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# GENERAL STATUTES

OF THE

# STATE OF MINNESOTA.

PREPARED BY THE COMMISSIONERS APPOINTED TO REVISE  
THE STATUTES OF THE STATE, BY ACT OF THE  
LEGISLATURE, PASSED FEBRUARY 17, 1863.

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2 ized to grant pardons, he may upon the petition of the per-  
 3 son convicted, grant a pardon; upon such conditions, and C. S. p. 781, Sect. 1. c 117  
 4 with such restrictions, and under such limitations, as he  
 5 may think proper, and he may issue his warrant to all prop-  
 6 er officers to carry into effect such constitutional pardon;  
 7 which warrant shall be obeyed and executed instead of the  
 8 sentence, if any, which was originally awarded.

1 SECT. 2. Whenever any convict is pardoned by the gov-  
 2 ernor, or his punishment is commuted, the officer to whom C. S. p. 781, Sect. 2.  
 3 the warrant for that purpose is issued, after executing the  
 4 same, shall make return thereof, under his hand with his  
 5 doings thereon; to the governor, as soon as may be, and he  
 6 shall also file with the clerk of the court, in which the of-  
 7 fender was convicted, an attested copy of the warrant and  
 8 return; a brief abstract of which the clerk shall subjoin to  
 9 the record of his conviction.

## CHAPTER CXX.

### JAILS AND PRISONS.

#### TITLE I.

##### COUNTY JAILS.

1 SECTION 1. There shall be established and kept in every C. S. p. 791, Sect. 25. c 119  
 2 county, by authority of the board of county commissioners  
 3 and at the expense of the county, a jail for the safe keeping  
 4 of prisoners.

1 SECT. 2. The sheriff of the county, by himself or depu-  
 2 ty, shall keep the jail and be responsible for the manner in C. S. p. 791, Sect. 27.  
 3 which the same is kept; he shall keep separate rooms for  
 4 the sexes, except where they are lawfully married; he shall  
 5 provide proper meat, drink and fuel for prisoners.

1 SECT. 3. When there is no sufficient jail in any county  
 2 wherein any criminal offense has been committed, the exami-  
 3 ning magistrate upon his own motion or the district judge, C. S. p. 792, Sect. 33.  
 4 upon application of the sheriff, may order any person charg-  
 5 ed with a criminal offense, and directed to be committed to Amended.  
 6 prison, to be sent to the jail of the county nearest having  
 7 a sufficient jail; and the sheriff of such nearest county shall,  
 8 on exhibit of such magistrate or judge's order, receive and  
 9 keep in custody in the jail of his county, the prisoner order-

10 ed to be committed as aforesaid; and the said sheriff shall,  
 11 upon the order of the district court or a judge thereof, re-  
 12 deliver such prisoner when demanded.

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c. s. p. 792, Sect. 34.

1 SECT. 4. Any county jail may be used for the safe keep-  
 2 ing of any fugitive from justice in this state, in accordance  
 3 with the provisions of any act of congress, and the jailor  
 4 shall be entitled to reasonable compensation for the support  
 5 and custody of such fugitive from the officer having him in  
 6 custody.

c. s. p. 791, Sect. 22.  
Amended.

1 SECT. 5. All sheriffs and jailors to whom any person is  
 2 sent or committed by virtue of legal process issued by or  
 3 under the authority of the United States, shall be, and they  
 4 are required to receive such person into custody, and to keep  
 5 him safely until discharged by due course of law; and all  
 6 such sheriffs and jailors offending in the premises, shall be  
 7 liable to the same pains and penalties, and the parties ag-  
 8 grieved shall be entitled to the same remedies against them  
 9 or any of them, as if such prisoners had been committed to  
 10 their custody by virtue of legal process issued under the  
 11 authority of this state.

c. s. p. 791, Sect. 23.

1 SECT. 6. The United States shall be liable to pay for  
 2 the support and keeping of said prisoners, the same charges  
 3 and allowances as are allowed for the support and keeping  
 4 of prisoners committed under the authority of this state.

c. s. p. 792, Sect. 25.

1 SECT. 7. Juvenile prisoners shall be treated with hu-  
 2 manity, and in a manner calculated to promote their refor-  
 3 mation; they shall be kept, if the jail will admit of it, in  
 4 apartments separate from those containing more experi-  
 5 enced and hardened criminals; the visits of parents, guar-  
 6 dians and friends who desire to exert a moral influence over  
 7 them shall at all reasonable times be permitted.

c. s. p. 789, Sect. 8.

1 SECT. 8. The keeper of such jail shall see that the same  
 2 is constantly kept in a cleanly and healthful condition, and  
 3 that strict attention is constantly paid to the personal clean-  
 4 liness of all the prisoners in his custody, as far as may be,  
 5 and shall cause the shirt of each prisoner to be washed at  
 6 least once in each week; each prisoner shall be furnished  
 7 daily with as much clean water as he shall have occasion  
 8 for; either for drink or for the purpose of personal cleanli-  
 9 ness, and with a clean towel, once a week, and shall be  
 10 served three times each day with wholesome food, which  
 11 shall be well cooked and in sufficient quantity.

1 SECT. 9. The keeper of each jail shall provide, at the  
 2 expense of the county, for each prisoner under his charge

3 who may be able and desirous to read, a copy of the bible  
 4 or new testament, and any minister of the gospel, disposed  
 5 to aid in reforming the prisoners, and instructing them in  
 6 their moral and religious duties, shall have access to them  
 7 at seasonable and proper times.

C. S. p. 780, Sect. 9.

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1 SECT. 10. The sheriffs of the respective counties shall  
 2 keep a true and exact calendar, or register of all prisoners  
 3 committed to any jail under their care, and the same shall  
 4 be kept in a book, to be provided by the county for that  
 5 purpose; said calendar shall contain the names of all per-  
 6 sons committed to prison, the places of abode, the time of  
 7 their commitment, the cause of their commitment, and the  
 8 authority that committed them, and if they are committed  
 9 for criminal offenses, shall contain a description of their per-  
 10 sons; and when any prisoner is liberated, said calendar  
 11 shall state the time when, and the authority by which such  
 12 liberation took place, and if any prisoner escapes, shall also  
 13 state particularly the time and manner of said escape.

C. S. p. 780, Sect. 10

1 SECT. 11. At the opening of each session of the district  
 2 court within his county, the sheriff shall return a copy of  
 3 said calendar under his hand, to the judge holding said  
 4 court, and if any sheriff neglects or refuses to do so, he  
 5 shall be punished by fine, not exceeding three hundred dol-  
 6 lars.

C. S. p. 789, Sect. 11.

1 SECT. 12. Whenever any person is confined in any jail  
 2 pursuant to the sentence of any court, if such sentence or  
 3 any part thereof is, that he be confined at hard labor, the  
 4 sheriff of the county in which such person is confined, shall  
 5 furnish such convict with suitable tools and materials to  
 6 work with, if in the opinion of such sheriff, the said convict  
 7 can be profitably employed either in the jail or yard thereof,  
 8 and the expense of said tools and materials shall be defrayed  
 9 by the county in which said convict is confined, and said  
 10 county shall be entitled to his earnings.

C. S. p. 790, Sect. 14.

1 SECT. 13. No sheriff, jailor or keeper of any jail, shall,  
 2 under any pretense, give, sell or deliver to any person com-  
 3 mitted to any prison for any cause whatever, any spirituous  
 4 liquor, or any mixed liquor, part of which is spirituous, or  
 5 any wine, cider or strong beer, unless a physician certifies  
 6 in writing, that the health of such prisoner requires it, in  
 7 which case he may be allowed the quantity prescribed, and  
 8 no more.

C. S. p. 788, Sect. 5.  
Amended.

1 SECT. 14. If any sheriff, jailor or keeper of any jail  
 2 sells or delivers to any prisoner in his custody, or willingly  
 3 or negligently suffers any such prisoner to have any liquor,

C. S. p. 788, Sect. 6.

4 prohibited in the preceding section, or places or keeps to-  
 5 gether prisoners of different sexes, contrary to the provis-  
 6 ions of the second section, he shall in each case forfeit and pay  
 7 for the first offense, the sum of twenty-five dollars; and such  
 8 officer shall on a second conviction, be further sentenced to  
 9 be incapable of holding the office of sheriff, deputy sheriff,  
 10 jailor or keeper of any jail for the term of five years.

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C. S. p. 789, Sect. 7.

1 SECT. 15. If any person, other than is mentioned in  
 2 the preceding section, sells or delivers to any person com-  
 3 mitted for any cause whatever, any liquor, prohibited in this  
 4 chapter, or has in his possession, in the precincts of any  
 5 jail, any such liquor, with intent to carry or deliver the  
 6 same to any prisoner confined therein, he shall be punished  
 7 by fine not exceeding fifteen dollars.

C. S. p. 792, Sect. 30.

1 SECT. 16. When a prisoner is confined by virtue of any  
 2 process directed to the sheriff, and which requires to be re-  
 3 turned to the court whence it issued, such sheriff shall keep  
 4 a copy of the same, together with his return made thereon,  
 5 which copy, duly certified by such sheriff, shall be prima  
 6 facie evidence of his right to retain such prisoner in custody.

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1860—p. 193, Sect. 1.  
Amended.

1 SECT. 17. Whenever any prisoner by the proper au-  
 2 thority, is directed to be confined in any county other than  
 3 that in which the offense was committed, the sheriff of the  
 4 county in which such prisoner is to be confined shall keep  
 5 said prisoner at the expense of the county in which the  
 6 offense was committed, and shall be allowed therefor four  
 7 dollars per week. The board of county commissioners of  
 8 the county from which said prisoner was sent at their first  
 9 session after the commitment of such prisoner shall author-  
 10 ize the auditor of their county to issue to the sheriff of the  
 11 county to which such prisoner was sent for confinement,  
 12 orders upon their county treasury for the expense of main-  
 13 taining such prisoner from the time of his confinement until  
 14 the meeting of the court at which he is to be tried and if  
 15 such prisoner is not tried at the first term of said court, the  
 16 said board, at their first meeting thereafter, shall provide  
 17 in like manner for the maintenance of such prisoner until  
 18 the next session of said court and so on in like manner, un-  
 19 til said prisoner is finally tried.

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C. S. p. 792, Sects. 31  
& 32, combined.

1 SECT. 18. All instruments of every kind, or attested  
 2 copies thereof, by which a prisoner is committed or libera-  
 3 ted, shall be regularly indorsed and filed, and safely kept  
 4 in a suitable box by such sheriff, or by his deputy, acting  
 5 as a jailor. Such box, with its contents, shall be delivered  
 6 to the successor of the officer having charge of the jail.

1 SECT. 19. The keeper of each jail shall furnish necessa- C. S. p. 790, Sect. 16. c 119  
 2 ry bedding, clothing and fuel, and medical aid for all pris- Amended.  
 3 oners who are in his custody, unless the same are furnished  
 4 by the county, and shall be paid therefor out of the county  
 5 treasury; and such payment shall not be deducted from the  
 6 sum he is entitled to receive for the weekly support of the  
 7 prisoner, as provided by law.

1 SECT. 20. Whenever any person committed to jail for C. S. p. 790, Sect. 15.  
 2 any cause whatever, is unruly, or disobeys any of the regu-  
 3 lations established for the management of jails, the sheriff  
 4 or keeper may order such prisoner to be kept in solitary  
 5 confinement and fed on bread and water only, for a period  
 6 not exceeding twenty days for each offense.

1 SECT. 21. If any person who may be in any jail, under C. S. p. 790, Sect. 17.  
 2 sentence of imprisonment in the state prison, shall break  
 3 jail and escape, he shall be punished by imprisonment in  
 4 the state prison, for the term of one year, in addition to  
 5 the unexpired term for which he was originally sentenced.

1 SECT. 22. If any person under sentence of imprisonment C. S. p. 790, Sect. 18.  
 2 in the county jail, or any person committed for the purpose  
 3 of detaining him for trial, for any offense not capital, shall  
 4 break jail and escape, he shall be imprisoned in the county  
 5 jail for the term of six months.

1 SECT. 23. If any person committed to jail for the pur- C. S. p. 790, Sect. 19.  
 2 pose of detaining him for trial, for a capital offense, shall  
 3 break jail and escape, he shall be imprisoned in the state  
 4 prison, for the term of two years.

1 SECT. 24. If any jail, or any building thereto attached, C. S. p. 790, Sect. 20.  
 2 takes fire, and the prisoners are exposed to danger by such  
 3 fire, the keeper may remove them to a place of safety, and  
 4 there confine them, so long as may be necessary to avoid  
 5 such danger, and such removal and confinement shall not  
 6 be deemed an escape of such prisoners.

## TITLE II.

### STATE PRISON.

1 SECT. 25. There shall continue to be maintained for 1863—ch. 6, Sect. 1. c 6  
 2 the confinement and reformation of convicts in this state  
 3 a state prison at Stillwater, in the county of Washington.

1 SECT. 26. The said prison shall be under the direction  
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c 6 1863—ch. 6, Sect. 2. 2 and government of three inspectors one of whom shall be  
3 appointed annually by the governor, by and with the con-  
4 sent of the senate, and shall hold his office for the term of  
5 three years, and until his successor is appointed and quali-  
6 fied, and shall take and subscribe the oath required by law  
7 before entering upon the duties of his office.

1863—ch. 6, Sect. 3. 1 SECT. 27. The board of inspectors shall hold their meet-  
2 ings at the office of the prison, and at their first meeting  
3 held after the appointment of each inspector, shall choose  
4 one of their number president.

1863—ch. 6, Sect. 4. 1 SECT. 28. The officers of the prison shall consist of one  
2 warden, who shall be principal keeper of the prison and  
3 clerk of the board of inspectors; one deputy warden, who  
4 shall be chief turnkey, and both of whom shall reside at the  
5 prison; one physician and one chaplain, and such number  
6 of assistant keepers and guards as the warden and inspect-  
7 ors deem requisite.

1863—ch. 6, Sect. 5. 1 SECT. 29. The warden shall be appointed by the gov-  
2 ernor, by and with the consent and advice of the senate,  
3 and shall hold his office for the term of two years, and un-  
4 til his successor shall be appointed and qualified, unless  
5 sooner removed by the governor.

1863—ch. 6, Sect. 6. 1 SECT. 30. The chaplain and physician shall be appointed  
2 by the board of inspectors, and shall hold their respective  
3 offices during the pleasure of the board; the deputy war-  
4 den and assistant keepers and guards shall be appointed by  
5 the warden, with the assent of the inspectors, and shall hold  
6 their offices during the pleasure of the warden.

1863—ch. 6, Sect. 7. 1 SECT. 31. The inspectors from time to time shall inquire  
2 into and examine all matters connected with the govern-  
3 ment, discipline and police of the prison, the punishment  
4 and employment of the prisoners confined therein, and they  
5 may from time to time require reports from the warden in  
6 relation to any and all of said matters.

1863—ch. 6, Sect. 8. 1 SECT. 32. They shall inquire into any improper con-  
2 duct alleged to have been committed by the warden or any  
3 other officers of the prison, and for that purpose the presi-  
4 dent of the board has power to issue subpoenas to compel  
5 the attendance of witnesses and the production of papers and  
6 writings before them, in the same manner and with the like  
7 effect as in cases of arbitration.

1863—ch. 6, Sect. 9. 1 SECT. 33. The inspectors may examine any witnesses  
2 who appear before them, on oath, to be administered by

3 the president of the board, or in his absence by any other  
4 inspector.

1 SECT. 34. The warden and other officers of the prison  
2 at all times shall admit the inspectors or either of them into 1863—ch. 6, Sect. 10.  
3 every part of said prison, exhibit to them or either of them  
4 on demand, all the books, papers, accounts and writings  
5 pertaining to the prison, or to the business, government,  
6 discipline or management thereof, and render them every  
7 other facility in their power to enable them to discharge  
8 their duties under this title. c 6

1 SECT. 35. The board of inspectors shall keep regular  
2 minutes of their proceedings and meetings, which shall be 1863—ch. 6, Sect. 11.  
2 signed by the president, and attested by their clerk.

1 SECT. 36. The inspectors shall meet once in each month 1863—ch. 6, Sect. 12.  
2 at the prison, and inspect the same, and a majority shall  
3 constitute a quorum for the transaction of business; they  
4 shall make all necessary rules and regulations for the direc-  
5 tion and government of all the officers of the prison, and all  
6 rules and regulations adopted by them, shall be submitted  
7 to the governor, who shall approve or modify the same, and  
8 such rules and regulations, with their proceedings at each  
9 meeting, shall be recorded by the clerk, who shall attend  
10 their meetings for that purpose.

1 SECT. 37. A printed copy of the rules and regulations 1863—ch. 6, Sect. 13.  
2 of the prison shall be furnished to every officer and guard  
3 of said prison, at the time he is appointed and sworn.

1 SECT. 38. The warden or deputy warden shall keep a  
2 daily journal of the proceedings of the prison, in which he 1863—ch. 6, Sect. 14.  
3 shall note all infractions of the rules and regulations of the  
4 prison, by any officer or guard thereof, and make a memo-  
5 randum of every complaint made by any convict of cruel or  
6 unjust treatment by any officer of the prison, or a want of  
7 proper clothing or food; and also of any infraction of the  
8 rules and regulations of the prison, by any prisoner, naming  
9 him and specifying the offense, and also what punishment,  
10 if any, was awarded, which journal shall be laid before the  
11 inspectors at every stated meeting, and at every special  
12 meeting when demanded.

1 SECT. 39. The inspectors on the first Monday of De-  
2 cember, annually, shall audit, correct, and settle the ac- 1863—ch. 6, Sect. 15.  
3 counts of the warden, with the prison and the state, for the  
4 year ending on the last day of November preceding, and  
5 make report of the same immediately to the governor, which  
6 report must embrace and exhibit all particulars necessary to



7 give the governor a full understanding of the fiscal year and  
 8 all other matters pertaining to the management of the prison,  
 9 and they shall at the same time, furnish an estimate of the  
 10 probable income and expense of the prison for the ensuing  
 11 year.

c 6 1863—ch. 6, Sect. 16. 1 SECT. 40. They shall cause a transcript of the record  
 2 of their proceedings to be made out by their clerk quarterly,  
 3 and transmit the same to the governor.

1863—ch. 6, Sect. 17. 1 SECT. 41. They shall appropriate annually, out of fees  
 2 received from visitors or from other funds of the prison, a  
 3 sum not less than twenty-five dollars, to be expended in the  
 4 purchase of books or periodicals, for the use of the prison  
 5 library.

1863—ch. 6, Sect. 18. 1 SECT. 42. There shall be paid to the officers of the pris-  
 2 on, the following salaries and compensation, to be paid quar-  
 3 terly out of the state treasury, on the warrant of the audi-  
 4 tor, to wit: to the warden the sum of seven hundred and  
 5 fifty dollars; to the deputy warden the sum of four hundred  
 6 dollars; to the inspectors the sum of two dollars per day,  
 7 for each day necessarily employed in the discharge of their  
 8 duties; to the chaplain and physician and assistant keepers  
 9 and guards such sums as the board of inspectors deem pro-  
 10 per and just.

1863—ch. 6, Sect. 19. 1 SECT. 43. The warden and deputy warden, shall before  
 2 entering upon the duties of their offices, file in the office of  
 3 the secretary of state, the proper oath, together with a bond  
 4 executed to the people of this state, with two or more sure-  
 5 ties, duly approved by the governor; the warden in the  
 6 sum of twelve thousand dollars, and the deputy warden in  
 7 the sum of five thousand dollars, conditioned for the faith-  
 8 ful performance of their duties according to law.

1863—ch. 6, Sect. 20. 1 SECT. 44. The warden shall attend constantly at the  
 2 prison except when performing some other duty connected  
 3 with his office; he shall exercise general supervision over, and  
 4 give necessary directions to the keepers and guards; exam-  
 5 ine whether they have been vigilant in the discharge of  
 6 their respective duties; examine daily into the health of  
 7 prisoners, and take charge of the real and personal estate  
 8 belonging to or connected with the prison.

1863—ch. 6, Sect. 21. 1 SECT. 45. All the transactions and dealings of the pris-  
 2 on shall be conducted in the name of the warden, who shall  
 3 be capable in law of suing and being sued in all courts and places  
 4 in all matters concerning the said prison, by his name of of-  
 5 fice; and by that name he is hereby authorized to sue for

6 and recover all sums of money or any property due from  
7 any person to any former warden of said prison or  
8 to the people of this state, on account of said prison.

1 SECT. 46. The shops and such vacant grounds as the  
2 inspectors deem proper may be leased by the inspectors and  
3 warden to parties from whom they obtain the highest  
4 and best price, and for such length of time as they may deem  
5 for the interest of the state, but not for a longer term than  
6 three years at any one time. 1863—ch. 6, Sect. 22. C 6

1 SECT. 47. The warden and inspectors may let to service  
2 all able bodied convicts confined in the prison, except such  
3 as are precluded by the terms of their sentence, to the lessee  
4 of the prison shops and fixtures, for such a term of years as  
5 they deem proper, not to exceed three years at any one  
6 time, for the highest and best price they can obtain; *provi-*  
7 *ded*, such contract shall be approved by the governor and  
8 auditor of state. 1863—ch. 8, Sect. 23.

1 SECT. 48. The rents, revenues and profits derived from  
2 the leasing of the prison shops, grounds and convict labor,  
3 together with all charges for maintaining other than state  
4 convicts shall be paid to the warden and by him paid into  
5 the state treasury. 1863—ch. 6, Sect. 24. \

1 SECT. 49. The necessary provisions, fuel, lights, cloth-  
2 ing, bedding, medicines, and all other supplies for the pris-  
3 on, shall be furnished by contract when the same is practi-  
4 cable, to be made by the warden under the direction of the  
5 inspectors, with such persons as will furnish the same on  
6 the best terms. 1863—ch. 6, Sect. 25.

1 SECT. 50. All contracts made by the warden shall be  
2 reduced to writing and a copy of the same shall be submit-  
3 ted to the inspectors at their first meeting held thereafter,  
4 and a copy filed in the office of the prison. 1863—ch. 6, Sect. 26.

1 SECT. 51. No officer of the prison shall employ the con-  
2 victs on a work in which he or any other officer has a per-  
3 sonal interest, nor be connected with or have any interest  
4 in the business or shops belonging to the prison. 1863—ch. 6, Sect. 27.  
Amended.

1 SECT. 52. The warden shall keep a regular and correct  
2 account of all moneys received by him from every source  
3 by virtue of his office, including all moneys taken from con-  
4 victs or received from proceeds of property taken from  
5 them, and of all moneys paid by him, and the person to  
6 whom, and the purposes for which the same were paid, and  
7 shall make out and deliver to the inspectors quarterly a state-  
1863—ch. 6, Sect. 28.

8 ment duly verified, of all moneys received and paid by him  
 9 on account of the prison, specifying from whom received  
 10 and to whom paid, and on what account, and the balance  
 11 remaining in his hands at the time of rendering such ac-  
 12 count.

c 6 1863—ch. 6, Sect. 29. 1 SECT. 53. The warden shall annually, on the last day  
 2 of November in each year, close his accounts, and on or  
 3 before the fifth day of December next thereafter, shall ren-  
 4 der to the auditor of the state, a full and true account of  
 5 all moneys received by him, and of all moneys expended by  
 6 him on account of the prison, with sufficient vouchers there-  
 7 for, which account shall be duly verified by the warden.

1863—ch. 6, Sect. 30. 1 SECT. 54. He shall annually, on or before the third day  
 2 of December in each year, make and deliver to the inspect-  
 3 ors of the prison, a report exhibiting a complete and de-  
 4 tailed statement of the transactions of the prison, during the  
 5 year preceding, stating the number of convicts confined  
 6 therein, and all other matters relating to the prison, and  
 7 the management thereof.

1863—ch. 6, Sect. 31. 1 SECT. 55. He shall report to the secretary of state on  
 2 the first Monday of December in each year, the names of  
 3 all convicts pardoned the preceding year, the counties in  
 4 which they were tried, and the terms for which they were  
 5 sentenced.

1863—ch. 6, Sect. 32. 1 SECT. 56. When any convict offers violence to any offi-  
 2 cer or guard of the prison, or to any other person or con-  
 3 vict, or attempts to do any injury to the buildings or any  
 4 workshop, or to any appurtenances thereof, or disobeys and  
 5 resists any reasonable command of any officer or guard,  
 6 such officers and guards shall use all reasonable means to de-  
 7 fend themselves, and to enforce the observance of disci-  
 8 pline.

1863—ch. 6, Sect. 33. 1 SECT. 57. If any convict resists the authority of any  
 2 officer, keeper, or guard of the prison, or refuses to obey  
 3 any lawful command, such officer, keeper or guard shall im-  
 4 mediately enforce obedience by the use of such weapons or  
 5 other aid as may be necessary for the purpose, and if in so  
 6 doing any convict thus resisting, shall be necessarily wound-  
 7 ed or killed by such officer or his assistants, they are justi-  
 8 fied and shall be held guiltless.

1863—ch. 6, Sect. 34. 1 SECT. 58. In case any pestilent or contagious disease  
 2 breaks out among the convicts in the prison, the inspectors  
 3 and warden may cause such convicts to be removed to some  
 4 secure and suitable place, where such as are sick shall re-  
 5 ceive all necessary care and medical attendance.

1 SECT. 59. The warden shall receive, safely keep and  
 2 subject to the discipline of the prison, any criminal convict- 1863—ch. 6, Sect. 35. c 6  
 3 ed of any crime against the United States, and sentenced to  
 4 confinement therein, by any court of the United States, sit-  
 5 ting within this state, until such sentence is executed, or  
 6 until such convict is discharged by due course of law, the  
 7 United States supporting such convict, and paying the ex-  
 8 penses of executing such sentence.

1 SECT. 60. He shall take charge of any property that 1863—ch. 6, Sect. 37.  
 2 convicts may have at the time of entering the prison, and  
 3 if the same is of the value of five dollars or more, may sell  
 4 the same and place the proceeds at interest, for the benefit  
 5 of such convict or his representatives, when he may leave  
 6 the prison, keeping a correct account of all such property,  
 7 and the proceeds thereof.

1 SECT. 61. When any convict is discharged from prison,  
 2 the warden shall furnish such convict with a decent suit of 1863—ch. 6, Sect. 38.  
 3 clothes, (if he is not already provided for,) at the expense  
 4 of the state, and shall pay such convict from any funds be-  
 5 longing to the prison, a sum of money not exceeding ten  
 6 dollars. The warden shall furnish at the expense of the  
 7 state, a bible to each convict who can read.

1 SECT. 62. Whenever there are cells sufficient, each pris- 1863—ch. 6, Sect. 39.  
 2 oner shall be confined in a separate cell.

1 SECT. 63. In case the number of prisoners is so great  
 2 as in the opinion of the warden and inspectors to render it  
 3 impossible to keep them securely at the state prison, the 1863—ch. 63, Sect. 3. c 6 3  
 4 warden may make a contract with the county commission-  
 5 ers of the county of Washington or Ramsey, to confine and  
 6 maintain such prisoners as cannot be securely kept in the  
 7 state prison, in the jail of their county, and may bind the  
 8 state to pay such reasonable sum as he may agree upon with  
 9 such county commissioners for the custody and maintenance  
 10 of such prisoners, and in such case the written warrant of  
 11 the warden of the state prison shall be a sufficient authority  
 12 for the sheriff of such county to receive and restrain in the  
 13 jail of his county any such prisoner.

1 SECT. 64. The clothing and bedding for the convicts  
 2 shall be of coarse material, and they shall be supplied with 1863—ch. 6, Sect. 40. c 6  
 3 a sufficient quantity of substantial and wholesome food.

1 SECT. 65. No person shall, without the consent of the 1863—ch. 6, Sect. 41.  
 2 warden, bring into or carry out any writing or any informa-  
 3 tion to or from any convict.

c 6 1863—ch. 6, Sect. 42.

1 SECT. 66. The following persons shall be allowed to  
 2 visit the prison at pleasure: the governor, lieutenant gov-  
 3 ernor, members of the legislature, all state officers and reg-  
 4 ularly authorized ministers of the gospel, but no other per-  
 5 son shall go within the walls of the prison, without the  
 6 special permission of the warden.

1863—ch. 6, Sect. 43.

1 SECT. 67. When any convict is delivered to the ward-  
 2 en, the officer having such prisoner in charge, shall deliver  
 3 to the warden a certified copy of the sentence received by  
 4 such officer, from the clerk of the court where such convict  
 5 was tried, and shall take from the warden a certificate of  
 6 the delivery of such convict, and such certified copy of the  
 7 sentence shall be evidence of the facts therein contained.

1863—ch. 6, Sect. 44.

1 SECT. 68. When any convict escapes from the prison,  
 2 the warden shall use all proper means for the apprehen-  
 3 sion of such convict, and for this purpose he shall offer a  
 4 reward not to exceed one hundred dollars and not less than  
 5 twenty-five dollars; *Provided*, That if such escape was by  
 6 reason of the negligence of the warden or of any officer  
 7 under him, the reward thus offered shall be paid by the  
 8 warden.

1863—ch. 6, Sect. 45.

1 SECT. 69. All suitable rewards and other sums of money  
 2 paid for advertising any convict, shall be approved by the  
 3 board of inspectors, and paid out of the state treasury.

1863—ch. 6, Sect. 46.

1 SECT. 70. The necessary expenses and legal fees of  
 2 sheriffs and other officers, incurred in conveying convicts to  
 3 the state prison, shall be approved by the auditor of state,  
 4 and shall be paid out of the state treasury. Said auditor  
 5 may allow for said expenses and fees the following rates:  
 6 For team and driver employed in conveying convicts to the  
 7 prison, three dollars per day; for sheriff, three dollars per  
 8 day; for each assistant or guard absolutely necessary, one  
 9 dollar and fifty cents per day; and such sum as may be  
 10 necessary and reasonable for traveling expenses. Forty  
 11 miles per day shall be the estimate for a day's travel.

1863—ch. 6, Sect. 47.

1 SECT. 71. No spirituous or fermented liquors shall be,  
 2 under any pretence whatever, brought into or upon the  
 3 premises of the prison, except by the direction of the prison  
 4 physician.

1863—ch. 6, Sect. 48.

1 SECT. 72. The auditor of the state is authorized and re-  
 2 quired to draw his warrant on the state treasury, for such  
 3 sums as the inspectors may from time to time direct, for de-  
 4 fraying the proper and necessary expenses of the prison.

1 SECT. 73. It shall be lawful for the inspectors to estab- 1863—ch. 6, Sect. 49. c 6  
 2 lish uniform rules and fees for the admission of visitors  
 3 within the prison.

1 SECT. 74. The warden, deputy warden, inspectors, phy- 1863—ch. 6, Sect. 50.  
 2 sician, assistant keepers, and guards, shall be exempt from  
 3 military and jury duties, while actually employed by the  
 4 state as such officers.

1 SECT. 75. On the removal or resignation of the warden, 1863—ch. 6, Sect. 52.  
 2 the auditor of state shall settle the accounts of such warden,  
 3 on the presentation of his books, accounts, and vouchers,  
 4 duly authenticated, for such purpose.

1 SECT. 76. Whenever there is a vacancy in the office of 1863—ch. 6, Sect. 53.  
 2 warden, or the warden is temporarily absent, all the duties  
 3 of warden shall devolve upon, and be performed by the  
 4 deputy warden, until the vacancy is filled, or the warden  
 5 return.

1 SECT. 77. The physician shall keep a register of all 1863—ch. 6, Sect. 54.  
 2 convicts placed under his care, the disease with which they  
 3 are afflicted; also of the death of any convicts, stating their  
 4 names, age time and cause thereof.

1 SECT. 78. All books, accounts, documents, registers, 1863—ch. 6, Sect. 55.  
 2 and reports shall be deemed public property, of which the  
 3 warden shall preserve at least one copy of each.

1 SECT. 79. The warden shall cause to be kept a record 1863—ch. 6, Sect. 56.  
 2 of each and all infractions of the rules of discipline by con-  
 3 victs, with the names of the convict offending, and the date  
 4 and character of each offence; which record shall be placed  
 5 before the inspectors at each regular meeting of the board.

1 SECT. 80. The warden is entitled to the use of the house 1863—ch. 6, Sect. 57.  
 2 built for him and the necessary fuel and lights for the same,  
 3 to be supplied from the common stock of the prison, free  
 4 of charge.

1 SECT. 81. Every lease made of any or all the prison 1863—ch. 6, Sect. 58.  
 2 shops and fixtures shall contain a provision providing for  
 3 the constant employment of all convicts in the state prison,  
 4 during the continuance of such lease.