

## JAILS.

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### CHAPTER 48.

#### AN ACT FOR THE REGULATION OF COUNTY JAILS.

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

Judges pre-  
scribe rules in  
writing, for jails,  
upon what sub-  
jects.

**SECTION 1.** That the judges of the district courts of the several judicial districts of this territory, shall from time to time, as they may deem necessary, prescribe, in writing, rules for the regulation and government of the jails in the several counties within their respective districts, upon the following subjects: 1. The cleanliness of the prisoners. 2. The classification of prisoners in regard to sex, age, and crime, and also persons insane, idiots, and lunatics. 3. Beds and clothing. 4. Warming, lighting, and ventilation of the prison. 5. The employment of medical and surgical aid when necessary. 6. Employment, temperance, and instruction of the prisoners. 7. The supplying of each prisoner with a Bible. 8. The intercourse between prisoners and their counsel and other persons. 9. The punishment of prisoners for violation of the rules of the prison. 10. Such other regulations as said judges may deem necessary to promote the welfare of said prisoners: *Provided*, That such rules shall not be contrary to the laws of this territory.

Proviso.

Rules, how  
promulgated  
and preserved.

**SECT. 2.** That the said judges shall, as soon as necessary, cause a copy of said rules to be delivered to the county commissioners in the several counties in their respective judicial districts; and it shall be the duty of said commissioners forthwith to cause the same to be printed, and to furnish the sheriff of their county with a copy of said rules, for each and every room or cell of said jail, and also to forward a copy of said rules to the secretary of the territory, who may file away and preserve the same.

Duty of sheriff.

**SECT. 3.** The sheriff shall, on the receipt of said rules

cause a copy thereof to be posted up and continued in some conspicuous place in each and every room or cell of said jail.

SECT. 4. The judges aforesaid may from time to time, as they may deem necessary, revise, alter, or amend said rules, and such revised rules shall be printed and disposed of by said commissioners and sheriff, in the same manner as is directed by the second and third sections of this act.

Judges may alter and amend rules when necessary.

SECT. 5. The sheriff, or, in case of his death, removal, or disability, the person by law appointed to supply his place, shall have charge of the county jail of his proper county, and of all persons by law confined therein, and such sheriff or other officer is hereby required to conform, in all respects, to the rules and directions of said district judge above specified, or which may from time to time, by said judge, be made and communicated to him by said commissioners.

Sheriff or his successor to have charge of jail, &c.

SECT. 6. The sheriff or other officers performing the duties of sheriff of each county in this territory, shall, as soon as necessary after the passage of this act, procure, at the expense of the proper county, a suitable book, to be called the jail register, in which the said sheriff, by himself or his jailer: 1. The name of each prisoner, with the date and cause of his or her commitment. 2. The date or manner of his or her discharge. 3. What sickness, if any, has prevailed in the jail during the year, and, if known, what were the causes of such disease. 4. Whether any, or what labor has been performed by the prisoners, and the value thereof. 5. The practice observed during the year, of whitewashing and cleaning the occupied cells or apartments, and the times and seasons of so doing. 6. The habits of the prisoners as to personal cleanliness, diet, and order. 7. The means furnished prisoners of literary, moral, and religious instruction and of labor. 8. All other matters required by said rules, or in the discretion of such sheriff deemed proper; that the said sheriff or other officers performing the duties of sheriff, shall carefully keep and preserve the said jail register, in the office of the jailer of his proper county, and at the expiration of said office, shall deliver the same to his successor in office.

Sheriff to supply "jail register," to contain what.

Preserve same, and deliver it to successor.

SECT. 7. The sheriff, or other officer performing the duties of sheriff, shall, on or before the first Monday of No-

Sheriff to make out jail report and transmit same to whom.

member in each year, make out in writing, from said jail register, a jail report, one copy of which said report he shall forthwith file in the office of the clerk of the district court of the proper district, one copy with the county clerk of his county, for the use of the commissioners thereof, and one copy of said report he shall transmit to the secretary of the territory, and it shall be the duty of the secretary of the territory to communicate the reports of the several sheriffs of this territory to the legislative assembly, on or before the tenth day of its session annually.

Secretary of territory to communicate same to legislature.

Duty of district court to charge grand jury in relation to jails.

SECT. 8. It shall be the duty of the district court to give this act in charge of the grand jury once each term of said court, and lay before them any and all rules, plans, or regulations, established by the district judge, relating to county jails and prison discipline, which shall then be in force.

Grand jury to visit jail, and make report.

SECT. 9. That the grand jury of each county in this territory shall, once at each term of the district court, while in attendance, visit the jail, examine its state and condition; examine and inquire into the discipline and treatment of prisoners, their habits, diet, and accommodations, and it shall be their duty to report to said court in writing, whether the rules of the said district judge have been faithfully kept and observed, or whether any of the provisions of this act have been violated. It shall also be the duty of the county commissioners of each county of this territory to visit the jail of their county once during each of their regular meetings of each year.

Duty of county commissioners in relation to jails.

SECT. 10. It shall be the duty of the county commissioners, at the expense of their respective counties, to provide suitable means for warming the jail and its cells or apartments, beds and bedding, night buckets, and such other permanent fixtures and repairs as may be prescribed by the said district judge; said commissioners shall also have power to appoint a physician to the jail, when they may deem it necessary, and pay him such annual or other salary as they may think reasonable and proper, which salary shall be drawn out of the county treasury; and said medical officer, or any physician or surgeon who may be employed in the jail, shall make a report in writing whenever required by said commissioner, district judge, or grand jury.

SECT. 11. It shall be the duty of the sheriff of each coun-

ty to provide: first, bed-clothing, washing, nursing, when required, and board generally, and all necessaries for the comfort and welfare of said prisoners, as the said judge by his said rules shall designate, for all persons confined by law, and he shall be allowed such compensation for services required by the provisions of this act, as may be prescribed by the county commissioners of their respective counties.

Duty of sheriff.  
His compensa-  
tion.

SECT. 12. The sheriff shall visit the jail in person, and examine into the condition of each prisoner at least once each month, and once during each term of the district court; and it is hereby made his duty to cause all the cells and rooms, used for the confinement of prisoners, to be thoroughly white-washed at least three times in each year.

Sheriff to visit  
jail, when, &c.

SECT. 13. The jailer or keeper of the jail shall, unless the sheriff elect to act as jailer in person, be a deputy appointed by the sheriff, and such jailer shall take the necessary oaths before entering upon the duties of his office: *Provided*, The sheriff shall in all cases be liable for the negligence and misconduct of the jailer as of other deputies.

Jailer to be  
deputy-sheriff,  
and take oath.

Proviso.

SECT. 14. If the sheriff or jailer, having in charge of any county jail, shall neglect or refuse to conform to all or either of the rules and regulations established by said judge, or to any other duty or duties required of him by this act, he shall, on conviction thereof by indictment for each case of such failure or neglect of duty as aforesaid, pay into the county treasury of the proper county, for the use of such county, a fine not less than ten dollars nor more than one hundred dollars, to be assessed by the district court of the proper district.

If sheriff or  
jailer refuse to  
do duty. Pen-  
alty.

SECT. 15. This act shall take effect and be in force from and after its passage.

Take effect,  
when.

Approved May 8, 1862.

W. JAYNE, *Governor*.