

CONVICTS.

CHAPTER IX.

AN ACT TO PROVIDE FOR THE CUSTODY OF CONVICTS.

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

SECTION 1. That the Governor is authorized and it is hereby made his duty to enter into a contract with the proper authorities of the state of Iowa, to keep and maintain any convict or convicts now under conviction or that may hereafter be convicted and sentenced by any of the districts courts of this Territory, for violation of the laws thereof, during the time for which said convict or convicts may have been sentenced by courts or either of them, upon the terms most advantageous to the Territory, that he can obtain.

Governor authorized to contract for custody of convicts.

SEC. 2. That the state prison or penitentiary located at Fort Madison, in the state of Iowa, shall be regarded and recognized as the Territorial prison of the Territory of Dakota, and all persons who are now, or who may be hereafter under conviction for any offense against the laws of the Territory of Dakota, the penalty whereof is punishment by imprisonment in the Territorial prison, shall be sentenced to the state prison of the said state of Iowa, and such sentence shall be as legal in all respects as if such person or persons had been sentenced to a Territorial prison, within the limits of the Territory of Dakota: *Provided, however,* That the Governor may whenever the interests of the Territory require it annul and

State prison at Fort Madison, Iowa, designated as prison of Dakota Territory.

Proviso.

cancel the contract with the said state of Iowa, and enter into a new contract with the authorities of any other neighboring state to keep and maintain the convicts of this Territory: and *Provided, further*, That should the said state of Iowa, annul or cancel the said contract or agreement entered into with this Territory, then in that case the Governor is authorized and it is hereby made his duty to enter into a contract upon the most favorable terms possible with the authorities of some other neighboring state to keep and maintain the convicts from this Territory, and in either case when the Governor shall contract with any other neighboring state to keep and maintain the convicts of this Territory, it shall be his duty to immediately notify the Auditor and the several Judges of the district courts of this Territory, of the nature of said contract, and the location of the prison of said state, and after receiving such notification it shall be lawful for the said district judges to sentence persons convicted in their several courts when the punishment to be inflicted is imprisonment in the Territorial prison to the prison designated by the Governor as the one located in the state with whom he has made such contract, and all the provisions of this act shall in such case apply as fully and completely to the sentence and transportation of convicts to such prison as it does by virtue of this act to the state prison of Iowa.

Sheriffs to convey convicts to penitentiary.

SEC. 3. That the Sheriff of each county within this Territory shall at the close of each term of the district court in such county, convey all persons who may have been convicted of offenses punishable by imprisonment in the Territorial prison and sentenced in accordance with the provisions of this act to the said state prison of the state of Iowa, and he shall receive from the Territorial treasury for services in going to and returning from such prison, including all expenses by him incurred at the rate of ten cents per mile for each and every mile actually and necessarily traveled in going to and returning from said prison: *Provided, however*, That when more than one convict is taken at the same time the Sheriff shall receive in addition to ten cents per mile, all necessary expenses incurred in the way of fare and hiring help for the safe conveyance of said extra convicts.

Proviso.

Penalty of non-performance of duty by sheriff.

SEC. 4. Should any Sheriff fail to take all convicts at the same time to the said prison which may have been convicted

at any one term of court as herein provided, or shall he knowingly demand or receive greater compensation than is expressly given herein by the preceding section, he shall be guilty of a misdemeanor and upon conviction by any court having competent jurisdiction, shall be fined in any sum not less than twenty-five nor more than five hundred dollars for each offense.

SEC. 5. It shall be the duty of every sheriff who shall have conveyed any convict or convicts to the said prison, at Fort Madison, or other prison designated by the Governor in accordance with the provisions of section second of this act to immediately notify the Auditor of the Territory, in writing, of the exact date that said convict or convicts were received by the authorities of said prison, and a neglect of this duty by any Sheriff of this Territory shall render him liable upon conviction before the district court wherein said Sheriff shall reside, to a fine of not less than twenty-five nor more than two hundred dollars for each and every offense.

Sheriff to report removal of convicts to Territorial Auditor.

SEC. 6. It shall be the duty of the Auditor to audit all accounts presented by the Sheriffs of the different counties of this Territory, for services rendered under the provisions of this act in conveying convicts to the state prison, at Fort Madison, Iowa, or other prison designated by the Governor as aforesaid when verified by the affidavit of such Sheriff, that he actually and necessarily traveled the distance and rendered the services stated in his said account, and to draw a warrant on the Territorial Treasurer for the amount found due such Sheriff for such services rendered.

Auditor shall audit accounts of sheriff, &c.

SEC. 7. It shall be the duty of the Auditor to audit all accounts presented by the authorities of the said state of Iowa or other state designated by the Governor, as the one with whom he has contracted for keeping and maintaining the convicts of this Territory, under such regulations as he may prescribe, and to draw his warrant or warrants on the Territorial Treasurer for the amount or amounts found due said state.

Auditor to audit accounts for maintenance of convicts.

SEC. 8. This act shall take effect and be in force from and after its passage and approval.

To take effect, when.

Approved, December 14th, 1870.