper conduct of warden.

(49.) SEC. XII. The inspectors must examine into all disorderly conduct among the prisoners, and when it appears to them that such conduct is disorderly, refractory, or disobedient, they may order such punishment To punish improper conduct of prisoners.



# MINNESOTA STATUTES 1858

794

STATE PRISON.

[CHAP.

as they may deem necessary to enforce obedience, and as shall not be inconsistent with humanity.

To keep minutes of proceedings.

(50.) SEC. XIII. The board of inspectors shall keep regular minutes of their proceedings, which shall be signed by the president and attested by the clerk, and kept in the prison office.

To establish rules and regulations.

(51.) SEC. XIV. The inspectors shall from time to time establish such rules and regulations, consistent with the law of the state, as they may deem expedient for the government and regulation of the prison and prisoners, and shall cause a copy of the same to be laid before the governor, who may approve or modify the same.

To furnish printed copies to officers of prison.

(52.) SEC. XV. A printed copy of the rules and regulations of the prison shall be furnished to every officer and guard at the time he is appointed and sworn in.

The warden to keep record of proceedings.

(53.) SEC. XVI. The warden and deputy warden shall keep a journal of all their proceedings of the prison, in which he shall note all the infractions of the rules by any officer or prisoner, and make a memorandum of all complaints made by prisoners of cruel and unjust treatment; also, what punishment was inflicted, which journal shall be laid before the inspectors, at their stated meetings, and at any special meeting when demanded.

No officer to have interest in the work shops.

(54.) SEC. XVII. No inspector, warden, or other officer shall be connected with, or have an interest in the business or shops connected with the prison.

Salaries of officers.

(55.) SEC. XVIII. There shall be paid to the several officers of the prison the following salaries, and compensation to be paid quarterly out of the state treasury, on the warrant of the auditor, to wit: to the warden, the sum of six hundred dollars; to the clerk, three hundred dollars; to the deputy warden, three hundred and fifty dollars; to any and all assistant keepers and guards, a sum not exceeding two hundred dollars per annum, and to the physician such sum as the inspectors shall allow: *provided*, that if the warden shall perform the duties of deputy warden and clerk, or either of them, he shall receive the salary to which they or either of them are entitled by virtue of this act.

Purchase of books for prisoners.

(56.) SEC. XIX. It shall be the duty of the inspectors to appropriate annually the sum of twenty-five dollars out of the avails of the prison-labor and fees received from visitors, for the purchase of books for the use of prisoners.

Pay of inspectors.

(57.) SEC. XX. The inspectors shall receive for their services the sum of two dollars per day, for each day actually employed in and about said prison.

Amount of bonds of the officers.

(58.) SEC. XXI. The warden, deputy warden and clerk of the prison shall, before entering upon the duties of their offices, execute to the people of this state a bond with two or more sureties, to be approved by the governor, the warden in the sum of twenty thousand dollars, the deputy warden in the sum of ten thousand dollars, and the clerk in the sum of six thousand dollars, conditioned for the faithful performance of their duties according to law.

Warden; his duties.

(59.) SEC. XXII. It shall be the duty of the warden to attend constantly at the prison, except when performing some other duty connected with his office; to exercise general supervision over and give necessary direction to the keepers; to examine whether they have been vigilant in the discharge of their respective duties; to examine daily into the health of prisoners, and to take charge of the real and personal estate belonging to, or connected with the prison.

Business transactions.

(60.) SEC. XXIII. All the dealings and transactions of the prison shall be conducted in the name of the warden.

Prisoners by contract.

(61.) SEC. XXIV. The prisoners confined in the state prison shall be

*minutes*  
*12 2 9 2*  
*12 4 30*

supplied with provision by contract, unless the inspectors shall otherwise direct; such contract to be made by the warden, on such terms as may be most beneficial to the interest of the people of this state, and subject to such regulations as the inspectors may prescribe.

(62.) SEC. XXV. All contracts to be made shall be reduced to writing, and a copy thereof filed with the clerk of the prison.

(63.) SEC. XXVI. The necessary medicines, clothing and other stores shall, from time to time, be purchased by the warden, under the direction of the inspectors. Medicines and clothing.

(64.) SEC. XXVII. It shall be the duty of the warden and deputy warden to keep a correct account of all moneys received by them or either of them, by virtue of their office, and the person to whom, and the purpose for which it was paid, and make out and deliver a quarterly statement verified to the inspectors of the prison. Account of moneys.

(65.) SEC. XXVIII. The warden shall annually, on the last Monday of December, close his accounts, and prepare and submit an accurate report of all moneys received on account of the prison, and of all moneys expended and the vouchers therefor, which report shall be submitted to the legislature. Annual report.

(66.) SEC. XXIX. It shall be the duty of the warden to report on the last Monday in December in each year, to the secretary of state, the names of convicts pardoned the preceding year, the counties in which they were tried, and the term for which they were sentenced. Names of convicts pardoned.

(67.) SEC. XXX. Whenever there shall be a vacancy in the office of warden, or the warden shall be temporarily absent, all the duties of warden shall devolve upon and be performed by the deputy warden, until the vacancy be filled or the warden return. Vacancy in office of warden.

(68.) SEC. XXXI. The physician shall keep a register of all convicts placed under his care, the disease with which they are afflicted, also of the decease of any and all convicts, stating their names, ages, time and cause of death. Physician; his duties.

(69.) SEC. XXXII. All books, accounts, documents and registers shall be deemed public property, of which the warden shall preserve at least one copy of each. Books and accounts.

(70.) SEC. XXXIII. No officer of the prison shall employ the convict labor on any work in which he or any other officer has a personal interest. Convict labor; officers to have no interest in.

(71.) SEC. XXXIV. Whenever there shall be cells sufficient, each prisoner shall be confined in separate cells. Solitary confinement.

(72.) SEC. XXXV. The clothing and bedding of convicts shall be of coarse material, and they shall be supplied with a sufficient quantity of coarse, wholesome food. Clothing and bedding.

(73.) SEC. XXXVI. The warden shall furnish, at the expense of the state, a bible to each convict who can read. Bibles for convicts.

(74.) SEC. XXXVII. It shall be the duty of the warden to take charge of any property that convicts may have at the time of entering the prison, and if the value is of five dollars or more, shall sell the same and place the proceeds at interest for the benefit of such convict, his or her representative, when he or she may leave the prison, and shall keep a correct account of all such property and the proceeds thereof. Property of convicts.

(75.) SEC. XXXVIII. When any convict shall leave the prison, the warden shall furnish such convict a suit of clothes, not to exceed in value the sum of ten dollars, (if he or she be not already provided for,) at the expense of the state. Discharge of convicts.

(76.) SEC. XXXIX. No person shall, without the consent of the Writing or infor-

- mation to convicts. warden, bring into or carry out any writing or any information to or from any convict.
- Prohibition to visitors; visitors specified. (77.) SEC. XL. The following persons shall be allowed to visit the prison at pleasure: the governor, lieutenant governor, members of the legislature, all state officers, prosecuting attorneys, and all regularly authorized ministers of the gospel; and no other person shall be permitted to go within the walls of the prison without the special permission of the warden.
- Certified copy of sentence. (78.) SEC. XLI. When any convict shall be delivered to the warden, the officer having such prisoner in charge shall deliver to the warden a certified copy of the sentence received by such officer from the clerk of the court, and shall take from the warden a certificate of the delivery of such convict, and such certified copy of the sentence shall be evidence of the facts therein contained.
- Escape of convicts; reward. (79.) SEC. XLII. When any convict shall escape from the prison, it shall be the duty of the warden to use all proper means for the apprehension of such convict, and for this purpose, 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 any officer under him, the reward thus offered shall be paid by the warden.
- Payment of rewards. (80.) SEC. XLIII. All suitable rewards and other sums of money necessarily paid for advertising any convict, shall be audited by the auditor and paid out of the state treasury.
- No spirituous liquors. (81.) SEC. XLIV. No spirituous or fermented liquors shall ever be sold on any pretence whatever in or about the prison.
- Fees for conveying convicts. (82.) SEC. XLV. The expenses and fees of sheriffs and other officers incurred in conveying convicts to the state prison, shall be paid out of the state treasury.
- Payment of expenses. (83.) SEC. XLVI. The auditor is hereby authorized and required to draw his warrant on the treasury for such sums as the inspectors may from time to time direct, for defraying the expenses in and about the state prison.
- Admission of visitors. (84.) SEC. XLVII. It shall be lawful for the inspectors to establish uniform rules for the admission of visitors within the prison.
- Officers exempt from military and jury duty. (85.) SEC. XLVIII. The warden, deputy warden, clerk, inspectors, physician, assistant keepers, and guards, shall be exempt from military and jury duties while actually employed by the state as such officers.
- Annual report to be printed. (86.) SEC. XLIX. There shall be printed annually, for the use of the prison, one hundred copies of the annual report of the inspectors, and the warden shall forward a copy of the same to each of the state prisons in the United States.
- Removal or resignation of warden. (87.) SEC. L. On the removal or resignation of the warden, the auditor shall settle the accounts of such warden on the presentation of his books, accounts, and vouchers, duly authenticated for that purpose.
- Lease of work-shops. (88.) SEC. LI. The shops in and about the prison shall be leased by the inspectors and wardens to such parties as they may be able to obtain the highest and best price, and for such length of time as may seem to them proper, but not to exceed the space of five years at any one time.
- Rents to be paid into state treasury. (89.) SEC. LII. The rents, revenues, and profits derived from the property thus leased, shall be paid semi-annually to the warden of the prison, and by him paid into the state treasury.
- Labor of convicts; wages. (90.) SEC. LIII. The warden shall let to service all convicts confined in the state prison—except such as may be precluded by the terms of their sentence—to the lessee or lessees of the prison shops and fixtures, and shall receive for the services of each able-bodied man, the sum of seventy-five cents per day.

(91.) SEC. LIV. There shall be stipulated in every lease made to any or all the prison shops and fixtures, a provision providing for the constant employment of all convicts in the state prison during the pendency of the lease. Employment of all the convicts.

(92.) SEC. LV. The warden shall be entitled to the use of the house built for the warden, during his term of office, free of charge. Warden's dwelling.

(93.) SEC. LVI. It is hereby made the duty of the attorney-general of the state, and he is hereby empowered and directed, immediately to enquire into the conduct and management of the territorial prison by the late warden, F. R. Delano, and all other officers of the territorial prison, and to institute such action or actions as may be necessary for the protection of the interest and dignity of the state. Attorney-general; special duties.

(94.) SEC. LVII. The attorney-general shall, as soon as practicable, investigate the title of the land appertaining to the Stillwater Prison, and report the same to the governor of the state, and the governor may, at his discretion, refer the matter to the legislature at its next session, or order such proceedings to be instituted in the premises as shall be best calculated to promote the interest of the state. Attorney-general; special duties.

(95.) SEC. LVIII. The owner or owners of the tools, machinery, and fixtures in and about the Stillwater Prison, may, and are hereby authorized, to remove the same at their own proper costs and expense, and the space of twelve months is hereby allowed for the removal of the same, and for the purpose of using and removing, shall have free passage through the outer gates of the yard from the hours of 7 o'clock A. M., until 5 o'clock P. M., from the 20th of September till the 20th of March, and from 6 o'clock A. M., till 7 o'clock P. M., during the remainder of said term: *provided*, that the owner and owners of the tools, machinery, and fixtures, shall prefer no claim against the state on account of placing such tools, machinery, and fixtures, within the yard of said prison: *and provided further*, that the owners of such machinery and tools shall, within thirty days after the passage of this act, give notice to the governor of their acceptance of the provision of this section, and in case such notice shall not be given in the time specified above, the attorney-general is hereby empowered to commence such suit or suits against such owner or owners on behalf of the state immediately, as shall be necessary to obtain possession of the prison buildings and grounds. Disposal of machinery and tools at present in the prison.

(96.) SEC. LIX. An act entitled "An act to amend an act entitled an act for the government of the Territorial Prison of Minnesota, approved May 23d, 1857," and all laws and acts or parts of acts relating to the territorial prison and the government thereof, are hereby repealed. Repeal of former acts.

(97.) SEC. LX. This act shall take effect and be in force from and after its passage. Act take effect when.