

GENERAL STATUTES

OF THE

STATE OF MINNESOTA

36

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CHAPTER 118.

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§ 1. Judgment on conviction—Entry—Judgment roll.

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The proviso is directory only. *Mims v. State*, 26 Minn. 494, 5 N. W. Rep. 369.

CHAPTER 120.

JAILS AND PRISONS.*

TITLE 1.

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[See, as to convict labor, *post*, *§§ 106–115.]

§ 8. Care of jail, prisoners, etc.

See *Connelly v. County of Dakota*, 35 Minn. 365, 29 N. W. Rep. 1.

§§ 10, 11. Calendar of prisoners.

See *Richter v. City of St. Paul*, 29 Minn. 198, 12 N. W. Rep. 532.

§ 18. Orders of commitment—Preservation.

See *State v. McIntire*, 25 Minn. 383, 385; *Richter v. City of St. Paul*, 29 Minn. 198, 12 N. W. Rep. 532.

TITLE 2.

STATE PRISON.

§ 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 twenty-five hundred dollars per annum.

To the deputy-warden, the sum of fourteen hundred dollars per annum.
[Two thousand dollars, see next section.]

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

*For provisions relating to the disposition of the bodies of deceased convicts, see *post*, c. 124. Insurance of state property, see *ante*, c. 35, *§ 67.

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; 1874, c. 16, § 1; 1881, c. 70.)

***§ 44a. Salary of deputy-warden.**

That the salary of the deputy-warden of the state prison be, and the same is hereby, fixed at the sum of two thousand dollars per annum, to be paid quarterly out of the state treasury on the warrant of the auditor. (1881, *Ex. Sess.*, c. 52.)

§ 49. (Sec. 47.) Contracts for convict labor.

[See *post*, *§§ 106-115.]

***§ 50. Lease of shops, etc.**

[See, as to contract between the state and Seymour, Sabin & Co., relative to leasing of grounds, shops, and convict labor, Gen. Laws 1881, c. 136.]

***§ 85. Record of infraction of rules—Diminution of sentence, 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 offense, which record shall be submitted to the inspectors at each regular meeting of the board; and every convict 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, 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, *as amended* 1881, *Ex Sess.*, c. 16.)

***§ 95. Appropriations for permanent improvements.**

That the sum of eighteen thousand dollars for the year A. D. one thousand eight hundred and eighty-three, and the sum of forty-two thousand dollars for the year A. D. one thousand eight hundred and eighty-four, and the sum of thirty thousand dollars per year for the period of eight years thereafter, is hereby appropriated, out of any moneys not otherwise appropriated, for the purpose of defraying the expenses of permanent improvements and other dis-

bursements of the Minnesota state's prison. Said sums so appropriated shall be expended by the building committee hereinafter created for the purpose of defraying the expenses of enlarging the cell room of said prison, until the same shall reach the maximum of six hundred, and for the further purpose of making the present cell building fire-proof, and for the purpose of defraying the necessary expenses of repairing and construction of such other buildings as may be or have been deemed from time to time expedient or necessary for the completion of the prison wall; also for the purpose of a fire-protective system and reasonable insurance, and for grading, paving, and water supply, and such other improvements as may be necessary to carry out the provisions of this act: *always provided*, that all cell buildings hereinafter constructed shall be fire-proof: *and provided*, that no money hereby appropriated shall be applied to the purchase of machinery: *provided*, that no contract for construction or improvements shall be made in any one year in excess of the appropriation for such year, nor in advance of the actual requirements of the prison: *provided*, that said building committee are authorized to expend from the appropriation made by this chapter for the year one thousand eight hundred and eighty-seven the following sums for the purposes herein named: For the purchase of a house and grounds outside of the present prison grounds, to be used as a residence for the deputy-warden, the sum of five thousand dollars, or so much thereof as may be necessary, and the sum of fifteen hundred dollars, or so much thereof as may be necessary, to enable the inspectors to pay the Northwestern Manufacturing and Car Company the amounts provided for by chapter two hundred and eighty-four of the General Laws of One Thousand Eight Hundred and Eighty-Five. (1883, c. 166, § 1,* *as amended* 1887, c. 94.)

***§ 96. Supervising architect—Building committee.**

That the governor shall appoint a supervising architect, who shall hold office during the pleasure of the governor; that said supervising architect and the warden of the state prison, and the board of inspectors of the state prison, shall constitute a board to be known as the building committee, the said warden of the state prison to be president of said committee; and said committee shall have full control and direction of the expenditure of the money hereby appropriated, and of the erection of any and all buildings, and the making of any and all improvements, hereafter to be made with the money hereby appropriated. (1883, c. 166, § 2.)

***§ 97. Order for payment of money.**

The money hereby appropriated shall be paid upon the order of the secretary of the board hereby authorized to expend the same, countersigned by the warden of the state prison as president of said board. (*Id.* § 3.)

***§ 98. Compensation of architect.**

The compensation of said supervising architect shall be fixed by said building committee. (*Id.* § 4.)

SECOND STATE PRISON.†

***§ 99. Commissioners to select location.**

That J. S. Pillsbury, of Hennepin county; William Crooks, of Ramsey county; Andrew McCrea, of Otter Tail county; Henry Poehler, of Sibley county; and F. W. Temple, of Faribault county, — be, and the same are

*"An act to make appropriation for permanent improvements for the Minnesota state's prison." Approved March 1, 1883.

†"An act to secure the location of a second state prison." Approved March 9, 1885.

hereby, appointed commissioners with full power and authority to select and to make a permanent location of a second state prison at or upon some one of the stone-quarries of the state. (1885, c. 157, § 1.)

***§ 100. Same—Qualification—Organization.**

The said commissioners shall qualify themselves for a proper discharge of their duties, by taking and subscribing an oath of office before some officer authorized to administer oaths, to the effect that they will faithfully and impartially discharge their several duties as such commissioners, and with a view to the best interests of the state, and when so qualified they shall organize for the purpose of passing upon such questions as may from time to time come before them. They shall elect one of their own number as president, also a secretary, whose duty it shall be to keep a correct record of their proceedings, and they may adopt rules for their government not inconsistent herewith. But the location of said second state prison shall require the affirmation vote of a majority of said commissioners. (*Id.* § 2.)

***§ 101. Meeting—Vacancies.**

The said commissioners shall meet together at the state capitol on the first Tuesday of June next, and proceed to organize as hereinbefore stated, and shall, as soon as conveniently thereafter, proceed to accomplish the purposes of this act; and if from death or resignation, or other substantial disability, any of the commissioners herein designated are unable to serve, their places shall be filled by appointment, made by the governor of the state. (*Id.* § 3.)

***§ 102. Proceedings.**

The said commissioners are hereby authorized to inspect the various stone-quarries of the state, or as many of them as in their judgment may be deemed advisable, and may make suitable tests of the same, with a view of determining the quality and value of the stone so inspected for mechanical, manufacturing, and building purposes, as well as its desirability for and adaptability to the convict labor of the state; and with these several purposes in view or either of them may employ the services of experts to aid them in their investigations in that behalf: *provided*, that in the selection of such location, and the test of quality of the stone for quarrying, the commissioners shall have in view the sole intention to employ convict labor in quarrying stone, to make abundant and cheap the raw material, for the purpose of encouraging the use of Minnesota stone in the western markets, and to encourage the free artisan labor of the state in stone work. (*Id.* § 4.)

***§ 103. Compensation.**

Each of the said commissioners shall receive five dollars per day for the time necessarily spent in the proper discharge of their duties under this act, together with their necessary expenses, and, when found correct, to be paid by warrant drawn by the state auditor upon the state treasurer thereof. (*Id.* § 5.)

***§ 104. Appropriation—Extent of grounds.**

There is hereby appropriated the sum of six thousand dollars, or so much thereof as may be necessary, out of any moneys in the state treasury not otherwise appropriated, for the purpose of paying the expenses of this commission, and for the purpose of purchasing suitable grounds for said second state prison, which shall not in the aggregate comprise less than forty acres of land. (*Id.* § 6.)

***§ 105. Report—Effect.**

Whenever the purposes of said commission shall have been fully complied with, and the location of the said second state prison made, and the grounds

necessary therefor secured to the state, they shall make report of the same to the governor, and thereupon the location as designated shall be the location of said second state prison. (*Id.* § 7.)

CONVICT LABOR.

***§ 106. Future contracts forbidden—Employment of convicts.**

That on and after the expiration of the present contracts now in force granting the labor of convicts of the state, or of any municipality to corporations or individuals, no more such contracts shall be awarded, but all convict labor, either of the state or of any municipality, shall be employed under the direction of the warden or other chief officer having charge of such convicts. (1887, c. 166, § 1.)*

***§ 107. Employment of convicts.**

All convicts of the state or of any municipality, after the passage of this act and the expiration of the contracts now in force, shall be employed in the manufacture of such articles as the board of managers of the states prisons, or the mayor and council or other governing board of municipalities, may deem to be of the most advantage—*First*, to aid the convicts in their reformation, so as to enable them to earn an honest living on their return to liberty; *second*, as a means of cheapening their cost to the state or municipality having them in charge. (*Id.* § 2.)

***§ 108. Sale of products.**

The products of all convict labor shall be sold at any time to any citizen at wholesale, at wholesale prices, to be determined by the published price current for the article manufactured, in quantities of not less than fifty dollars' worth, for cash or securities approved by the warden or other officer having charge of such convicts. (*Id.* § 3.)

***§ 109. Contracts by state prohibited — Wage labor in prisons.**

The state is prohibited by this act from taking any contract to furnish any material or article produced or manufactured, by or into which convict labor may have or has entered. And hereafter no labor shall be employed for wages in any prison in this state, on any article or thing to be sold, that will come into competition with free labor. (*Id.* § 4.)

***§ 110. Appropriation.**

There shall be appropriated out of the public funds the sum of twenty-five thousand dollars to enable the warden or other officer having charge of state convicts to purchase the necessary plant and tools to carry the provisions of this act into effect. (*Id.* § 5.)

***§ 111. Termination of present contracts—Notice.**

Immediately after the passage of this bill it shall be the duty of the governor, the state inspectors, and the warden of the state prison to forthwith serve the requisite notice upon the present contractors for the prison labor, terminating the present contracts at the earliest time possible within the limits of the present contracts. (*Id.* § 6.)

***§ 112. Contracts for prison manufactures prohibited.**

It shall be unlawful, and is hereby declared a misdemeanor, for any contractor or contractors of prison labor, within the borders of this state, to enter

*"An act regulating the employment of convict labor." Approved March 8, 1887. By § 7, "all acts or parts of acts inconsistent with this act are hereby repealed."

into contract with any person or persons, or any corporation, for the execution of any order or the fulfillment of any contract for any article or articles to be made within the walls of any prison or place of confinement for the punishment of criminals of this state. (1887, c. 197, § 1.*)

***§ 113. Same—Past contracts.**

It shall be unlawful, and is hereby declared a misdemeanor, for any contractor or contractors, as aforesaid, to do, or suffer to be done, any work of any description in the manufacture of any article or articles, within prison walls or in prison buildings as aforesaid, under contract previously made for the same, and which article or articles is or are intended for use in this state, in competition with custom work done by artisan labor of this state. (*Id.* § 2.)

***§ 114. Penalty.**

And upon conviction thereof such offending person or party shall be punished by imprisonment in the county jail for a period not less than thirty days, nor more than six months, or by a fine of not less than five hundred dollars or more than five thousand dollars, or both. (*Id.* § 3.)

***§ 115. Construction of act.**

It being understood that nothing herein contained shall be construed to debar or to prevent any such contractor or contractors of prison labor from entering into a contract with persons outside of the state, providing that such article or articles manufactured under such contract are for sale and use outside of this state, or to prevent the manufacture and after-sale of any article in this state, it being the intent of this act to prevent competition with the free custom labor of the state upon work offered under contract by plans and specifications: *provided*, that nothing in this act shall be construed so as to impair the obligation of the existing contract between the state and the state prison contractors. (*Id.* § 4.)

CHAPTER 121.

OF THE GENERAL STATUTES AND THEIR EFFECT.

***§ 4. Repeals—Effect on vested rights, etc.**

Provisions of the General Statutes of 1866, simply affecting the limitation law as to a cause of action existing at the time of their adoption, are not controlled by this section, as the legislature had power to change the law of limitations as to existing rights. *Brisbin v. Farmer*, 16 Minn. 215, (Gil. 187.)

The repeal by the General Statutes of 1866 of c. 27, Laws 1862, did not restore liens which had been extinguished by operation of that act. *Grace v. Donovan*, 12 Minn. 580, (Gil. 503.)

Section 254, c. 66, Gen. St., limiting the lien of judgments to ten years, has no application to prior judgments, the lien of which was preserved by compliance with the provisions of chapter 27, Laws 1862. Such judgments were saved by this section. *Davidson v. Gaston*, 16 Minn. 230, (Gil. 202.)

See, also, *State v. Foley*, 30 Minn. 350, 15 N. W. Rep. 375.

*"An act to prevent contractors for prison labor in the state of Minnesota from manufacturing articles in competition with the custom work done by artisan labor of the state." Approved March 7, 1887. By § 5, "all acts or parts of acts conflicting with this act are hereby repealed."