

THE *J. Rogers*
GENERAL STATUTES

OF THE

STATE OF MINNESOTA:

REVISED BY COMMISSIONERS APPOINTED UNDER AN ACT APPROVED FEBRUARY 17, 1868, AND
ACTS SUBSEQUENT THERETO, AMENDED BY THE LEGISLATURE,
AND PASSED AT THE SESSION OF 1866.

TO WHICH

THE CONSTITUTION OF THE UNITED STATES, THE ORGANIC ACT, THE
ACT AUTHORIZING A STATE GOVERNMENT, AND THE
CONSTITUTION OF THE STATE OF MINNESOTA,

ARE PREFIXED;

AND A LIST OF ACTS PREVIOUSLY REPEALED,

A GLOSSARY, AND INDEX, ARE ADDED.

Edited and Published under the authority of Chapters 15 and 16 of
the Laws of 1866.

ST. PAUL.
PUBLISHED BY DAVIDSON & HALL,
STATE PRINTERS, 170 THIRD STREET.
1872.

CHAPTER CXIX.

PARDONS.

SECTION

1. Governor may grant pardons on such conditions, and with such limitations, as he thinks proper—may issue warrant to carry pardon into effect.

SECTION

2. Officer executing warrant shall make return to governor, and file copy with clerk of the court in which offender was convicted.

Governor may grant pardons on such conditions and with such limitations as he thinks proper.

SECTION 1. 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.

Officer executing warrant, to make return.

SEC. 2. 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. Jail shall be maintained in each county.
2. Sheriff is keeper of jail—duties of jail keeper.
3. When there is no jail in any county, prisoners shall be kept, where.
4. Jails may be used for safe keeping of fugitives from justice.
5. Duties and liabilities of sheriffs and jailors as to prisoners committed under authority of United States.
6. United States liable to pay for keeping of such prisoners.
7. Prisoners, how to be treated.
8. Jail shall be kept, how—food of prisoners, &c.
9. Prisoners desiring it, shall have bible.

SECTION

10. Sheriff shall keep calendar of prisoners—calendar shall contain, what.
11. Shall return copy of calendar to judge, at each term of court.
12. Shall furnish convict with tools, when.
13. Shall not furnish intoxicating liquor to prisoners.
14. Penalty for violation of duty.
15. Penalty for any person furnishing prisoners with liquor.
16. Sheriff shall preserve copy of process, when.
17. Expense of keeping prisoners, how regulated.
18. Sheriff shall preserve instruments, orders, &c., relating to commitment or release of prisoners.

19. Shall furnish building, clothing, &c., for prisoners, at expense of county.
20. May keep prisoner in solitary confinement, when.
21. Escaping from jail, how punished.
22. Person under sentence in county jail, escaping, how punished.
23. Person imprisoned for capital offense, escaping, how punished.
24. Prisoners may be removed, when.
- STATE PRISON.
25. State prison, located at Stillwater.
26. Shall be under the control of inspectors.
27. Inspectors shall meet.
28. Officers of the prison, who are.
29. Warden shall be appointed by governor, and serve two years.
30. Other officers, how appointed—term of office.
31. Inspectors shall inquire into matters connected with prison.
32. Shall inquire into conduct of officers—may subpoena witnesses.
33. May examine witnesses on oath.
34. May have free access to prison, books, accounts, &c.
35. Shall keep minutes of their proceedings.
36. Shall meet once a month, make rules, &c.
37. Copy of rules shall be furnished to officers.
38. Warden shall keep daily journal—what journal shall contain.
39. Inspectors shall make annual settlement with warden, and report same to governor.
40. Shall transmit record of proceedings to governor, quarterly.
41. Shall expend \$25 for books, annually, for prison library.
42. Salaries of officers of prison.
43. Warden and deputy shall file oath and bond with secretary of state.
44. Duties of warden.
45. Transactions with prison, how conducted—actions, how brought.
46. Prison shops and grounds may be leased.
47. Convic's may be let to service.
48. Rents, &c., of shops to be paid into state treasury.
49. Provisions, how furnished.
50. Contracts by warden, how made.*
51. Officers not to be interested in business or shops belonging to prison.
52. Warden shall keep account of moneys received and paid out.
53. Shall make annual report to state auditor.
54. Shall make annual report to inspectors.
55. Shall make annual report to secretary of state.
56. Officers shall repress attempted violence of convicts.
57. Convict resisting authority of officers and killed thereby, officers held guiltless.
58. Convicts may be removed and confined elsewhere, when.
59. Warden shall receive and keep criminals convicted in United States' courts.
60. Shall take charge of money of convicts.
61. Shall furnish convict on discharge with clothes and money.
62. Each prisoner shall have separate cell.
63. Warden may contract for keeping convicts elsewhere, when.
64. Convicts shall be supplied with clothing, &c.
65. No communication allowed with convicts, except by consent of warden.
66. Certain persons may visit prison at pleasure.
67. Certified copy of sentence to be delivered to warden, with convict.
68. Convict escaping, warden shall offer reward.
69. Inspectors shall approve rewards.
70. Expenses and fees of officers paid by state—rate of fees.
71. Spirituous liquor only allowed in prison by direction of physician.
72. State auditor shall draw warrant for sums as directed by the inspectors.
73. Inspectors may adopt rules for visiting prisons.
74. Officers of prison, exempt from military and jury duty.
75. State auditor to settle with warden, when.
76. Deputy warden to perform duties of warden, when.
77. Physician shall keep register of convicts, diseases, &c.
78. Warden shall preserve copy of books, accounts, &c.
79. Shall keep record of infractions of prison rules, &c.
80. Shall have use of house, light and fuel.
81. Lease of prison shops shall contain what provision.

TITLE I.

COUNTY JAILS.

SECTION 1. 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.

Jail shall be maintained in each county.

SEC. 2. 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.

Sheriff is keeper of jail—duties of jail keeper.

SEC. 3. When there is no sufficient jail in any county wherein any criminal offense 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 offense, 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.

When there is no jail in any county, prisoner shall be kept, where.

SEC. 4. 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

Jails may be used for safe keeping.

of fugitive from justice.

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.

Duties and liabilities of sheriffs and jailors as to prisoners committed under authority of United States.

SEC. 5. 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.

United States liable to pay for keeping of such prisoners.

SEC. 6. 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.

Prisoners, how to be treated.

SEC. 7. 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.

Jail shall be kept, how—food of prisoners, &c.

SEC. 8. 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.

Prisoners desiring it shall have bible.

SEC. 9. 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 seasonable and proper times.

Sheriff shall keep calendar of prisoner—calendar shall contain what.

SEC. 10. 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 places 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 offenses, 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.

Shall return copy of calendar to judge at each term of court.

SEC. 11. 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.

Shall furnish convict with tools, when.

SEC. 12. 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.

SEC. 13. No sheriff, jailor or keeper of any jail, shall, under any pretense, 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.

Shall not furnish intoxicating liquor to prisoners.

SEC. 14. 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 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 jail for the term of five years.

Penalty for violation of duty

SEC. 15. 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.

Penalty for any person furnishing prisoner with liquor.

SEC. 16. 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.

Sheriff shall preserve copy of process, when effect of same, duly certified, as evidence.

SEC. 17. Whenever any prisoner by the proper authority is directed to be confined in any county other than that in which the offense 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 offense 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.

Expense of keeping prisoners, how regulated.

SEC. 18. 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.

Sheriff shall preserve instruments, orders, &c., relating to commitment or release of prisoners.

SEC. 19. 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.

Shall furnish bedding, clothing, &c., for prisoners at expense of the county

May keep prisoner in solitary confinement, when.

SEC. 20. 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 offense.

Escaping from jail, how punished.

SEC. 21. 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.

Escaping from jail, how punished.

SEC. 22. 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 offense not capital, shall break jail and escape, he shall be imprisoned in the county jail for the term of six months.

Person imprisoned for capital offense, escaping—how punished.

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

Prisoners may be removed, when.

SEC. 24. 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.

1891-175-
1894-132

TITLE II.

STATE PRISON.

State prison, located at Stillwater.

SEC. 25. 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.

Shall be under the control of three directors, appointed by the governor.

SEC. 26. 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.

Inspectors shall meet, where.

SEC. 27. 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.

Officers of the prison, who are.

SEC. 28. 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 inspector deem requisite.

Warden shall be appointed by governor and serve two years.

SEC. 29. 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.

Other officers, how appointed—term of office.

SEC. 30. 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.

SEC. 31. 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.

Inspectors shall inquire into matters connected with prison.

SEC. 32. 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.

Shall inquire into conduct of officers—may subpoena witnesses.

SEC. 33. 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.

May examine witnesses on oath.

SEC. 34. 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.

May have free access to prison, books, accounts, &c.

SEC. 35. 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.

Shall keep minutes of their proceedings.

SEC. 36. 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.

Shall meet once a month—make rules, &c.

SEC. 37. 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.

Copy of rules furnished to officers.

SEC. 38. 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 offense, 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.

Warden shall keep daily journal—what journal shall contain.

SEC. 39. 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.

Inspectors shall make annual settlement with warden, and report same to governor.

SEC. 40. 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.

Shall transmit record of proceedings to governor, quarterly.

Shall expend \$25 for books, annually, for prison library.

SEC. 41. 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.

Salaries of officers of prison.

SEC. 42. There shall be paid to the 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 seven hundred and fifty dollars; to the deputy warden the sum of four hundred dollars; to the inspectors the sum of two dollars per day, for each day necessarily employed in the discharge of their duties: to the chaplain and physician and assistant keepers and guards such sums as the board of inspectors deem proper and just.

1871-100
1874-131

Warden and deputy shall file oath and bond with secretary of state.

SEC. 43. 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.

Duties of warden.

SEC. 44. 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.

Transactions with prison, how conducted—actions, how brought.

SEC. 45. 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.

Shops and grounds may be leased.

SEC. 46. 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.

Convicts may be let to service.

SEC. 47. 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.

Rents, &c., of shops to be paid into state treasury.

SEC. 48. 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.

Provisions, &c., how furnished.

SEC. 49. 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.

Contracts by warden, how made.

SEC. 50. 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.

MINNESOTA STATUTES 1866

SEC. 51. 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.

Officers not to be interested in business, &c.

SEC. 52. 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.

Warden shall keep account of moneys received and paid out.

SEC. 53. 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.

Shall make annual report to state auditor.

SEC. 54. 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.

Shall make annual report to inspectors.

SEC. 55. 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.

Shall make annual report to secretary of state.

SEC. 56. 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.

Officers shall repress attempted violence by convicts.

SEC. 57. 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.

Convict resisting authority of officers, and killed in consequence, officers held guiltless.

SEC. 58. 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.

Convicts may be removed and confined elsewhere, when.

SEC. 59. 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.

Warden shall receive and keep criminals convicted in United States courts.

SEC. 60. 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

Shall take charge of money of convicts &c.

leave the prison, keeping a correct account of all such property, and the proceeds thereof.

Shall furnish convict on discharge with clothes and money.

SEC. 61. 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.

Each prisoner shall have separate cell.

SEC. 62. Whenever there are cells sufficient, each prisoner shall be confined in a separate cell.

Warden may contract for keeping convicts elsewhere, when.

SEC. 63. 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.

Convicts shall be supplied with clothing, &c.

SEC. 64. 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.

No communication allowed with convicts except by consent of warden.

SEC. 65. No person shall, without the consent of the warden, bring into or carry out any writing or any information to or from any convict.

Certain persons may visit prison at pleasure.

SEC. 66. 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.

Certified copy of sentence to be delivered to warden with convict.

SEC. 67. 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.

Convict escaping, warden shall offer reward.

SEC. 68. 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.

Inspectors shall approve rewards.

SEC. 69. 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.

Expenses and fees of officers shall be paid by state—rate of fees allowed.

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

1870-100

Spirituous liquor only allowed in

SEC. 71. No spirituous or fermented liquors shall be, under any pre-

MINNESOTA STATUTES 1866

tence whatever, brought into or upon the premises of the prison, except by the direction of the prison physician.

SEC. 72. 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.

SEC. 73. It shall be lawful for the inspectors to establish uniform rules and fees for the admission of visitors within the prison.

SEC. 74. 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.

SEC. 75. 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.

SEC. 76. 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.

SEC. 77. 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 convicts, stating their names, age, time, and cause thereof.

SEC. 78. All books, accounts, documents, registers, and reports shall be deemed public property, of which the warden shall preserve at least one copy of each.

SEC. 79. 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 convict offending, and the date and character of each offense; which record shall be placed before the inspectors at each regular meeting of the board.

SEC. 80. 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.

SEC. 81. 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.

prison by direction of physician.

State auditor shall draw warrant for sums, as directed by inspectors.

Inspectors may adopt rules for visiting prisons.

Officers of prison exempt from military and jury duty.

State auditor to settle with warden, when.

Deputy warden to perform duties of warden, when.

Physician shall keep register of convicts, diseases, &c.

Warden shall preserve copy of books, accounts, &c.

Shall keep record of infraction of prison rules, &c.

Shall have use of house, lights and fuel.

Lease of prison shops, shall contain, what provision.

1871-

Sec. 82 add. 1867-19