

Statutes
1878

THE
GENERAL STATUTES
OF THE
STATE OF MINNESOTA,

As Amended by Subsequent Legislation.

PREPARED BY
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EDITED AND PUBLISHED UNDER THE AUTHORITY OF CHAPTER 67 OF THE LAWS
OF 1878, AND CHAPTER 67 OF THE LAWS OF 1879.

FOURTH EDITION.

WITH SUPPLEMENTS,
CONTAINING ALL THE GENERAL LAWS IN FORCE UP TO THE END OF
THE LEGISLATIVE SESSION OF 1883.

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1883.

the county in which the offence was committed, suitable for the confinement of such convict, the court may order the sentence to be executed in any county in this state, in which there is a jail suited to that purpose; and the expenses of supporting such convict shall be borne, if such convict was sentenced to imprisonment in the county jail, by the county in which the offence was committed.

§ 10. *Governor may delay issuing warrant, when.* If it appears to the satisfaction of the governor, that any convict who is under sentence of death has become insane, the warrant for his execution may be delayed, or, if such warrant has been issued, the execution thereof may be respited from time to time, so long as the governor thinks proper; and if any female convict who is under sentence of death shall be quick with child, the governor shall forbear to issue a warrant for the execution, or, if such warrant has been issued, the execution thereof shall be respited, until it appears to the satisfaction of the governor that such female is no longer quick with child.

§ 11. *Punishment of death, how inflicted.* The punishment of death shall, in all cases, be inflicted by hanging the convict by the neck, until he is dead; and the sentence shall, at the time directed by the warrant, be executed at such place within the county as the sheriff shall select.

§ 12. *Execution of warrant in capital cases.* Whenever the punishment of death is inflicted upon any convict, in obedience to a warrant from the governor, the sheriff of the county shall be present at the execution, unless prevented by sickness or other casualty; and he may have such military guard as he may think proper. He shall return the warrant, with a statement under his hand of his doings thereon, as soon as may be after the said execution, to the governor, and shall also file in the clerk's office of the court where the conviction was had, an attested copy of the warrant and statement aforesaid; and the clerk shall subjoin a brief abstract of such statement to the record of conviction and sentence.

*§ 13. *Ball and chain, etc., prohibited.* That it shall be unlawful for the authorities of any city, village, town, or other municipal corporation, or other person, to require any person, as a punishment for crime, or the violation of any ordinance or municipal regulation, to labor upon the streets, parks, or other public works, with ball and chain attached; or to cause or require any such person, as a punishment for crime, to be held, tied or bound in public: *provided*, that this act shall not be so construed as to prevent any person under arrest being tied or bound, for the purpose of taking such person to or to and from any jail, prison, or other place used for holding in custody persons under arrest. (1874, c. 45, § 1.)

CHAPTER CXIX.

PARDONS.

SECTION.

1. *Governor may grant pardons—conditions and limitations—warrant to carry pardon into effect.*

SECTION.

2. *Officer executing warrant to make return, etc.*

§ 1. *Governor may grant pardons, when—warrant.* In all cases in which the governor is authorized to grant pardons, he may, upon the petition of the person convicted, grant a pardon, upon such conditions, and with such restrictions, and under such limitations, as he may think proper; and he may issue his warrant

to all proper officers to carry into effect such constitutional pardon; which warrant shall be obeyed and executed instead of the sentence, if any, which was originally awarded.

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

CHAPTER CXX.

JAILS AND PRISONS.

SECTION.

COUNTY JAILS.

- 1-7. Each county to have jail—sheriff to be keeper—jail, how to be kept—disposition of prisoners when county has no jail—keeping of fugitives from justice—of United States prisoners—liability for expenses—juvenile prisoners.
- 8-9. Jail to be kept clean, etc.—food, etc., of prisoners—copy of bible—religious instruction.
- 10-11. Register of prisoners to be kept—contents thereof—to be returned at each term of district court.
- 12-13. Sheriff to provide tools, etc., for convicts, when—not to furnish intoxicating liquor.
- 14-15. Penalty for breach of duty by sheriff, etc.—for furnishing liquor by other persons.
16. Sheriff to keep copy of process returned.
17. Expense of keeping prisoners from other counties, how paid.
- 18-19. Sheriff to preserve papers—to furnish bedding, clothing, etc.
- 20-24. Unruly prisoners—solitary confinement, etc.—breaking jail, how punished, in various cases—removal of prisoner in case of fire.

STATE PRISON.

- 25-27. Where located—inspectors, their appointment, term and oath—their meetings—their president.
- 28-30. Officers—warden, etc.—appointment and term of warden—of chaplain, physician, etc.
- 31-37. Duties of inspectors—to examine into management of prison—to inquire into conduct of officers—may subpoena witnesses, etc.—and examine them under oath—to be always entitled to admission to prison, etc.—to keep record of proceedings—to meet monthly at prison, etc.—to make rules etc. for prison—each officer and guard to have copy of rules.
38. Warden to keep journal—contents thereof.
- 39-41. Inspectors to audit warden's accounts—to report to governor—to make appropriation for library—selection and keeping of library.
42. Salaries of officers.
- 43-45. Oath and bond of warden and deputy—powers and duties of warden—to represent the prison in all contracts and suits.

SECTION.

- 46-48. Letting of shops, vacant grounds and convict labor to highest bidder—rents, etc., to be paid into State treasury.
- 49-50. Supplies to be furnished by contract—requisites of contracts.
51. Officers not to be interested in prison shops, etc.
- 52-58. Warden to keep full accounts—to make report to state auditor—to inspectors—to secretary of state.
- 59-60. Discipline to be enforced—killing or wounding unruly convict.
61. Contagious disease in prison—removal of convicts.
62. United States prisoners to be received—expenses, how paid.
- 63-68. Warden to take charge of convicts' property—to furnish them with clothes, etc., when discharged—prisoners to have separate cells—confining convicts elsewhere, when prison is full—clothing and food of convicts—communication with convicts.
69. Who allowed to visit prison.
- 70-73. Certified copy of sentence to be delivered with convict—reward for escaped convict—how approved and paid—expenses, etc., of taking convicts to prison—how audited and paid.
74. Liquor not allowed in prison.
- 75-83. Warrants for expenses, how drawn—rules for admitting visitors—officers exempt from jury duty, etc.—settling accounts of retiring warden—deputy to act as warden in case of vacancy—physician to keep register—warden to preserve all prison books, etc.—to keep record of infraction of rules—to have use of house, etc.
84. Lease of shops, etc., to provide for constant employment of convicts.
- 85-93. Record of infraction of rules—allowance for good conduct—shortening of term—per diem compensation for days allowed—warden to keep account and credit convicts with such earnings—may pay same to convict's family, if destitute—or deposit in savings bank—shall pay over moneys so due to convict on discharge—forfeiture of earnings for misconduct.
94. Property of deceased convict, how disposed of.