

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.

SAINT PAUL:
WEST PUBLISHING COMPANY.
1883.

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.

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TITLE 1.

COUNTY JAILS.

§ 1. Every county to have a jail. There shall be established and kept in every county, by authority of the board of county commissioners, and at the expense of the county, a jail for the safe-keeping of prisoners.

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

§ 3. Where prisoners shall be kept when there is no sufficient jail. When there is no sufficient jail in any county wherein any criminal offence has been committed, the examining magistrate upon his own motion, or the district judge upon application of the sheriff, may order any person charged with a criminal offence, and directed to be committed to prison, to be sent to the jail of the county nearest having a sufficient jail; and the sheriff of such nearest county shall, on exhibit of such magistrate or judge's order, receive and keep in custody, in the jail of his county, the prisoner ordered to be committed as aforesaid; and the said sheriff shall, upon the order of the district court or a judge thereof, re-deliver such prisoner when demanded.

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

§ 5. United States prisoners, how kept—liability of sheriffs, etc., for misconduct, etc. All sheriffs and jailors to whom any person is sent or committed by virtue of legal process issued by or under the authority of the United States, shall be and they are required to receive such person into custody, and to keep him safely until discharged by due course of law; and all such sheriffs and jailors offending in the premises shall be liable to the same pains and penalties, and the parties aggrieved shall be entitled to the same remedies against them or any of them, as if such prisoners had been committed to their custody by virtue of legal process issued under the authority of this state.

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

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

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

§ 9. Prisoners to have bibles—religious instruction. The keeper of each jail shall provide, at the expense of the county, for each prisoner under his charge who may be able and desirous to read, a copy of the bible or new testament; and any

minister of the gospel disposed to aid in reforming the prisoners, and instructing them in their moral and religious duties, shall have access to them at reasonable and proper times.

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

§ 11. **Same—copy to be returned at each term of court.** At the opening of each session of the district court within his county, the sheriff shall return a copy of said calendar, under his hand, to the judge holding said court; and if any sheriff neglects or refuses to do so, he shall be punished by fine, not exceeding three hundred dollars.

§ 12. **Convict to be furnished with tools—expense, how paid—earnings.** Whenever any person is confined in any jail pursuant to the sentence of any court, if such sentence, or any part thereof, is that he be confined at hard labor, the sheriff of the county in which such person is confined shall furnish such convict with suitable tools and materials to work with, if, in the opinion of such sheriff, the said convict can be profitably employed either in the jail or yard thereof; and the expense of said tools and materials shall be defrayed by the county in which said convict is confined, and said county shall be entitled to his earnings.

§ 13. **Furnishing liquors to convicts forbidden—exception.** No sheriff, jailor or keeper of any jail, shall, under any pretence, give, sell or deliver to any person committed to any prison for any cause whatever, any spirituous liquor, or any mixed liquor, part of which is spirituous, or any wine, cider or strong beer, unless a physician certifies in writing that the health of such prisoner requires it; in which case he may be allowed the quantity prescribed, and no more.

§ 14. **Penalties for violation of duties by sheriffs, etc.** If any sheriff, jailor or keeper of any jail sells or delivers to any prisoner in his custody, or willingly or negligently suffers any such prisoner to have, any liquor prohibited in the preceding section, or places or keeps together prisoners of different sexes, contrary to the provisions of the second section, he shall in each case forfeit and pay, for the first offence, the sum of twenty-five dollars; and such officer shall, on a second conviction, be further sentenced to be incapable of holding the office of sheriff, deputy sheriff, jailor or keeper of any jail, for the term of five years.

§ 15. **Penalty for other person furnishing prisoner with liquor.** If any person other than mentioned in the preceding section, sells or delivers to any person committed for any cause whatever, any liquor prohibited in this chapter, or has in his possession, in the precincts of any jail, any such liquor, with intent to carry or deliver the same to any prisoner confined therein, he shall be punished by fine not exceeding fifteen dollars.

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

§ 17. **Expense of keeping prisoners from other counties, how regulated.** Whenever any prisoner by the proper authority is directed to be confined in any county other than that in which the offence was committed, the sheriff of the county in which such prisoner is to be confined shall keep said prisoner at the expense of

the county in which the offence was committed, and shall be allowed therefor four dollars per week. The board of county commissioners of the county from which said prisoner was sent, at their first session after the commitment of such prisoner, shall authorize the auditor of their county to issue to the sheriff of the county to which such prisoner was sent for confinement, orders upon their county treasurer for the expense of maintaining such prisoner from the time of his confinement until the meeting of the court at which he is to be tried; and if such prisoner is not tried at the first term of said court, the said board, at their first meeting thereafter, shall provide in like manner for the maintenance of such prisoner until the next session of said court, and so on, in like manner, until said prisoner is finally tried.

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

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

§ 20. **Solitary confinement.** Whenever any person committed to jail for any cause whatever, is unruly, or disobeys any of the regulations established for the management of jails, the sheriff or keeper may order such prisoner to be kept in solitary confinement, and fed on bread and water only, for a period not exceeding twenty days for each offence.

§ 21. **Escaping from jail, how punished.** If any person who may be in any jail, under sentence of imprisonment in the state prison, shall break jail and escape, he shall be punished by imprisonment in the state prison for the term of one year, in addition to the unexpired term for which he was originally sentenced.

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

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

§ 24. **In case of fire, prisoners may be removed.** If any jail, or any building thereto attached, takes fire, and the prisoners are exposed to danger by such fire, the keeper may remove them to a place of safety, and there confine them so long as may be necessary to avoid such danger; and such removal and confinement shall not be deemed an escape of such prisoners.

TITLE 2.

STATE PRISON.

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

§ 26. **Inspectors—how appointed—term of office.** The said prison shall be under the direction and government of three inspectors, one of whom shall be appointed annually by the governor, by and with the consent of the senate, and shall hold his office for the term of three years, and until his successor is appointed.

and qualified, and shall take and subscribe the oath required by law before entering upon the duties of his office.

§ 27. **Meetings of inspectors.** The board of inspectors shall hold their meetings at the office of the prison, and, at their first meeting held after the appointment of each inspector, shall choose one of their number president.

§ 28. **Officers of the prison.** The officers of the prison shall consist of one warden, who shall be principal keeper of the prison, and clerk of the board of inspectors, one deputy warden, who shall be chief turnkey; and both of whom shall reside at the prison; one physician and one chaplain, and such number of assistant keepers and guards as the warden and inspectors deem requisite.

§ 29. **Warden—how appointed—term of office.** The warden shall be appointed by the governor, by and with the consent and advice of the senate, and shall hold his office for the term of two years, and until his successor shall be appointed and qualified, unless sooner removed by the governor.

§ 30. **Other officers, how appointed—term of office.** The chaplain and physician shall be appointed by the board of inspectors, and shall hold their respective offices during the pleasure of the board; the deputy warden and 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.

§ 31. **Duties of inspectors.** The inspectors, from time to time, shall inquire into and examine all matters connected with the government, discipline and police of the prison, the punishment and employment of the prisoners confined therein, and they may from time to time require reports from the warden in relation to any and all of said matters.

§ 32. **Inquiry into conduct of officers—witnesses.** They shall inquire into any improper conduct alleged to have been committed by the warden or any other officers of the prison; and for that purpose the president of the board has power to issue subpoenas to compel the attendance of witnesses, and the production of papers and writings before them, in the same manner and with the like effect as in cases of arbitration.

§ 33. **May examine witnesses on oath.** The inspectors may examine any witnesses who appear before them, on oath, to be administered by the president of the board, or, in his absence, by any other inspector.

§ 34. **To have free access to prison accounts, etc.** The warden and other officers of the prison, at all times, shall admit the inspectors or either of them into every part of said prison, exhibit to them or either of them, on demand, all the books, papers, accounts and writings pertaining to the prison, or to the business, government, discipline or management thereof, and render them every other facility in their power to enable them to discharge their duties under this title.

§ 35. **To keep minutes of proceedings.** The board of inspectors shall keep regular minutes of their proceedings and meetings, which shall be signed by the president, and attested by their clerk.

§ 36. **Time of meetings—prison rules.** The inspectors shall meet once in each month at the prison, and inspect the same, and a majority shall constitute a quorum for the transaction of business; they shall make all necessary rules and regulations for the direction and government of all the officers of the prison; and all rules and regulations adopted by them shall be submitted to the governor, who shall approve or modify the same; and such rules and regulations, with their proceedings at each meeting, shall be recorded by the clerk, who shall attend their meetings for that purpose.

§ 37. **Rules to be furnished to officers.** A printed copy of the rules and regulations of the prison shall be furnished to every officer and guard of said prison, at the time he is appointed and sworn.

§ 38. **Warden to keep daily journal—contents, etc.** The warden or deputy warden shall keep a daily journal of the proceedings of the prison, in which he shall note all infractions of the rules and regulations of the prison, by any officer or

guard thereof, and make a memorandum of every complaint made by any convict of cruel or unjust treatment by any officer of the prison, or a want of proper clothing or food; and also of any infraction of the rules and regulations of the prison, by any prisoner, naming him and specifying the offence, and also what punishment, if any, was awarded; which journal shall be laid before the inspectors at every stated meeting, and at every special meeting when demanded.

§ 39. **Annual settlement of warden's accounts—report.** The inspectors, on the first Monday of December, annually, shall audit, correct and settle the accounts of the warden with the prison and the state, for the year ending on the last day of November preceding, and make report of the same immediately to the governor; which report must embrace and exhibit all particulars necessary to give the governor a full understanding of the fiscal year; and all other matters pertaining to the management of the prison; and they shall, at the same time, furnish an estimate of the probable income and expense of the prison for the ensuing year.

§ 40. **Inspectors to transmit proceedings to governor, quarterly.** They shall cause a transcript of the record of their proceedings to be made out by their clerk quarterly, and transmit the same to the governor.

§ 41. **Annual appropriation for library.** They shall appropriate annually, out of fees received from visitors or from other funds of the prison, a sum not less than twenty-five dollars, to be expended in the purchase of books or periodicals, for the use of the prison library.

Note to § 44. See 1881 Sup't, p. 113.

*§ 42. **Library—how selected—rules.** Said library shall be selected and purchased by the inspectors of said prison, and shall be kept within the walls of said prison and shall at all times be open for the free use of said convicts, under such rules and regulations in reference to the distribution of the books in said library as said inspectors may prescribe. (1873, c. 137, § 2.)

*§ 43. **Books not to be loaned, etc.** No book in said library shall be loaned to any person other than a convict within said prison, nor shall any such book be taken out of or away from said prison. (*Id.* § 3.)

§ 44. (SEC. 42.) **Salaries of prison officers.** There shall be paid to the officers of the state 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 eighteen hundred dollars per annum.

To the deputy warden, the sum of fourteen hundred dollars per annum.

To the inspector[s], the sum of five dollars per day for each day necessarily employed in the discharge of their duties, and travelling fees at the rate of six cents per mile for every mile necessarily travelled in the performance of their official duties.

To the chaplain, physician, and assistant keepers and guards, such sums as the board of inspectors may deem proper and just. (*As amended 1871, c. 47, § 1, and 1874, c. 16, § 1.*)

§ 45. (SEC. 43.) **Oath and bond of warden and deputy.** The warden and deputy warden shall, before entering upon the duties of their offices, file in the office of the secretary of state, the proper oath, together with a bond executed to the people of this state, with two or more sureties, duly approved by the governor; the warden in the sum of twelve thousand dollars, and the deputy warden in the sum of five thousand dollars, conditioned for the faithful performance of their duties according to law.

§ 46. (SEC. 44.) **Duties of warden.** The warden shall attend constantly at the prison, except when performing some other duty connected with his office; he shall exercise general supervision over, and give necessary directions to, the keepers and guards; examine whether they have been vigilant in the discharge of their respective duties; examine daily into the health of prisoners, and take

charge of the real and personal estate belonging to or connected with the prison.

§ 47. (SEC. 45.) **Prison business, how conducted—actions, how brought.** All the transactions and dealings of the prison shall be conducted in the name of the warden, who shall be capable in law of suing and being sued in all courts and places, in all matters concerning the said prison, by his name of office; and by that name he is hereby authorized to sue for and recover all sums of money or any property due from any person to any former warden of said prison, or to the people of this state on account of said prison.

§ 48. (SEC. 46.) **Lease of shops and grounds.** The shops, and such vacant grounds as the inspectors deem proper, may be leased by the inspectors and warden to parties from whom they obtain the highest and best price, and for such length of time as they may deem for the interest of the state, but not for a longer term than three years at any one time. *See § 50, infra.*

§ 49. (SEC. 47.) **Contracts for convict labor.** The warden and inspectors may let to service all able-bodied convicts confined in the prison, except such as are precluded by the terms of their sentence, to the lessee of the prison shops and fixtures, for such a term of years as they deem proper, not to exceed three years at any one time, for the highest and best price they can obtain: *provided*, such contract shall be approved by the governor and auditor of state. *See next section.*

*§ 50, **Lease of shops, etc.—time.** The inspectors and warden of the state prison are hereby authorized and empowered to lease the prison shops, and such vacant ground as the inspectors deem proper; also, to let to service all able-bodied convicts confined within the prison, to the lessee of the prison shops and fixtures; said leases to be made in accordance with the law on the subject of prisons: *provided*, that no lease shall be for a longer term than nine years at any one time. (1866, c. 10, § 1.)

§ 51. (SEC. 48.) **Rents, &c., to be paid into state treasury.** The rents, revenues and profits derived from the leasing of the prison shops, grounds and convict labor, together with all charges for maintaining other than state convicts, shall be paid to the warden, and by him paid into the state treasury.

§ 52. (SEC. 49.) **Prison supplies, how furnished.** The necessary provisions, fuel, lights, clothing, bedding, medicines, and all other supplies for the prison, shall be furnished by contract when the same is practicable, to be made by the warden, under the direction of the inspectors, with such persons as will furnish the same on the best terms.

§ 53. (SEC. 50.) **Contracts by warden, how made, etc.** All contracts made by the warden shall be reduced to writing, and a copy of the same shall be submitted to the inspectors at their first meeting held thereafter, and a copy filed in the office of the prison.

§ 54. (SEC. 51.) **Officers not to be interested in shops, etc.** No officer of the prison shall employ the convicts on a work in which he or any other officer has a personal interest, nor be connected with, or have any interest in, the business or shops belonging to the prison.

§ 55. (SEC. 52.) **Warden to keep account of moneys received and paid.** The warden shall keep a regular and correct account of all moneys received by him from every source by virtue of his office, including all moneys taken from convicts, or received from proceeds of property taken from them, and of all moneys paid by him, and the person to whom, and the purposes for which the same were paid; and shall make out and deliver to the inspectors, quarterly, a statement, duly verified, of all moneys received and paid by him on account of the prison, specifying from whom received and to whom paid, and on what account, and the balance remaining in his hands at the time of rendering such account.

§ 56. (SEC. 53.) **To make annual report to state auditor.** The warden shall, annually, on the last day of November in each year, close his accounts, and on or before the

fifth day of December next thereafter, shall render to the auditor of the state a full and true account of all moneys received by him, and of all moneys expended by him on account of the prison, with sufficient vouchers therefor, which account shall be duly verified by the warden.

§ 57. (SEC. 54.) **To make annual report to inspectors.** He shall, annually, on or before the third day of December in each year, make and deliver to the inspectors of the prison a report exhibiting a complete and detailed statement of the transactions of the prison during the year preceding, stating the number of convicts confined therein, and all other matters relating to the prison, and the management thereof.

§ 58. (SEC. 55.) **To make annual report to secretary of state.** He shall report to the secretary of state, on the first Monday of December in each year, the names of all convicts pardoned the preceding year, the counties in which they were tried, and the terms for which they were sentenced.

§ 59. (SEC. 56.) **Prison discipline to be enforced.** When any convict offers violence to any officer or guard of the prison, or to any other person or convict, or attempts to do any injury to the buildings or any workshop, or to any appurtenances thereof, or disobeys and resists any reasonable command of any officer or guard, such officers and guards shall use all reasonable means to defend themselves, and to enforce the observance of discipline.

§ 60. (SEC. 57.) **Injury of unruly convicts—officers justified.** If any convict resists the authority of any officer, keeper or guard of the prison, or refuses to obey any lawful command, such officer, keeper or guard shall immediately enforce obedience by the use of such weapons or other aid as may be necessary for the purpose; and if, in so doing, any convict thus resisting shall be necessarily wounded or killed by such officer or his assistants, they are justified and shall be held guiltless.

§ 61. (SEC. 58.) **Contagious disease—convicts may be removed.** In case any pestilent or contagious disease breaks out among the convicts in the prison, the inspectors and warden may cause such convicts to be removed to some secure and suitable place, where such as are sick shall receive all necessary care and medical attendance.

§ 62. (SEC. 59.) **U. S. prisoners to be received—expenses, how paid.** The warden shall receive, safely keep, and subject to the discipline of the prison, any criminal convicted of any crime against the United States, and sentenced to confinement therein by any court of the United States sitting within this state, until such sentence is executed, or until such convict is discharged by due course of law; the United States supporting such convict, and paying the expenses of executing such sentence.

§ 63. (SEC. 60.) **Warden to take charge of convict's property.** He shall take charge of any property that convicts may have at the time of entering the prison, and, if the same is of the value of five dollars or more, may sell the same and place the proceeds at interest, for the benefit of such convict or his representatives, when he may leave the prison, keeping a correct account of all such property and the proceeds thereof.

§ 64. (SEC. 61.) **Convict, on discharge, to be furnished with clothes, etc.** When any convict is discharged from prison, the warden shall furnish such convict with a decent suit of clothes, (if he is not already provided for,) at the expense of the state, and shall pay such convict, from any funds belonging to the prison, a sum of money not exceeding ten dollars. The warden shall furnish, at the expense of the state, a bible to each convict who can read.

§ 65. (SEC. 62.) **Prisoners to have separate cells.** Whenever there are cells sufficient, each prisoner shall be confined in a separate cell.

§ 66. (SEC. 63.) **Contracts for keeping convicts elsewhere, when prison is full.** In case the number of prisoners is so great as, in the opinion of the warden and inspectors, to render it impossible to keep them securely at the state prison, the warden may make a contract with the county commissioners of the county

of Washington or Ramsey, to confine and maintain such prisoners as cannot be securely kept in the state prison, in the jail of their county, and may bind the state to pay such reasonable sum as he may agree upon with such county commissioners for the custody and maintenance of such prisoners; and in such case the written warrant of the warden of the state prison shall be a sufficient authority for the sheriff of such county to receive and restrain, in the jail of his county, any such prisoner.

§ 67. (SEC. 64.) **Clothing and food of convicts.** The clothing and bedding for the convicts shall be of coarse material, and they shall be supplied with a sufficient quantity of substantial and wholesome food.

§ 68. (SEC. 65.) **Communication with convicts.** No person shall, without the consent of the warden, bring into or carry out any writing or any information to or from any convict.

§ 69. (SEC. 66.) **Who may visit prison at pleasure.** The following persons shall be allowed to visit the prison at pleasure: the governor, lieutenant governor, members of the legislature, all state officers, and regularly authorized ministers of the gospel; but no other person shall go within the walls of the prison, without the special permission of the warden.

§ 70. (SEC. 67.) **Copy of sentence to be delivered with convict—effect.** When any convict is 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 where such convict was tried, 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.

§ 71. (SEC. 68.) **Reward for escaped convict.** When any convict escapes from the prison, the warden shall use all proper means for the apprehension of such convict, and, for this purpose, he shall offer a reward, not to exceed one hundred dollars, and not less than twenty-five dollars: *provided*, that if such escape was by reason of the negligence of the warden or of any officer under him, the reward thus offered shall be paid by the warden.

§ 72. (SEC. 69.) **Rewards, how approved and paid.** All suitable rewards, and other sums of money paid for advertising any convict, shall be approved by the board of inspectors, and paid out of the state treasury.

§ 73. (SEC. 70.) **Fees and expenses of taking convicts to prison—how paid, etc.** The necessary expenses and legal fees of sheriffs and other officers, incurred in conveying convicts to state prison, shall be approved by the auditor of state, and be paid out of the state treasury. Said auditor may allow for said expenses and fees the following rates: Three dollars per day for time of sheriff necessarily spent going to and from the prison; two dollars and fifty cents per day for each guard necessary, and such sums as may be necessary for railroad fare and actual travelling expenses. Not more than one guard shall be allowed for one prisoner, and one additional guard for every two additional prisoners. When conveyance by team is necessary, a team and driver may be employed, at a rate of compensation not exceeding five dollars per day, forty miles per day to be estimated as a day's travel. All bills shall be rendered in writing, and fully itemized and verified by oath, and accompanied by the receipt of the warden of the state prison for the delivery of such convict or convicts. (*As amended 1870, c. 39, § 1.*)

§ 74. (SEC. 71.) **Liquor not allowed in prison.** No spirituous or fermented liquors shall be, under any pretence whatever, brought into or upon the premises of the prison, except by the direction of the prison physician.

§ 75. (SEC. 72.) **Warrant for expenses, how drawn.** The auditor of the state is authorized and required to draw his warrant on the state treasury, for such sums as the inspectors may from time to time direct, for defraying the proper and necessary expenses of the prison.

See ante, c. 35, § 59.

§ 76. (SEC. 73.) **Rules for visitors, how made.** It shall be lawful for the inspectors to establish uniform rules and fees for the admission of visitors within the prison.

§ 77. (SEC. 74.) **Officers exempt from jury duty, etc.** The warden, deputy warden, inspectors, physician, assistant keepers and guards shall be exempt from military and jury duties, while actually employed by the state as such officers.

§ 78. (SEC. 75.) **Settlement of warden's account on removal, etc.** On the removal or resignation of the warden, the auditor of state shall settle the accounts of such warden, on the presentation of his books, accounts and vouchers, duly authenticated, for such purpose.

§ 79. (SEC. 76.) **Deputy warden to act as warden, when.** Whenever there is a vacancy in the office of warden, or the warden is temporarily absent, all the duties of warden, shall devolve upon and be performed by the deputy warden, until the vacancy is filled, or the warden returns.

§ 80. (SEC. 77.) **Register of prison physician—contents.** The physician shall keep a register of all convicts placed under his care, the disease with which they are afflicted; also of the death of any convict, stating their names, age, time and cause thereof.

§ 81. (SEC. 78.) **Warden to preserve copy of books, accounts, &c.** All books, accounts, documents, registers and reports shall be deemed public property, of which the warden shall preserve at least one copy of each.

§ 82. (SEC. 79.) **Shall keep record of infraction of rules, &c.** The warden shall cause to be kept a record of each and all infractions of the rules of discipline by convicts, with the names of the convicts offending, and the date and character of each offence; which record shall be placed before the inspectors at each regular meeting of the board.

§ 83. (SEC. 80.) **Shall have use of house, etc.** The warden is entitled to the use of the house built for him, and the necessary fuel and lights for the same, to be supplied from the common stock of the prison, free of charge.

§ 84. (SEC. 81.) **Lease of shops to contain what provision.** Every lease made of any or all the prison shops and fixtures shall contain a provision providing for the constant employment of all convicts in the state prison, during the continuance of such lease.

*§ 85. **Record of infraction of rules—diminution of sentence for good conduct, etc.** It shall be the duty of the warden to provide and keep a book in which shall be entered a record of all infractions of the published rules and discipline of the prison, with the name of the convict or convicts offending, and the date and character of each offence, which record shall be submitted to the inspectors at each regular meeting of the board; and every convict who shall have been sentenced for a term of one or more years, who shall, at the end of the first month of his imprisonment, have no infraction of the discipline of the prison recorded against him, shall, for the first month, be entitled to a diminution of two days from the term of his sentence; and if, at the end of the second month, no infraction of the rules is recorded against him, four additional days of diminution from the sentence; and if he shall continue to have no such record against him for the third month, his time of sentence shall be shortened six additional days; and if he shall so continue for the subsequent months, he shall be entitled to six days' diminution of time from his sentence for each month he shall so continue his good behavior; and if any convict shall so pass the whole term of his service, or the remainder of his sentence after the passage of this act, (provided he shall have the term of one year yet to serve,) he shall be entitled to a certificate thereof from the warden, and, upon the presentation thereof to the governor, he shall be entitled to a restoration of the rights of citizenship which may have been forfeited by his conviction; and it shall be the duty of the warden to discharge such convict from the prison when he shall have served the time of his sentence less the number of days he may have been entitled to have deducted therefrom, in the same manner and as if no such deduction had been made: *provided*, that if such convict shall be guilty of a

violation of any of the printed and published rules of the prison after he shall, as provided in this act, have become entitled to a diminution of his time of service to which he has been sentenced, the inspectors shall have the power to deprive, at their discretion, such convict of a portion or all (according to the flagrancy of the violation of discipline) of the diminution of the term of sentence to which he had been previously entitled by this act. (1867, c. 14, § 1.)

*§ 86. **Compensation for good conduct.** All convicts confined, or who shall hereafter be confined, in Minnesota state prison, and who shall become entitled to a diminution of their term of sentence by good conduct while in prison, in accordance with an act passed by the legislature of Minnesota and approved February 19th, 1869,* shall after the passage of this act, in addition to said diminution of term for good conduct, be entitled to and receive compensation for the same number of days to which they are so entitled, at the same price per day that the state receives for the labor of said convicts. (1874, c. 17, § 1.)

*§ 87. **Same—account to be kept.** It shall be the duty of the warden of said prison to keep a correct account of all time and all moneys so earned by said convicts, and at the end of each quarter, when payments are made for prison labor, to deduct from the amount, before paying the same over to the state, the several amounts due the convicts under the provisions of this act, and place the same to the credit of the several convicts to whom it belongs, in a book kept for that purpose. (*Id.* § 2.)

*§ 88. **Same—when given to convict's family.** When it can be ascertained that the family of any such convict is in a needy condition, it shall be the duty of the warden, by and with the consent and advice of the prison inspectors, to pay the money, on [or] such a portion thereof as may be deemed necessary, to said family, taking vouchers therefor; and the warden shall keep a correct account of all convict money so received and disbursed by him, and make a full exhibit of the same in his annual report to inspectors. (*Id.* § 3.)

*§ 89. **Same—when convict has no family, how disposed of.** In case any such convict has no family, or that it cannot be ascertained that his or her family are needy, then the several amounts due convicts under this act shall be placed to their several credits; and when the amount so due any convict shall have reached the sum of ten dollars, it shall be the duty of the warden to place the same in a savings bank, to be designated by the prison inspectors, to the credit of said convict. (*Id.* § 4.)

*§ 90. **Same—to be given to convict when discharged.** When any such convict is discharged from prison, either by expiration of sentence or pardon, it shall be the duty of the warden to pay over to said convict all moneys so due, with the interest which has accrued thereon, taking proper vouchers therefor. (*Id.* § 5.)

*§ 91. **When convict debarred from receiving other money from state.** When the amount of money so due any convict at the time of his discharge shall have reached the sum of twenty-five dollars or more, said convict shall be debarred from receiving any money from the state at the time of his discharge, other than the sum so saved. (*Id.* § 6.)

*§ 92. **Forfeiture upon subsequent bad conduct.** If, after any convict has become entitled to a diminution [diminution] of sentence and compensation therefor, under the provisions of this act, such convict shall conduct himself badly, so that infringement of prison rules are recorded against him, it shall be discretionary with the prison inspectors to deprive such convict of the whole or a part of such diminution [diminution] and compensation to which he or she had previously been entitled. (*Id.* § 7.)

*§ 93. **Forfeits to enure to the state.** All amounts so forfeited by convicts shall enure to the state of Minnesota, and shall be, by the warden, credited to the earnings of the prison. (*Id.* § 8.)

*An error in the enrolled bill. The act referred to was passed in 1867, and forms § 85 of this chapter.

*§ 94. Property, etc., of deceased convict, how disposed of. When any convict shall die in prison, leaving money or other valuables to his or her credit to the amount of ten dollars or more, it shall be the duty of the warden to pay the amount so due to the heirs or administrators of such deceased convict when they can be found; and in case no heirs or administrators can be found, the warden shall advertise in some weekly paper printed at the capital, for six weeks in succession, at the death of such convict, stating the amount due such convict; the expense of such advertising to be paid from the money belonging to such deceased convict. (1874, c. 17, § 9.)

CHAPTER CXXI.

OF THE GENERAL STATUTES AND THEIR EFFECT.

*§§ 95 to 99, incl. See 1883 Sup't, pp. 89, 90.

SECTION.

1-2. General Statutes, how to be cited—when to take effect.
 3-6. Repeals—not to revive former laws—nor to affect rights accrued, etc.—or penalties incurred—or actions pending.

SECTION.

7. Period of limitation to continue to run.
 8. Tenure of offices preserved.
 9. General Statutes a continuation of former laws.

§ 1. General Statutes, how to be cited. This act shall not, in any citation or enumeration of the statutes, be reckoned as one of the acts of the present year, but may be designated as the General Statutes, adding, when necessary, the number of the chapter and section.

§ 2. To take effect, when. The General Statutes aforesaid shall take effect and go into operation from and after the thirty-first day of July, in the year eighteen hundred and sixty-six.

§ 3. Repeals not to revive former laws. The repeal of the acts and resolves, and parts of acts and resolves, revised and re-enacted herein, or repugnant to the provisions hereof, shall not revive any law heretofore repealed or superseded, nor any office heretofore abolished.

§ 4. Same—not to affect acts done, rights accrued, etc. It shall not affect any act done, or any right accruing, accrued or established, or any proceedings, doings or acts ratified or confirmed, or any action or proceeding had or commenced in a civil cause, before the repeal takes effect; but the proceedings thereon, shall, when necessary, conform to the provisions of the General Statutes.
 12 M. 580; 13 M. 153; 16 M. 215, 230.

§ 5. Same—not to affect penalties incurred, except, etc. It shall not affect any penalty or forfeiture incurred before it takes effect, under any of the laws repealed; except that where a punishment, penalty or forfeiture is mitigated by the provisions of the General Statutes, such provisions may be extended and applied to any judgment pronounced after said repeal.

§ 6. Same—not to affect actions pending, etc. It shall not affect any action or prosecution pending at the time of the repeal, for an offence committed, or for the recovery of a penalty or forfeiture incurred, under any of the acts repealed, except that the proceedings therein shall, when necessary, conform to the provisions of the General Statutes.