

Labor of Convicts.

CHAPTER 36.

AN ACT to amend Section Six Hundred and Forty of the Code of Criminal Procedure.

Be it enacted by the Legislative Assembly of the Territory of Dakota:

§ 1. SHERIFF MAY EMPLOY CONVICT LABOR OUTSIDE OF PRISON.] That section six hundred and forty of the Code of Criminal Procedure is amended by adding at the end of said section, the following: "And the said sheriff, if in his opinion the said convict can be more profitably employed outside of said jail or yard, either for the county or for any municipality in said county, it shall be his duty to so employ said convict either in work on public streets or highways or otherwise, and in so doing he shall take all necessary precaution to prevent said convicts escape, by ball and chain or otherwise, and fifty per cent. of the profits of such employment, after paying all expenses incident thereto, may be retained by said sheriff as his fees therefor, the balance to be paid into the treasury of the proper county to the credit of the general fund; and when a convict is imprisoned in the county jail for non-payment of a fine he may be employed by said sheriff as provided in this act, or as provided in said section 640; and in case any convict employed outside of the jail yard shall escape, he shall be deemed as having escaped from the jail proper.

§ 2. COURT MAY SENTENCE TO HARD LABOR.] Any court, justice of the peace, police court or police magistrate, in cases where such courts have jurisdiction under the laws of this Territory, or as provided by the ordinances or charter of any incorporated town or city in the Territory, shall have full power and authority to sentence such convict to hard labor as provided in said section six hundred and forty, or as provided in this act.

§ 3. WHEN MARSHAL SHALL SUPERINTEND LABOR.] When the imprisonment is pursuant to the judgment of any court, police court, police magistrate of an incorporated city or town for the violation of any ordinance, by law, or other regulation, the marshal shall superintend the performance of the labor herein contemplated, and shall furnish the tools and materials, if necessary, at the expense of the city or town requiring the labor, and such city or town shall be entitled to the earnings of its convicts.

§ 4. OFFICER MAY PUNISH CONVICT FOR CAUSE.] The officer having charge of any convict for the purpose specified in this chapter may use such means as, and no more, than are necessary to prevent escape, and if any convict attempt to escape either while going from or returning to the jail, or while at labor, or at any time, or if he refuse to labor, the officer having him in charge, after due inquiry, may, to secure such person or to cause him to labor, use the means authorized by section eight of this act: *Provided*, Such punishment shall all be inflicted within the jail or jail enclosure for refusal to work, and shall not be considered as any part of the time for which the prisoner is sentenced.

§ 5. CONVICT'S CREDIT FOR LABOR.] For every day's labor performed by any convict under the provisions thereof, there shall be credited on any judgment for fine and costs against him the sum of two dollars.

§ 6. PENALTY FOR CRUELTY TO CONVICT.] If any officer or other person treat any prisoner in a cruel or inhuman manner, he shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail not exceeding twelve months, or by both such fine and imprisonment.

§ 7. PENALTY FOR ANNOYING CONVICT.] The officer having such prisoner in charge shall protect him from insult and annoyance and communication with others while at labor, and in going to and returning from the same, and he may use such means as are necessary and proper therefor; and any person persisting in insulting and annoying, or communicating with any prisoner after being first commanded by such officer to desist, shall be punished by a fine not exceeding ten dollars, or by imprisonment not exceeding three days.

§ 8. PUNISHMENT OF CONVICT FOR DISORDERLY CONDUCT.] If any person, confined in any jail upon a conviction or charge of any offense, is refractory or disorderly, or if he willfully destroy or injure any article of bedding or other furniture, door or window, or any other part of such prison, the sheriff of the county, after due inquiry, may chain and secure such person or cause him to be kept in solitary confinement not more than three days for any one offense; and during such solitary confinement he may be fed with bread and water only, unless other food is necessary for the preservation of his health.

§ 9. This act shall take effect and be in force from and after its passage and approval.

Approved, February 22, 1879.

Laws.

CHAPTER 37.

AN ACT to amend Section Four (4), of Chapter Three (3) of the Political Code.

Be it enacted by the Legislative Assembly of the Territory of Dakota :

§ 1. WHO MAY RECEIVE COPY.] That section four (4) of chapter three (3) of the Political Code is hereby amended so as to read as follows: "§ 4. The following named officers of this Territory and of the counties therein, and none other, shall be entitled to receive, without cost to the person holding such office, one copy each of the printed volumes of the session laws hereafter published, enacted by the Legislative Assembly of this Territory, to-wit: The chief justice of the supreme court of the district of Dakota; each associate justice