
PENITENTIARY PRISONERS

CHAPTER 217.

[S. B. No. 127—Cashel.]

COMPENSATION OF PRISONERS.

AN ACT Relating to the Employment and Compensation of Prisoners Confined in the State Penitentiary, and Making an Appropriation Therefor from the receipts of the Twine Plant.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. EMPLOYMENT OF CONVICTS CONFINED IN THE STATE PENITENTIARY.] The board of control of the penal and charitable institutions of this state and the warden of the state penitentiary are hereby authorized and required to use and employ all persons sentenced to the state penitentiary on productive industries within and around the penitentiary, for the benefit of the state, and for the use of public institutions owned, maintained and controlled by the state or on the public highways of the state, as provided by law. The board of control shall establish rules and regulations governing the employment, conduct and management of the prisoners when employed on the work provided for them. As far as practicable, such prisoner shall be employed on such labor as shall make it possible for him to acquire more complete knowledge in that industry for which he is most adapted and at which he can best earn a livelihood when paroled or discharged from the institution. Life prisoners may be paroled by the board of pardons, while employed by the board of control under the superintendency of the warden outside of the penitentiary.

§ 2. CONVICTS MAY BE EMPLOYED ON PUBLIC ROADS AND AT THE STATE INSTITUTIONS AND BY COUNTIES.] The board of control is hereby authorized to employ, under the supervision of proper guards, all such convicts as it may deem practicable, not required in the twine plant or other departments of the penitentiary, and in and upon the construction and improvement of public highways, and convicts may be employed by any county of the state on the public roads thereof when it is mutually agreed to, by the state board of control and the county commissioners of such county, the county to pay all salaries and expenses in connection with the conduct of such road work. The convicts shall at all times be under the direct supervision and control of the

state. Convicts may also be sent out under proper guards to improve the grounds and perform other labor at the various institutions owned, maintained and controlled by the state. Prisoners employed upon the public roads or at state institutions shall be placed in charge of and under the supervision of skilled laborers, who shall also act as guards, in such number and in such manner as said board of control may direct. Prisoners so employed shall, as far as practicable and advisable, be placed upon their honor and pledged not to attempt to escape. They shall be clothed in the same garb, plain and distinguished by some insignia not too conspicuous. No prisoner shall be sent to do work in the community from which he was sentenced. No supervisor shall cause or permit any prisoner under his direction to be employed more than ten hours of any one day.

§ 3. TOOLS AND EQUIPMENT.] The warden, as directed by the state board of control, shall procure or cause to be procured, all necessary machinery, tools, equipment, appurtenances and provisions needful for the purpose of carrying on and conducting such trades and industries as may be authorized under the provisions of this Act.

§ 4. COMPENSATION.] All prisoners when employed, either laboring inside or outside of said penitentiary shall receive not less than ten nor more than twenty-five cents per day for work actually performed, as may be awarded by the warden, according to services rendered. The warden may assign or cause to be assigned a reasonable daily task to be performed by each convict and the compensation of such convict shall be in proportion to the amount of work he performs. In case he performs the daily task assigned him, he shall receive the maximum compensation herein provided for. The compensation of each convict shall be paid out of the particular fund credited to the industry in which such convict is employed, should there be such a fund, otherwise out of the twine plant fund.

§ 5. DISPOSITION OF MONEYS EARNED.] The money so earned shall be placed to the credit of such prisoner and sent monthly to anyone who may be dependant upon him for support, as determined by the field officer provided for in Chapter 174 of the Laws of 1909, said field officer to report such dependents to the warden of the penitentiary, excepting that a fund of fifty dollars (\$50) shall be accumulated during his term of confinement, and retained to be given the prisoner when his term expires or he is discharged, twenty-five dollars (\$25), shall be given to him when he leaves the penitentiary. Should he conduct himself properly, the warden shall send him the balance not to exceed twenty-five dollars when in need or at the end of three months after leaving the penitentiary. Should he not

conduct himself properly, as determined from the report of said field officer, the remainder shall be sent to those dependent upon him.

A prisoner not having anyone dependent upon him for support shall accumulate his earnings and shall receive twenty-five dollars (\$25) when discharged from the penitentiary and the balance not to exceed in any case the sum of twenty-five dollars (\$25), should he conduct himself properly and become hard up before securing employment, as determined by said field officer, may be paid him. The balance not to exceed twenty-five dollars shall be paid to such prisoner at the end of six months, upon the recommendation of said field officer, that he is satisfied with the conduct of such prisoner during said period. Should such prisoner, after leaving the penitentiary be arrested and convicted and sentenced to the penitentiary in this or any other state or country, the balance of the fund to his credit shall be forfeited and go into a fund created for the benefit of prisoners confined in the penitentiary and such fund shall be used for the purchase of good literature, books and periodicals and for such other purposes as may be determined by the warden.

§ 6. MERIT SYSTEM.] The warden of the penitentiary shall establish a merit system in such penitentiary, said merit system to be approved by the board of control, and when so approved, shall be posted in each cell or cage of said penitentiary. It shall be printed in legible English, and to such inmates who cannot read English, it shall be translated and explained in his or her native language. The merit system shall provide what shall constitute good and perfect conduct and what shall be deemed diligence in work or employment.

§ 7. EXTRA "GOOD TIME."] Prisoners employed outside of the penitentiary and placed on their honor shall be credited with extra good time in addition to the good time now allowed by law. Such extra good time shall not be more than equal to the good time now provided by law. The board of control may allow other prisoners extra good time, not to exceed the limits herein stated; when the warden so suggests to the board of control.

§ 8. The warden of the penitentiary may institute and maintain on the approval of the board of control, a uniform system of fines to be imposed at his discretion in place of other penalties and punishments to be deducted from the compensation or good time standing to the credit of any prisoner for the misconduct of such prisoner.

§ 9. There is hereby appropriated annually ten thousand dollars (\$10,000) out of the receipts of the twine plant

not otherwise appropriated, or so much thereof as may be necessary to carry out the provisions of this Act.

§ 10. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

§ 11. Whereas, an emergency exists in the fact that there are no provisions now for employing convicts and compensating them for labor as a stimulus to better conduct, therefore, this Act shall take effect and be in force from and after its passage and approval.

Approved March 13, 1913.

PERSONAL PROPERTY

CHAPTER 218.

[S. B. No. 227—Linde.]

SALE OF PERSONAL PROPERTY AND WARRANTY THEREOF.

AN ACT Relating to the Sale of Personal Property and the Warranty Thereof; Providing for a Reasonable Time In Which to Ascertain Defects or Breaches of Warranty and the Giving of Notice of Such Defects or Breaches of Warranty.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Any person, firm or corporation purchasing personal property under a written warranty shall have a reasonable time after such purchase and the delivery thereof in which to ascertain whether or not the property so sold complies with the warranty, and whether or not there are any defects or breaches of warranty, and the question of what is a reasonable time shall in all cases be a question of fact for the jury.

§ 2. Notice of any breach or warranty, or defects in personal property, sold as aforesaid, for any breach of warranty in connection with said personal property, may be given either in writing or orally to the person, firm or corporation or to their agent in this state, who negotiated the sale or who made the delivery of such personal property, or his successor.

§ 3. Any provisions in any written order or contract of sale or other contract, which is contrary to any of the provisions of this act shall be void.

Approved March 1, 1913.