

MASON'S MINNESOTA STATUTES

1927

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EMBRACING THE ORGANIC LAWS, THE CONSTITUTION, AND THE STAT-
UTES CONTAINED IN THE GENERAL STATUTES OF 1923, EXCEPT
THOSE WHICH HAVE BEEN REPEALED OR SUPERSEDED
BY THE SUBSEQUENT LEGISLATION OF 1925
AND 1927

AND ALSO EMBRACING LAWS OMITTED FROM THE GENERAL STATUTES
1923, AND THE LAWS OF THE 1925 AND 1927 SESSIONS OF THE
LEGISLATURE UNDER APPROPRIATE CLASSIFICATION.

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and grouped and their occupations and training diversified. ('15 c. 324 § 4)

10843. Financial and general control—The financial control and general supervision of said State Reformatory for Women hereby created and established, shall be and hereby is vested in the Board of Control of this state as now provided by law in respect to other state institutions; and said Board of Control is hereby vested with power and authority to appoint a superintendent and such other officers and employes as said Board of Control may deem necessary and proper for the due administration of the affairs of said Reformatory for Women, and may prescribe their duties, and may fix their compensation; and said Board of Control is also hereby vested with power and authority to make and establish such rules and regulations for the government and management of said Reformatory for Women, and for the education, employment and training, discipline and safekeeping of the inmates thereof as may be deemed by it to be expedient and proper; provided, that all the officers of said reformatory shall be women. ('15 c. 324 § 5)

10844. Advisory board of five women—The advisory board of five women heretofore known as the "Board of Women Visitors of the Minnesota Home School for Girls," which board shall hereafter be known as the "Board of Women Visitors," shall advise with the said Board of Control with reference to the architecture and the arrangement of the buildings erected under the provisions of this act; to visit said reformatory at or about the time the buildings therefor are completed,

and report to and advise with said Board of Control as to the style and character of the furnishings thereof, and fixtures to be placed therein, and upon such other matters as the said Board of Control may deem necessary. ('15 c. 324 § 6)

10845. Inspection—It is hereby made the duty of said board of visitors to visit said reformatory at least twice in each year, at such time as the members of said board may deem best; to carefully inspect the buildings at each visit, and carefully examine into the condition thereof—sanitary and otherwise; to inquire into the treatment and condition of the women therein; and for this purpose may examine any or either of said women separate and apart from any of the officers of the said reformatory; and as soon as may be, after each visit to report, in writing, to the Board of Control, making in connection therewith such recommendations as to said board of visitors shall seem meet and proper, in order to promote and conserve the best interests of the said reformatory and the inmates thereof. ('15 c. 324 § 7)

10846. To serve without compensation, but to receive expenses—The members of the said board of visitors shall serve without compensation, excepting that they shall receive and be paid their expenses necessarily incurred in the performance of their said duties, their expenses to be audited by the said Board of Control and paid out of any appropriation made for such state institutions and debited to the account thereof. ('15 c. 324 § 8)

CHAPTER 106

JAILS, LOCKUPS, WORK FARMS, AND JUVENILE OFFENDERS.

County Jails, §§ 10847-10874.			
How constructed and maintained.....	10847	Bibles and religious instruction	10864
Fugitives from justice how kept—Compensation	10848	Schools in jails and work farms.....	10865
United States prisoners	10849	Solitary confinement	10866
Commitment, etc., preserved	10850	Escapes, how punished	10867
Register of prisoners—Return to court.....	10851	Removal of prisoners in case of fire.....	10868
Officers appointed by sheriff.....	10852	County board to consult board of control.....	10869
Labor for jail prisoners	10853	Plans and estimates submitted	10870
Supervision	10854	Funds, how provided	10871
Power of officers	10855	Bonds	10872
Credit for labor—Protection of prisoner.....	10856	District jails—How designated	10873
Compensation for boarding prisoners.....	10857	Condemnation of jails	10874
Collection of board bills	10858		
Charges for other than county prisoners.....	10859	Lockups, §§ 10875-10888.	
Board in certain counties having 150,000 and not		How established	10875
over 225,000 inhabitants	10860	Construction—Approval by board of control.....	10876
Rate of board—Statements	10861	Temporary police stations and lockups in certain	
Boarding and care of prisoners in certain coun-		ties in cities of first class.....	10877
ties—Duties of sheriff	10861-1	Application	10878
Same—Kitchen equipment and employees provid-		Cities may send prisoners to jails outside.....	10879
ed by county	10861-2	Not to jeopardize lawful custody of person.....	10880
Same—Supplies furnished by county.....	10861-3	Jail facilities in county buildings in cities of first	
Same—Prisoners to assist in kitchen.....	10861-4	class	10880-1
Same—Three meals a day for prisoners.....	10861-5	Duties of chief of police and village marshal....	10881
Same—Clothing washed weekly	10861-6	Matron	10882
Same—Juvenile quarters, etc., not to be used for		Health officer to inspect.....	10883
other purposes	10861-7	Board of control may condemn.....	10884
Same—Prisoners confined at places other than		Condemnation, how enforced	10885
county seat	10861-8	Furnishing liquor to inmates	10886
Same—Supervision of jail	10861-9	Penalties	10887
Same—Matron and assistant matron.....	10861-10	Patrol wagon to be closed.....	10888
Boarding and care of prisoners in certain counties			
—Duties of sheriff	10861-11	Work Farms in Certain Counties, §§ 10889-10908.	
Kitchen equipment provided by county.....	10861-12	Counties having over 150,000 and less than 225,000	
Same—Supplies—Purchase of	10861-13	inhabitants	10889
Same—Cook and assistants	10861-14	Board of work farm commissioners—Joint board	
Same—Record of prisoners fed—Disposition of		of county and city work farm commissioners..	10890
monies received	10861-15	Powers of boards—Superintendent, etc.....	10891
Same—Prisoners to assist in kitchen.....	10861-16	Land, how acquired—Improvements—Prisoners...	10892
Jails, how kept	10862	Rules and regulations—Parole, etc.....	10893
Clothing, bedding, food and care.....	10863	Aid to family of inmate.....	10894

	Sec.
Cost, how defrayed—Cost to be defrayed by county or counties or city or cities, or county and city, or all	10895
Appropriations—Tax levy	10896
Money, how drawn—Annual statement.....	10897
Bonds	10898
Power of courts to sentence.....	10899
Additional land for work farms.....	10900
Home school for boys.....	10901
Superintendent—Expense	10902
County Board may provide funds.....	10903
Courts	10904
Course of study	10905
Name of School	10906
Work on correctional farm in connection with poor farm in certain counties.....	10906-1
Same—County board as board of work farm commissioners	10906-2
Same—Special tax for expenses—Statements of receipts and disbursements.....	10906-3
Same—Persons who may be committed to.....	10906-4
Work on correctional farms in connection with poor farm in certain counties.....	10906-5
Same—County board as board of work farm commissioners	10906-6
Same—Special tax for expenses—Statement of receipts and disbursement	10906-7
Same—Persons who may be committed to.....	10906-8
Transfer of prisoners from jail to workhouse authorized	10907
Procedure of district judge in charge and duty of sheriff	10908
Juvenile Offenders, §§ 10909-10917.	
Probation officers in counties having over 50,000 inhabitants	10909
Duties—Contingent fund.....	10910
Duties of probation officer.....	10911
Stay of sentence.....	10912
Report of probation officer.....	10913
Salaries	10914
Term of office under prior laws not shortened....	10915
Probation officers in certain counties—Appointment—Term	10915-1
Same—Assistants and employees.....	10915-2
Same—Office room and records.....	10915-3
Same—Duties	10915-4
Same—Commitments to	10915-5
Same—Investigations and reports.....	10915-6
Same—Conveyance of children committed to institutions—Expenses	10915-7
Same—Contingent fund for expenses.....	10915-8
Same—Further duties.....	10915-9
Same—Receipts and disbursements of moneys.....	10915-10
Same—Annual report	10915-11
Same—Salaries of probation officer and assistants	10915-12
Same—Salaries payable out of county treasury.....	10915-13
Same—Determination of classification of counties	10915-14
Probation officers in certain counties—Salaries.....	10915-15
Keeping of minors	10916
Trial of minors—Who excluded.....	10917

COUNTY JAILS

10847. **How constructed and maintained**—The county board of each county is authorized to construct and maintain at the expense of its county a jail for the safe keeping of prisoners, and also, adjoining and connected therewith, a residence for the use of the sheriff. (5462) [9334]

136-25, 161+210.

10848. **Fugitives from justice how kept—Compensation**—Any county jail may be used for the safe keeping of fugitives from justice in this state, in accordance with the provisions of any act of congress. The officer holding any such fugitive in custody shall pay the sheriff one dollar as a commitment fee, and fifty-seven cents per day, for the use of the county, for his board. (5463) [9335]

10849. **United States prisoners**—Whenever any person is committed to any jail by any process issued under authority of the United States, the sheriff or jailer shall receive such person into custody, and safely keep him until discharged by due course of law, subject in all respects to the same liabilities and

remedies as though committed under process issued under state authority. The United States shall pay to the sheriff, for the use of the county, for each prisoner so kept and boarded, the sum of seventy cents per day. (R. L. '05 § 5464, G. S. '13, § 9336, amended '17 c. 304 § 1)

10850. **Commitment, etc., preserved**—Every instrument, or attested copy thereof, by which a prisoner is committed or liberated, shall be indorsed, filed, and safely kept in a suitable box by the sheriff or jailer, and delivered to his successor; and, whenever the process by which any prisoner is committed is required to be returned to the court, such sheriff or jailer shall keep a copy thereof, duly certified by himself, which shall be prima facie evidence of his right to retain such prisoner in custody. (5465) [9337]

10851. **Register of prisoners—Return to court**—Every sheriff shall keep in a book furnished by the county a register of all prisoners committed to any jail under his charge. It shall contain the name of every person committed, by what authority, his residence, date of commitment, and, if for a criminal offence, a description of the person, when and by what authority liberated, and, in case of escape, the time and manner thereof. At the opening of each term of district court he shall make a certified transcript therefrom to such court, showing all cases therein not previously disposed of. Every sheriff who neglects or refuses to so report shall be guilty of a gross misdemeanor. (5466) [9338]

10852. **Officers appointed by sheriff**—The sheriff, of every county maintaining a jail, with the approval of the judges of the district court therein, shall appoint a competent woman as matron, who, under his direction, shall have exclusive charge of all female prisoners. He may, in the same manner, whenever the average number of prisoners in such jail for the preceding twelve months shall have been ten or more, appoint a night watchman, and, when twenty or more, an assistant jailer also. Said judges shall fix the compensation of all such employees at not less than the following sums, viz.: The matron, fifty cents for each day when there is a female prisoner; the night watchman and assistant jailer, one dollar per day; provided that they shall be discharged whenever the number of prisoners for any preceding twelve months has fallen below the number herein prescribed. Said officers shall be sober, responsible persons, able to read and write the English language intelligently. Their compensation shall be fixed by said judges and paid monthly; they shall hold office during the pleasure of the sheriff and judges, and they may be removed at any time by the sheriff or by said judges. Whenever the sheriff performs the duties of jailer, he shall receive the compensation fixed therefor. (R. L. § 5467, amended '07 c. 257; '13 c. 332 § 1) [9339]

Appointment and removal of jailer (25-383).

10853. **Labor for jail prisoners**—Every able-bodied male prisoner over sixteen and not more than fifty years of age, confined in any county jail or village lockup under judgment of any court of record, justice court, or other tribunal authorized to imprison for the violation of any law, ordinance, by-law, or police regulation, may be required to labor during the whole or some part of the time of his sentence, but not more than ten hours per day. Such court or tribunal, when passing judgment of imprisonment for non-payment of fine or otherwise, shall determine and specify whether such imprisonment shall be at hard labor or not.

Such labor may be in the jail or jail yard, upon public roads and streets, public buildings, grounds or elsewhere in the county. Persons awaiting trial may be allowed upon request to perform such labor. Each prisoner performing labor may be paid a reasonable compensation by the county if imprisoned in violation of state law or awaiting trial upon a charge thereof, and by the city, village or borough if confined for the violation of any ordinance, by-law or police regulation. Such compensation to be paid to the wife, family or dependents of such prisoner, or such other person as the court sentencing him may direct, and shall be in such amount as such court shall determine upon application of the person or official under whose superintendence the work shall be performed and shall be allowed by the board of county commissioners or governing body of the village, borough or city upon such order of the court. (R. L. § 5468, amended '13 c. 373 § 1) [9340]

10854. Supervision—Whenever a sentence is for violation of a state law, and the prisoner is confined in a county jail such labor shall be performed under the direction of the county board, and superintended by the sheriff, who shall furnish necessary materials and tools at the expense of the county, and the county shall be entitled to the benefit thereof. When the sentence is for a violation of an ordinance, by-law, or regulation of a village or city, such labor shall be performed under the direction of its governing body, and superintended by the marshal or chief of police, who shall furnish the materials at the expense of such village or city, which shall be entitled to the benefit thereof. (R. L. § 5469, amended '13 c. 373 § 2) [9341]

10855. Power of officers—The officer in charge of prisoners so sentenced to labor may use all reasonable means necessary to prevent escape or enforce obedience. For refusal to labor or obey necessary orders in reference thereto, a prisoner may be kept in solitary confinement on bread and water, unless other food is required for the preservation of health, but shall not be so confined more than ten days for any one offence, nor more than ninety days in all. Such punishment shall not be treated as any part of the sentence. (5470) [9342]

10856. Credit for labor—Protection of prisoner—For each day's labor the prisoner shall be credited one dollar and fifty cents on any judgment for fine and costs, and, when imprisoned in default of payment of a fine or fine and costs, he shall be discharged whenever he has performed sufficient labor to pay the same. The officer in charge of such prisoners shall protect them from insult and annoyance while at labor or going to and returning therefrom. Every person who shall insult, annoy, or communicate with such prisoners, after being by such officers commanded to desist, shall be guilty of a misdemeanor, and punished by imprisonment for not more than five days, or by fine of not more than ten dollars. (5471) [9343]

10857. Compensation for boarding prisoners—Every sheriff in charge of a county jail shall receive from the county compensation for board and washing for prisoners as follows:

On the last day of each month he shall render to the county board a verified statement showing the name of each prisoner and the number of days boarded. The pay shall be seventy-five cents per day and proportionately for a fractional day for each prisoner. In every county where the sheriff's compensation for board of prisoners is fixed by special law it shall so

continue unless the county board by unanimous vote shall elect to come under the general law after which it shall be governed by this section provided that the provisions of this act shall not apply to any county in this state now or hereafter having a population of more than seventy-five thousand (75,000). (R. L. '05 § 5472, amended '09 c. 192 § 1; '17 c. 184 § 1) [9344]
G. S. 1894 § 7427 cited (97-301, 107+137).

10858. Collection of board bills—At the end of every month the sheriff of each county shall render to the auditor a statement showing the name of each fugitive from justice, United States prisoner, one committed from another county or one committed by virtue of any city or village ordinance, the amount due the county for board of each and from whom, and also of all amounts due for board of prisoners for the preceding month. He shall collect and pay to the county all bills for board of prisoners due from any source except his own county, and neglect to collect any such bill shall render him liable on his bond therefor. (5473) [9345]

10859. Charges for other than county prisoners—Whenever any prisoner is ordered confined in any county other than that in which his offence was committed, the sheriff of such other county shall keep him at the expense of the county sending him, and shall collect from such county for his board seventy-one cents per day, except, that when there are not more than three prisoners in such county jail the charge for such board be one dollar and twenty cents per day for each prisoner, and, in addition thereto, such sum as shall have been necessarily expended for clothing, bedding, and medical aid for such prisoners. The county board of the county from which such prisoners are sent, at its first session after their commitment, shall authorize the auditor to issue to the sheriff of the county where they are committed orders upon the county treasurer for the maintenance of such prisoners while they remain in such jail. (5474) [9346]

117-1. 134+290.

10860. Board in certain counties having 150,000 and not over 225,000 inhabitants—That whenever the sheriff of any county now or hereafter having a population of not less than 150,000 inhabitants and not more than 225,000 inhabitants, occupies the residence portion of the county jail in such county, the sheriff, at the direction of the county board, shall have the duty of furnishing and shall furnish to the prisoners confined in said jail, the board of such prisoners, at a price per meal or per day to be fixed by said county board, the county to furnish in said building a properly equipped kitchen and all necessary fuel. ('13 c. 200 § 1) [9347]

10861. Rate of board—Statements—That said county board at its regular meeting in January of each year shall fix the rate of board either by the day or per meal for all such prisoners as shall be confined in said county jail, and said rate of board as fixed by said county board shall continue for the remainder of the year, unless said county board by unanimous vote shall change the same. The compensation for boarding said prisoners, as fixed by the county board, shall include the necessary washing of the clothing of said prisoners and it shall be the duty of said sheriff to cause the clothing of said prisoners to be properly washed as part of his duties in caring for said prisoners, without extra compensation therefor except as included in said board.

On the first day of each month the sheriff shall render to the county board a verified statement showing the name of each prisoner and the number of days he was boarded or the number of meals furnished him, as the case may be, and the bill of said sheriff based on said verified statement shall be allowed by the county board at each monthly meeting as are other claims against the county. ('13 c. 200 § 2) [9348]

10861-1. Boarding and care of prisoners in counties with more than 150,000 and less than 240,000 inhabitants and area of over 5,000 square miles—Duties of sheriff—No additional compensation—That in any county in this state now or hereafter having a population of over 150,000 and less than 240,000 inhabitants and an area of over 5,000 square miles, the Sheriff of said county shall have the duty of preparing and delivering to the prisoners confined in the county jail at the county seat, the food and meals for such prisoners and the duty of causing to be washed in said jail the shirts, underclothing, and bed linen of all persons confined in said jail, but shall receive no compensation therefor in addition to his salary as fixed by law. ('25, c. 127, § 1)

Explanatory note—Laws 1925, c. 127, § 11 repeals all inconsistent acts and parts of acts.

10861-2. Same—Kitchen equipment and employees provided by county—That the county board of any such county shall equip the county jail with all necessary cooking utensils, dishes for boarding all prisoners, laundry utensils, and laundry and toilet supplies for the county jail, and the sheriff shall appoint and employ a cook and such assistants as said county board shall deem necessary, subject to the approval and at the pleasure of said county board and sheriff, to have charge of the preparation of all food and meals and said county board shall fix their compensation, which they shall be paid as the salaries of other county employes are paid. ('25, c. 127, § 2)

10861-3. Same—Supplies furnished by county—The sheriff of any such county shall make his requisitions upon the county board for the supplies and provisions needed by him for the board of such prisoners in said jail, quarterly in advance, at least twenty (20) days before the beginning of each quarterly period. Thereupon the county auditor shall advertise for bids by published notice once each week for two consecutive weeks, for the furnishing of all or such part of such supplies and provisions as the county board shall deem necessary, said bids to be received and opened by the county board at the next meeting of said county board following the completion of said publication, and the contract therefor shall be let by said county board to the lowest responsible bidder. Any supplies found necessary by the said sheriff during any quarterly period, and not included in such requisition, may be purchased by him as needed, and the reasonable cost thereof shall be audited and allowed by the county board on duly itemized verified bills in the same manner as other general claims against such county are allowed. Any food supplies produced by any department of any such county may be purchased for use in feeding jail prisoners at a price to be agreed upon between the county board and the board or commission in charge of said department for the county, without calling for bids therefor.

The county board shall also furnish all fuel, gas, electricity, and other supplies necessary for furnishing said food and meals to said prisoners and for the washing of the clothing of said prisoners. ('25, c. 127, § 3)

10861-4. Same—Prisoners to assist—Kitchen—It shall be the duty of the sheriff of any such county to co-operate with said county board by furnishing such prisoners from the prisoners confined in said jail, as can be trusted to do said work, to act as helpers in assisting in preparing said food and meals and in taking the same from the kitchen and serving the same to each of the prisoners confined in said jail. ('25, c. 127, § 4)

10861-5. Same—Three meals a day for prisoners—It shall be the duty of said sheriff to cause to be prepared and delivered said food and meals promptly and regularly three times a day to said prisoners. ('25, c. 127, § 5)

10861-6. Same—Clothing washed weekly—That it shall be the duty of said sheriff of any such county to have the personal clothing of each prisoner, and the bed sheets and pillow cases used in each cell, washed at least one a week without extra compensation. ('25, c. 127, § 6)

10861-7. Same—Juvenile quarters, etc., not to be used for other purposes—Where any county jail is equipped with juvenile quarters, rooms for sick and insane persons, school rooms, hospital ward and rooms other than the cells for any other purpose, the sheriff shall not use any of said rooms for any other purpose than the ones for which they were provided, except on the written order of a judge of the district court of said county. ('25, c. 127, § 7)

10861-8. Same—Prisoners confined at places other than county seat—The provisions of this act shall not apply to the furnishing of meals to prisoners who may be confined in the cell rooms of any court building elsewhere than at the county seat, but the sheriff shall furnish meals to all such prisoners at the expense of the county at reasonable rates, without profit to said sheriff, to be paid by the county as other general claims against the county are paid. ('25, c. 127, § 8)

10861-9. Same—Supervision of jail—That in any such county the county board shall have charge of and be responsible for the care and maintenance of said county jail building, and shall have authority to place the care and maintenance of said jail building under the chief engineer of the county court house at the county seat of any such county and the said chief engineer and his assistants shall have authority, whenever found necessary, to enter said jail building for the purpose of the care and maintenance thereof. ('25, c. 127, § 9)

10861-10. Same—Matron and assistant matron—That in any such county the sheriff, with the approval of a majority of the judges of the District Court therein, shall appoint a competent woman to act as matron in said jail, who shall be a deputy sheriff and qualify as such before performing her duties as matron and said matron shall act under the direction of said sheriff and shall have exclusive charge of all female prisoners confined in said jail and shall engage in no other occupation or employment. Whenever the average number of female prisoners confined in said jail during the proceeding six months shall have been ten or more, an assistant matron may be appointed in like manner, who shall have like duties as the matron and shall engage in no other business or occupation. Whenever in any such county any such assistant matron shall be appointed, said assistant matron shall perform her duties as such during the night time and shall occupy the quarters provided for such matron in said county jail, and it shall be the duty of such matron or assistant matron to perform such duties in charge of the

female prisoners confined in said jail as said sheriff may by order direct. ('25, c. 127, § 10)

10861-11. Boarding and care of prisoners in counties with assessed value of not less than \$150,000,000 and bonded indebtedness of not to exceed \$7,000,000 and population of over 225,000 and less than 325,000—Duties of sheriff—No additional compensation—In any county in this state now or hereafter having property of an assessed value of not less than \$150,000,000 exclusive of money and credits and having a bonded indebtedness of not to exceed \$7,000,000 exclusive of bonds issued to defray the cost of permanently improving State Trunk Highways which the State of Minnesota has agreed to pay under the provisions of Chapter 522, Laws of 1921, and having a population of over 225,000 and less than 325,000 inhabitants, the sheriff shall purchase all necessary foodstuffs and shall have same prepared and served to the prisoners confined in the County Jail of such county, but he shall receive no compensation therefor in addition to his salary as fixed by law. ('27, c. 191, § 1)

Explanatory note—For Laws 1921, c. 522 see §§ 2640, 2641, herein.

10861-12. Same—Kitchen equipment provided by county—The County Board of said county shall equip the County Jail with all necessary cooking and serving utensils for feeding of prisoners and shall furnish all fuel, gas, electricity and supplies necessary for preparing said food for said prisoners. ('27, c. 191, § 2)

10861-13. Same—Supplies—Purchase of—The sheriff of said county shall appoint and employ one assistant, whose duty it will be to check up daily purchases, keep proper records and at the first meeting of each month present to the Board of County Commissioners all bills for foodstuffs purchased the preceding month, and such bills shall be allowed in the same manner as provided by the laws relating to the allowance of claims by County Boards. The compensation of said assistant shall be One Hundred (\$100.00) Dollars per month. Such assistant shall have the power and authority of a deputy sheriff under the laws of this state, before entering upon said duties shall take the oath of such office and shall furnish a bond in the same manner. ('27, c. 191, § 3)

10861-14. Same—Cook and assistants—The sheriff of said county shall appoint and employ a cook and such assistants as may be necessary to have charge of the preparation and serving of all such food and said sheriff shall fix their compensation, but at no time shall such combined compensation exceed Two Hundred Twenty-five (\$225.00) Dollars per month, which shall be paid in the same manner as the salaries of other county employees are paid. Such cook and assistants shall have the power and authority of deputy sheriffs under the laws of this state and before entering upon said duties shall take the oath of such officers and shall furnish a bond in the same manner. ('27, c. 191, § 4)

10861-15. Same—Record of prisoners fed—Disposition of moneys received—The sheriff shall keep a record of feeding all prisoners, such as United States Government, Prohibition Administrator District No. 14, or by whatever district it may be known, Department of Public Safety, City of St. Paul, Minnesota, and render a statement to aforementioned agencies monthly or quarterly, and all moneys received therefrom shall be turned over to the Treasurer of Ramsey County through the County Auditor of Ramsey County. ('27, c. 191, § 5)

10861-16. Same—Prisoners to assist in kitchen—The sheriff may furnish and use such prisoners confined in said jail, to be known as trustees, as may be required to aid and assist in the kitchen and for the purpose of serving food to prisoners confined in said jail. ('27, c. 191, § 6)

10862. Jails, how kept—The sheriff of each county, by himself or deputy, shall have charge of the jail, and be responsible for its condition. No female prisoner shall be kept in the same room with a male prisoner, and no minor under sixteen years shall be kept in the same room with other prisoners; no insane prisoner shall be kept in the same room with any other prisoner unless such person shall be detailed as a nurse; and, so far as the construction of the jail will permit, strict separation of prisoners shall be maintained. No person awaiting trial shall be kept in a room with any other prisoner. (5475) [9349]

136-25, 161+210.

10863. Clothing, bedding, food, and care—The county board shall provide jail suits of coarse material, without distinctive marks, suitable underclothing, bedding, towels, and medical aid for prisoners, and fuel for the jail and sheriff's residence. Unless otherwise furnished, the sheriff may require a prisoner to wear a jail suit during his confinement, but shall restore his own clothing upon discharge. No prisoner shall be required to wear clothing previously used until it has been thoroughly cleansed. The sheriff or jailer shall keep the jail in a clean and healthy condition, and have each prisoner's shirt washed at least once a week, and shall furnish to each sufficient clean water for drinking and bathing, and serve each three times a day with a sufficient quantity of wholesome, well-cooked food. If the construction of the jail will permit persons held for trial to be kept separate from those serving sentence, a difference in their diet shall be made. Those serving sentence shall receive meat once a day, but no butter, pastry, tobacco, or other luxuries, except on Sundays and holidays. (5476) [9350]

136-25, 161+210.

10864. Bibles and religious instruction—Every keeper of a jail shall provide for each prisoner able and willing to read the same a copy of the Bible, at the expense of the county, and any minister of the gospel desirous of giving moral and religious instruction to prisoners shall have access to them at proper times. All immoral books and papers and those largely composed of accounts of crime shall be excluded from every jail. (5477) [9351]

10865. Schools in jails and work farms—The county board of each county in this state wherein is maintained a county jail or work farm may provide a school or schools for the instruction in the elementary branches of learning of all persons detained therein as prisoners, and in such case shall provide the necessary furniture, appliances and teachers to be paid for out of the county annual revenue fund; such schools to be maintained for not less than two hours each school day or night sessions if necessary and school attendance by the prisoners shall be made compulsory as far as possible. The teachers necessary for such purpose shall be appointed by the county board with the approval of the county superintendent of schools who shall exercise supervisions thereover in connection with his other duties as such superintendent. ('13 c. 460 § 1) [9352]

10866. Solitary confinement—Whenever any prisoner is unruly or disobeys any regulation for the man-

agement of jails, the sheriff or jailer may order him kept in solitary confinement on bread and water for not more than twenty days for each offence. (5478) [9353]

10867. **Escapes, how punished**—Every prisoner confined in jail, under sentence to the state prison, who shall break jail and escape, shall upon conviction thereof be punished by imprisonment in the state prison for one year in addition to the unexpired term of his original sentence. Every prisoner under a jail sentence, or awaiting trial, who shall break jail and escape, if the offence for which he is confined is not capital, shall be punished by imprisonment in the county jail for six months; if capital, by two years in state prison. (5479) [9354]

10868. **Removal of prisoners in case of fire**—Whenever by reason of fire or other casualty the prisoners in any jail are exposed to danger, the keeper may remove them to some safe place to avoid such danger. (5480) [9355]

10869. **County board to consult board of control**—Whenever any county board determines to erect a new jail, or to repair an existing one at an expense of more than two hundred and fifty dollars, it shall pass a resolution to that effect, and transmit a copy thereof to the state board of control, which within thirty days thereafter shall transmit to such county board such advice and suggestions in reference to the construction thereof as it deems proper. (5481) [9356]

10870. **Plans and estimates submitted**—After the receipt of such advice and suggestions, such board shall procure plans and estimates of the cost of such new jail or repairs, and submit the same to said board of control for suggestions and for approval, so far as relates to the safety and sanitary conditions of the proposed building. Such suggestions and approval shall be in writing and filed with the county auditor before any contract for such erection or repairs shall be binding, or any warrant is drawn for payment for labor or materials therefor. (5482) [9357]

10871. **Funds, how provided**—Before making any contract for the erection of a county jail, sheriff's residence, or both, the county board shall either levy a sufficient tax to provide the necessary funds, or issue county bonds therefor, but it shall create no bonded indebtedness for that purpose in excess of the limit now or thereafter established by law. (5483) [9358]

10872. **Bonds**—Such bonds shall be issued in sums of not less than one hundred dollars nor more than one thousand dollars each, and bear interest at not more than six per cent. per annum, payable semiannually, and the principal be payable at a time fixed by the county board, not more than twenty years from their date. Said board shall from time to time levy a tax sufficient to meet the interest and principal as it becomes due, until their payment has been fully provided for. (5484) [9359]

10873. **District jails—How designated**—The state board of control, with the consent of the county board, may designate any suitable jail in the state as a district jail, to be used for the detention of prisoners from other counties in addition to those of its own, and, whenever such jail or its management becomes unfit for such purpose, may rescind its designation. Whenever there is no sufficient jail in any county, the examining magistrate, upon his own motion, or the judge of the district court, upon application of the sheriff, may order any person charged with a criminal offence committed to a sufficient jail in some other county:

Provided that, if there be a district jail in the judicial district, he shall be sent thereto, or to any other nearer district jail designated by the magistrate or judge, and the sheriff of the county containing such district jail, on presentation of such order, shall receive, keep in custody, and deliver him up upon the order of such court, or a judge thereof. (5485) [9360]

10874. **Condemnation of jails**—Whenever the jail of any county is insecure or otherwise unfit for use, the judge of the district court therein, on the recommendation of the grand jury or of his own motion, may issue his written order condemning it; or, whenever the state board of control shall adjudge any county jail insecure or otherwise unfit for use, it may, with consent of the judge of the district court, issue its written order condemning it. After condemnation such jail shall not be used for the detention of any prisoner for more than twenty-four hours at one time, except pending preliminary examination, or while court is in session, until the order of condemnation is rescinded. (5486) [9361]

LOCKUPS

10875. **How established**—The governing body of any city or village may purchase, build, or lease, maintain and regulate, one or more lockups for the detention of persons charged with offences against its ordinances and by-laws, or for the confinement of persons sentenced to imprisonment for violation of such ordinances and by-laws; and, under regulations prescribed by such governing body, it may be used for the temporary detention of any prisoner under arrest. But no such purchase or lease, and no plans for building or repairing any such lockup at an expense of more than one hundred dollars, shall be finally adopted until the same shall have been approved by the state board of control, and no contract for such erection or repair shall be valid unless the suggestions and advice of said board shall have been filed with the clerk of such municipality before its execution. (5487) [9362]

10876. **Construction—Approval by board of control**—Said state board of control shall not approve any plan for a lockup unless said plan makes provision for the following essentials of construction and conditions, viz: the building shall be fireproof and be not less than sixteen (16) feet by twenty (20) feet in area inside; and the ceiling shall be not less than eight (8) feet in height at the lowest point. It shall be built upon durable foundations, and shall have floors of stone or cement or other fireproof material laid over cement-concrete. The walls shall be protected against frost by hollow walls, tile or otherwise. There shall be an outside door, two separate rooms, satisfactory cells not less than five (5) feet by seven (7) feet in area and seven and one-half (7½) feet in height; and the lockup shall be well lighted, comfortably heated when in use and occupied by any person or persons, ventilated, and shall comply with reasonable sanitary requirements. (R. L. § 5488, amended '13 c. 438 § 1) [9363]

10877. **Temporary police stations and lockups in certain cases in cities of first class**—Whenever in the opinion of the board of police commissioners of any city in the state of Minnesota, having more than 50,000 inhabitants, or of any board of such city having charge, control and direction of the administration of the police department of such city, it shall be necessary to remove from and destroy any existing police

station or lockup, and to provide and equip new temporary central police stations and lockups, pending the erection by such city, upon the site of such abandoned police station, of a new and permanent central police station and lockup, any such city is hereby authorized and empowered, acting by and through its board of police commissioners, or other board having the control and direction of the administration of the police department, of such city, to lease a new site for such temporary central police station and lockup, and to provide and equip the same. ('11 c. 304 § 1) [9364]

10878. **Application**—Section 5488 of the Revised Laws, 1905 [10876], shall not apply to, or be binding upon, any such city in the providing of a temporary central police station and lockup, under the circumstances hereinbefore stated. ('11 c. 304 § 2) [9365]

10879. **Cities may send prisoners to jails outside**—Whenever in any city now or hereafter having a population of not more than 10,000 inhabitants no jail exists, which in the judgment of the City Council or other governing body is sufficient or suitable for the detention of persons lawfully under arrest in said city, said council or other governing body may cause such person or persons lawfully arrested to be detained in any city or county jail or lockup in the same or in an adjoining county, provided that such detention shall be with the consent of the city or county where such person or persons are detained, and that there shall be paid to such city or county the necessary cost and expense which may be incident to taking care of such person or persons while lawfully detained or imprisoned. ('21 c. 251 § 1)

10880. **Not to jeopardize lawful custody of person**—That the detention or imprisonment of any person lawfully arrested in one city but detained or imprisoned in another under the provisions of this act shall in no manner jeopardize the lawful custody or detention of such person. ('21 c. 251 § 2)

10880-1. **Jail facilities in county buildings in cities of first class**—That any city of the first class in this state, now or hereafter operating under a home rule charter, and now or hereafter containing a city hall building on land contiguous to the county courthouse and jail grounds, may enter into contract with the county in which such city is located, for the furnishing to such city by such county of jail facilities in the county jail building for the care of persons who are usually confined in the city jail and for the furnishing of heating and lighting service to such city, and for the construction and maintenance of a tunnel connecting the courthouse, county jail, and city hall buildings, for use as a passage-way between said buildings and for other public purposes, upon such terms and conditions, for such consideration, and for such period of time not exceeding five years at a time, with right of successive renewals as shall be agreed upon between the county board of such county and the city council of such city, acting for their respective political subdivisions. ('27. c. 176, § 1)

Explanatory note—Section 2 of Laws 1927, c. 176 repeals all inconsistent acts and parts of acts.

10881. **Duties of chief of police and village marshal**—The chief of police or village marshal, as the case may be, shall cause every lockup under his care, and the bedding therein, to be kept clean, wholesome, and free from vermin. Such lockup shall be swept daily and thoroughly cleansed with water at least once every two weeks when occupied. Such chief of police or marshal shall keep in a book furnished by the mun-

icipality a complete register of all prisoners committed thereto, and all persons admitted as lodgers therein, in the form prescribed by said board of control. (5489) [9366]

Municipality not liable for defective lockup (62-278, 64+812).

10882. **Matron**—The chief executive officer of every city or village having a lockup shall appoint some competent woman of good character as matron, who shall have exclusive charge of all women committed thereto, and see that they are kept in a room separate from male prisoners. She shall receive such compensation as the governing body shall determine, not less than fifty cents for each day during which a female prisoner is confined therein. (5490) [9367]

10883. **Health officer to inspect**—The health officer of every city and village having a lockup shall inspect the same once a year, with reference to its sanitary condition, make a written report thereof to said board of control upon blanks prescribed by it, and deliver a copy of such report to the governing body of such city or village. Upon filing such report he shall receive from the treasurer of such municipality a fee of two dollars. (5491) [9368]

10884. **Board of control may condemn**—Whenever said state board of control shall become satisfied, from the report of a local health officer or from the report of any agent it may appoint and authorize to examine lockups, or from the inspection by one or more of its members, that any lockup does not reasonably conform to essential conditions and details of construction, such as are prescribed by law for plans for lockups, and that such lockup is in a condition or of a construction such as to endanger the well-being, health, security or life of any person confined therein, it shall condemn such lockup by its written order and it shall not be further used while such order is in force. (R. L. § 5492, amended '13 c. 438 § 2) [9369]

10885. **Condemnation, how enforced**—If any lockup condemned by the state board of control shall thereafter be used while the order of condemnation is in force, it shall be the duty of said state board of control to bring an action in the district court in the county where the lockup is, for the purpose of enforcing its order of condemnation, and upon the trial of said action a copy of such order, certified in the usual form by the secretary of the state board of control, shall be conclusive evidence that such lockup has been condemned by the said state board of control and shall be prima facie evidence that said lockup does not comply with the requirements of this act and is unfit for use as a lockup, and that its future use should be enjoined by the court. Evidence to sustain the order of condemnation may be received in rebuttal. ('13 c. 438 § 3) [9370]

10886. **Furnishing liquor to inmates**—No sheriff, jailer, police officer, marshal, or other person in charge of any jail or lockup, under any pretence whatsoever, shall give, sell, or deliver to any prisoner therein any spirituous liquor, or any mixed liquor, part of which is spirituous, or any wine, cider, or beer, unless a reputable physician certifies in writing that the health of such prisoner or inmate requires it, in which case he may be allowed the prescribed quantity, and no more. (5493) [9371]

10887. **Penalties**—Every sheriff, jailer, police officer, marshal, or other officer or person in charge of any jail or lockup who shall violate any preceding provision of this chapter shall, for each such violation,

be guilty of a misdemeanor, and on a second conviction shall be adjudged to be incapable of holding the office of sheriff, jailer, police officer, marshal, or keeper of any jail or lockup, as the case may be, for the period of six years. (5494) [9372]

10888. Patrol wagon to be closed—In cities having a population of more than fifty thousand, every transfer of persons charged with or convicted of crime from one place of detention to another, or to or from the place of trial, in a vehicle at public expense, shall be made in a closed conveyance, so as to screen such person from the public view. Every person who shall violate the foregoing provisions shall be guilty of a misdemeanor. (5495) [9373]

Work-Or Correctional Farms In Certain Counties

10889. Counties having over 150,000 and less than 225,000 inhabitants—That the board of county commissioners of any county in this state which now has or may hereafter have a population of over 150,000 and less than 225,000 inhabitants, shall have the power to acquire land for and establish and maintain thereon, a work or correction farm for the confinement and care thereon of any and all persons convicted of any violation of the laws of this state or of any city or village ordinance, who could be sentenced as punishment therefor to any jail or lockup in such county.

That any such county may acquire the land for and establish and maintain such farm thereon either by itself alone or acting in co-operation with any city of the first or second class located in such county when such city shall have the power under its charter to acquire land for and establish and maintain such work or correction farm. ('13 c. 188 § 1) [9374]

10890. Board of work farm commissioners—Joint board of county and city work farm commissioners—That upon the decision of any such city and county by resolution duly adopted by the council and the county board of such city and county to acquire the land for and establish and maintain such work or correction farm the chairman of the county board of said county and the council of any such city shall appoint a commission consisting of five members, three of whom shall be appointed by the chairman of said county board and two by the council of any such city.

That upon the decision of any such county by resolution duly adopted by its county board to acquire the land for and establish and maintain such work farm, without the co-operation of any such city, the chairman of the county board of said county shall appoint a commission consisting of three (3) members.

The members of any commission appointed under the terms of this act shall be chosen with reference to their special fitness for such office, and their appointment before becoming effective shall be approved by the majority of the judges of the district court of the judicial district in which said county is located, if there be three or more judges of said court, otherwise by one of said judges.

This commission shall be known as the "board of work farm commissioners," when said farm shall be established and maintained by such county alone; and shall be known as the "joint board of county and city work farm commissioners," when said farm shall be established and maintained by such county and city jointly.

The members of said commission shall serve without compensation or financial benefit, but they shall be

entitled to reimbursement for all actual expenses in connection with their official duties, an itemized and verified statement of which expenses shall be filed with and approved by said board.

Said board shall be provided with a suitable office in the court house at the county seat.

The terms of each of the members of the first "board of work farm commissioners" shall expire on the first Monday in January in the first, second and third years, respectively, after their appointment. Upon the expiration of such terms, their successors shall be appointed in like manner for terms of three years each.

The terms of the members of the first "joint board of county and city work farm commissioners" shall expire as follows: two on the first Monday in January of the first year, one of whom shall be appointed by the council of said city; two on the first Monday in January of the second year, one of whom shall be appointed by the council of said city; and one on the first Monday in January of the third year after their appointment. Upon expiration of such terms, their successors shall be appointed in like manner for terms of three years each.

All vacancies on said commission shall be filled by like appointment for the unexpired terms.

Upon the appointment of the first board, and annually thereafter, on the first Monday in January, the board shall elect from its number a president and a vice president, to serve for one year, and until their successors qualify. The members of said commission shall qualify by subscribing to and taking the usual oath of office and shall hold office as indicated above, or until their successors are appointed and have qualified. ('13 c. 188 § 2) [9375]

10891. Powers of boards—Superintendent, etc.—Said "board of work farm commissioners" or "joint board of county and city work farm commissioners," shall have full charge and control of said work farm, and the erection of all buildings and the making of all improvements thereon. It shall appoint and employ a superintendent and other necessary help, and shall prescribe their duties and fix their compensation. The superintendent of said work farm shall be the secretary of said commission, and before his appointment shall become effective, it shall be approved by a majority of the judges of said district court. ('13 c. 188 § 3) [9376]

10892. Land, how acquired—Improvements—Prisoners—The board of county commissioners of any such county as shall decide to acquire the land for and establish such work farm under the provisions of this law, shall have the power to acquire by purchase or condemnation a tract of land of not more than 1,000 acres, which land said county may acquire and hold in its own name, or jointly with any such city as shall decide to co-operate with any such county in the purchase of said land and the establishment of such farm, and as such shall furnish and pay one-half of the cost thereof. That said county may singly, or in co-operation with such city, through the commission herein provided for, improve such farm by the erection of fences and suitable buildings thereon, and in such other ways as may be found necessary by it in order to accomplish the purpose for which said farm shall be established, and all such improvements when made by such county and city acting jointly through such commission shall be the joint property of such county and city.

The superintendent of said work farm shall cause

all prisoners confined thereon to be employed at hard labor, as far as practicable, either upon the said farm or elsewhere in said county, in order to enable said prisoners to be engaged in productive employment and to be self-supporting. ('13 c. 188 § 4) [9377]

10893. Rules and regulations—Parole, etc.—Said commissioners shall adopt such rules and regulations and enforce such discipline for the management and operation of said work farm as may be deemed necessary. Said commissioners shall have power to establish and adopt rules and regulations under which, and specify the conditions on which, any prisoner committed to such work farm may be allowed to go upon parole outside the limits of said work farm, but to remain while on parole in the legal custody and under the control of such commissioners, and subject, at all times to have said parole terminated, and to be taken back under the same conditions as when originally committed. The written order of said commission, signed by its president or vice president and attested by its secretary, shall be sufficient authority and warrant for any sheriff, police officer or constable of this state to execute such order, and arrest and return to the custody of said commission or the superintendent of said work farm, any prisoner that may have been released under parole by said commission, and it is hereby made the duty of any such sheriff, constable or police officer to execute any such order of said commission in the same manner as any other criminal process of this state is executed. Said commissioners may place any such prisoner who may be released on parole, under the care and supervision of any state, county or city officer having probation or parole duties and powers under the law, and such parole officer is hereby given full power and authority, and it is hereby made his duty, to execute the orders of said commissioners with reference to carrying into effect such parole regulations the same as any sheriff or other peace officer might do.

The rules and regulations and the general plan for paroling prisoners adopted by said commissioners shall not become effective until the same shall have been approved by a majority of the judges of the district court of the judicial district in which said county may be situated. ('13 c. 188 § 5) [9378]

10894. Aid to family of inmate—That the said commissioners in charge of any such work farm, may establish and adopt proper rules and regulations for furnishing and may furnish aid weekly, or less often if they so decide, to the wife or to the family of any prisoner confined in such work farm or to the guardian or other person or association in control of and responsible for the care and support of any dependent child or children of said prisoner, which aid shall be furnished by written order for house rent, fuel, groceries and other necessities, but such aid to any such wife or family shall not exceed the sum of fifty cents for each day's labor performed by said prisoner on said farm or elsewhere in said county for which no order has been previously issued. Provided, however, that any person receiving such aid shall be a resident of the county in which such work is situated, at the time of commitment and the receipt of such aid.

That upon the certificate of the person designated in said order to whom said necessities shall be delivered, that said necessities were received by said person, and on the filing of a duly itemized and verified claim against said commission for the reasonable price and value of said necessities, said claim shall

be a charge against any fund available for the maintenance of said work farm and shall be paid by said commissioners. ('13 c. 188 § 6) [9379]

10895. Cost, how defrayed—Cost to be defrayed by county, or counties, or city, or cities, or county and city, or all—That when any such county shall by itself alone establish and maintain any such work farm, such county shall bear the total cost of acquiring the land for and establishing and maintaining such farm. That when any such county and city shall jointly acquire the land for and establish and maintain such work farm, said county and city shall in the first instance, bear and pay equally the cost of acquiring the land for and establishing and maintaining such farm. That when any other city, or any village or town within said county, shall send any prisoners to said farm for imprisonment, said city, village or town, shall pay to said county, to be credited to the work farm fund hereinafter provided for, such sum per prisoner per diem as it may cost said commissioners for the average maintenance per prisoner of all the prisoners therein. Such cost per diem shall be determined by the said commissioners from the records of said work farm at the annual meeting of the said commissioners in January of each year and shall be based on the actual cost records of receipts, disbursements and other data for the preceding year. Such expense shall not include the cost of the premises or structures of any permanent improvements or repairs thereon. Until the end of the first year after the occupancy and operation of said work farm the per diem charge for such prisoners, other than those who have violated a state law, shall be forty cents, and the cities, villages and towns furnishing such prisoners shall settle monthly with said commissioners upon such basis. It shall be the duty of said commissioners to cause monthly bills to be rendered therefor to said municipalities. ('13 c. 188 § 7) [9380]

10896. Appropriations—Tax levy—Any such county wishing and deciding to provide a work farm by itself alone as indicated in Section two (10890) of this act, may through its county commissioners appropriate the first year not to exceed the sum of \$35,000.00 for the purchase of the land and establishment and equipment of the same, or not to exceed the sum of \$20,000.00 if it shall decide to provide such work farm in co-operation with any such city, as herein provided.

Such work farm commissioners shall determine by resolution each year, prior to July 1st, the amount of money necessary for the equipment and maintenance of the work farm the following year, over and above the probable receipts for the account of said work farm fund from all sources other than taxes, and a certified copy of such resolution shall be forthwith forwarded to the county board, if such work farm be established and maintained by such county alone, and such board shall at its regular meeting in July include such amount in its annual levy of county taxes for the ensuing year, unless after due hearing such amount be determined to be excessive and unnecessary, in which event such amount may be reduced accordingly by the board.

That in case such work farm be established and maintained by any such county and city jointly, certified copies of such resolution determining the said amount necessary for the equipment and maintenance of said work farm for the following year, shall be forthwith forwarded to the county board of such county and to the city council of such city, and such board shall at its regular meeting in July, and said city council shall

at some meeting prior to October tenth, include the proper share of said county and city in their annual levies of county and city taxes, respectively, unless such amounts shall be reduced by said county board and city council in the manner hereinbefore provided, to amounts that shall be deemed reasonable and necessary by said county board and said city council.

But in no case shall the amount of such levy in any one year after the first year exceed the sum of one-fifth (1/5) of one mill on the dollar of the assessed valuation of property in said county, when said work farm is maintained by such county alone; nor exceed the sum of one-tenth (1/10) of one mill on the dollar of the assessed valuation of property in said county, for said county's share, of such tax levy for said work farm fund, when said work farm shall be maintained by said county and city jointly. Such amounts when collected shall be apportioned by the county auditor and be credited to the "county work farm fund" or to the "joint county and city work farm fund," as the case may be. At the end of each year any balance remaining in said "joint county and city work farm fund" to the credit of said city's share, shall be apportioned and paid to said city, if the council of said city shall so demand.

All moneys received for such work farm shall be deposited in the treasury of said county to the credit of such fund and shall not be used for any other purpose, and shall be drawn upon by the proper officials of said county upon the properly authenticated vouchers of said "board of work farm commissioners" or "board of joint county and city work farm commissioners," as the case may be. ('13 c. 188 § 8, amended '15 c. 212 § 1) [9381]

10897. Money, how drawn—Annual statement—No money shall be paid from such fund except on orders signed by the president or vice president, and secretary of such board of commissioners, which orders shall be drawn upon the county treasurer of such county and before payment thereof shall be countersigned and registered by the auditor of said county.

The said "board of work farm commissioners" or "joint board of county and city work farm commissioners," shall file annually on the first Monday in January with the auditor of such county, or with the auditors of such county and such city, when said farm shall be operated by said county and city jointly, a full itemized statement of all receipts and disbursements during the preceding year, showing in detail the source of all receipts and to whom and for what all such disbursements were made. ('13 c. 188 § 9) [9382]

10898. Bonds, etc.—Such county shall have the same right and authority to borrow money and issue bonds or interest bearing certificates of indebtedness therefor, to purchase the land for and erect and equip buildings thereon, for a work or correction farm as is now given to counties for the purpose of purchasing the land for and erecting county jails. ('13 c. 188 § 10) [9383]

10899. Power of courts to sentence—The judges of all district and municipal courts and justices of the peace in any such county, shall have the same power to sentence any person to confinement at hard labor on said work or correction farm, as said judges and justices of the peace now have to sentence any person convicted of crime, to a county jail, workhouse or lockup in such county. ('13 c. 188 § 11) [9384]

10900. Additional land for work farms—That the

Board of County Commissioners of any county to which this act shall apply may acquire additional land not contiguous to any correction or work farm heretofore or hereafter established for men, not exceeding forty acres in extent, and may establish and maintain thereon a correction or work farm for women only, such county acting by itself alone or in co-operation with any city of the first or second class located in such county, whenever such city shall have the power under its charter to acquire land for and establish and maintain such correction or work farm. That whenever the Board of County Commissioners of any such county, or the city council of any such city shall decide by resolution duly adopted, to establish and maintain such correction or work farm for women and shall acquire the needed land therefor, the Board of Work Farm Commissioners hereinbefore provided for shall forthwith have full charge and control of such correction or work farm for women, the erection of all buildings and the making of all improvements thereon. The superintendent of the work farm for men, if one shall have been established, in any county to which this act applies, shall also be superintendent of such correction or work farm for women, but said commission shall have authority to employ all other necessary assistants for carrying on said institution, and shall in all other respects have the same powers and duties in connection therewith, as is hereinbefore provided for the management and control of such correction or work farm for men, in order that such farm for women may be maintained and female prisoners be cared for thereon in substantially the same manner as is hereinbefore provided for men. That female offenders may be sentenced to confinement on said correction or work farm for women by any of the courts in such county in like manner as male offenders are sentenced to said correction or work farm for men, and such Board of Work Farm Commissioners shall have the same jurisdiction and control over such female prisoners as over male prisoners sentenced to said farm. ('15 c. 212 § 2)

10901. Home school for boys—The Board of Work Farm Commissioners of any County of this state in which a Work Farm is operated under the provisions of Chapter 188, General Laws of Minnesota for 1913, and acts amendatory thereof and supplemental thereto, may by resolution duly adopted, subject to the approval thereof by a majority of the Judges of the Judicial District in which such County is located, establish and operate in connection with such Work Farm a Home School for Boys. ('21 c. 10 § 1)

10902. Superintendent — Expense —Such Home School shall be operated and conducted by such Board of Work Farm Commissioners, who shall have sole control thereof and of the teaching and training therein, and the Superintendent of such Work Farm shall be the Superintendent thereof. Such additional employes, including teachers, shall be employed and such additional buildings shall be erected as in the judgment of such Board shall be necessary. Such additional expenses as may be necessitated by such Home shall be included in and paid out of the levy for such Work Farm the same as other expenses of such Work Farm. ('21 c. 10 § 2)

10903. County Board may provide funds—The first year such Home is operated the Board of County Commissioners of such County may place to the credit of the Work Farm fund out of the general fund of such County, such amount as may be estimated to be suf-

ficient to meet the additional expenses caused by such Home such first year. ('21 c. 10 § 3)

10904. Courts—The District Court, the Juvenile Court and any Municipal Court of or in such County may place in such Home School, for a period of not more than one year under any order, and not to extend beyond majority, any boy coming before any such Court, and any boy who is placed in such Home School may be released therefrom by order of such Court at any time. ('21 c. 10 § 4)

10905. Course of Study—The boys in such Home School shall be taught the branches of study usually pursued in the Public Schools and also agriculture, horticulture and gardening, so far as the same may be practicable, and generally shall be employed in some useful occupation. ('21 c. 10 § 5)

10906. Name of School—Such Home Schools shall be known by such name as may be designated by the Board of Work Farm Commissioners by resolution duly adopted, and all commitments shall be made to it under such name. A certified copy of such resolution shall be filed in the office of the County Auditor and Clerk of District Court of the County in which such School is situated. ('21 c. 10 § 6)

10906-1. Work or correctional farm in connection with poor farm in counties with not less than 70 nor more than 80 congressional townships and assessed valuation of not less than \$3,000,000 nor more than \$5,000,000—That the Board of County Commissioners of any county in this State now or hereafter having not less than seventy nor more than eighty full or fractional congressional townships and having at any time an assessed valuation of not less than three million dollars and not more than five million dollars, exclusive of money and credits, and having the county system of caring for the poor in such county, and maintaining a Poor Farm for the reception and support of poor persons chargeable on the county, shall have the power to establish and maintain thereon, and in connection therewith, a work or correctional farm, for the confinement and care thereon of any and all persons convicted of any violations of the laws of this state, or of any city or village ordinance, who could be sentenced to any jail or lockup in such county. ('25, c. 12, § 1)

10906-2. Same—County board as board of work farm commissioners—Overseer or superintendent—That said Board of County Commissioners shall act as the Board of Work Farm Commissioners and shall have full charge and control of said Work Farm and the erection of all buildings and the making of all improvements thereon. The overseer, or superintendent, of the Poor Farm shall prescribe all rules and regulations necessary for the carrying on of such Work Farm, subject, however, to the approval thereof by a majority of the judges of the District Court of the Judicial District in which such county is located and he shall be in general charge of said Work Farm, employing such other help as may be necessary and he shall be the secretary of said Board of Work Farm Commissioners and make monthly reports to the said Board of all the inmates and all expenses and all moneys received for said Work Farm and shall generally perform his duties as such Work Farm superintendent under the direction of said Board of Work Farm Commissioners. That said overseer or superintendent of said Work Farm and his duly appointed assistants shall be peace officers of said county and shall have all the powers and authority of a deputy

sheriff, to preserve order and make arrests, that is now possessed by such officers in this state. ('25, c. 12, § 2)

10906-3. Same—Special tax for expenses—Statement of receipts and disbursements—The expense of providing the necessary land and buildings for such Work Farm to be used in connection with the Poor Farm shall be defrayed by a special tax to be assessed, levied, and collected like other County taxes, and such tax levy shall be known as the County Work Farm Fund. All moneys received for such Work Farm shall be deposited in the Treasury of the said County, to the credit of such fund, and shall not be used for any other purpose and shall be drawn upon by the proper officials of said County upon the properly authenticated vouchers of said Board of Commissioners after allowance by said Board of Commissioners on duly itemized and verified bills.

The said Board of Work Farm Commissioners shall file annually on the first Monday in January with the auditor of such County a full itemized statement of all receipts and disbursements during the preceding year, showing in detail the source of all receipts and to whom and for what all such disbursements were made. ('25, c. 10, § 3)

10906-4. Same—Persons who may be committed to—The Judges of all District and Municipal Courts and all Justices of the Peace of such County shall have the power to sentence such persons to confinement at hard labor on said Work Farm, as the said Judges and Justices of the Peace now have to sentence any person convicted of crime to any jail, work house, or lockup in such County. ('25, c. 10, § 4)

10906-5. Work or correctional farm in connection with poor farm in counties with not less than 22 nor more than 26 congressional townships and population of not less than 30,000 and not more than 40,000 and assessed valuation of not less than \$30,000,000 and not more than \$35,000,000—That the board of county commissioners of any county in this state now or hereafter having not less than 22, nor more than 26, full or fractional congressional townships, and a population of not less than 30,000 inhabitants and not more than 40,000 inhabitants, and an assessed valuation of not less than \$30,000,000 and not more than \$35,000,000, and having the county system of caring for the poor and maintaining a poor farm for the reception and support of poor persons chargeable on the county, shall have the power to establish and maintain in connection with the poor farm, a work or correctional farm for the confinement and care thereon of any and all persons convicted of any violations of the laws of this state, or of any city or village ordinance, who could be sentenced to any jail or lockup in such county. ('27, c. 142, § 1)

10906-6. Same—County board as board of work farm commissioners—Overseer or superintendent—That said Board of County Commissioners shall act as the Board of Work Farm Commissioners and shall have full charge and control of said Work Farm and the erection of all buildings and the making of all improvements thereon. The overseer, or superintendent, of the Poor Farm shall prescribe all rules and regulations necessary for the carrying on of such Work Farm, subject, however, to the approval thereof by the judge or by a majority of the judges of the District Court of the Judicial District in which such county is located and he shall be in general charge of said Work Farm, employing such other help as may be necessary

and he shall be the secretary of the said Board of Work Farm Commissioners and make monthly reports to the said Board of all the inmates and all expenses and all moneys received for said Work Farm, and shall generally perform his duties as such Work Farm superintendent under the direction of said Board of Work Farm Commissioners. That said overseer or superintendent of said Work Farm and his duly appointed assistants shall be peace officers of said county and shall have all the powers and authority of a deputy sheriff, to preserve order and make arrests, that are now possessed by such officers in this state. ('27, c. 142, § 2)

10906-7. Same—Special tax for expenses—Statement of receipts and disbursements—The expense of providing the necessary land and buildings for such Work Farm to be used in connection with the Poor Farm shall be defrayed by a special tax to be assessed, levied, and collected like other county taxes, and such tax levy shall be known as the County Work Farm Fund. All moneys received for such Work Farm shall be deposited in the Treasury of the said County, to the credit of such fund, and shall not be used for any other purpose and shall be drawn upon by the proper officials of said County upon the properly authenticated vouchers of said Board of Commissioners after allowance by said Board of Commissioners on duly itemized and verified bills.

The said Board of Work Farm Commissioners shall file annually on the first Monday in January with the auditor of such County a full itemized statement of all receipts and disbursements during the preceding year, showing in detail the source of all receipts and to whom and for what all such disbursements were made. ('27, c. 142, § 3)

10906-8. Same—Persons who may be committed to—The Judges of all District and Municipal Courts and all Justices of the Peace of such County shall have the power to sentence such persons to confinement at hard labor on said Work Farm, as the said Judges and Justices of the Peace now have to sentence any person convicted of crime to any jail, workhouse, or lockup in such county. ('27, c. 142, § 4)

10907. Transfer of prisoners from jail to workhouse authorized—That in any county of this State in which there is now or shall be hereafter maintained by any county or by any city and county, a workhouse, correctional or work farm for the confinement of criminal offenders, any district judge of the judicial district in which said county is situated, shall have the power, either of his own motion, or on the application of the county attorney of such county, for sufficient cause, to order any prisoner who shall be confined in the county jail of such county under sentence to such jail by any district judge, justice of the peace or municipal judge, to be transferred from such county jail and recommitted to any such workhouse, correctional or work farm at hard labor, for the remainder of the term for which such prisoner was originally sentenced. ('17 c. 20 § 1)

10908. Procedure of district judge in charge and duty of sheriff—That whenever any such district judge shall make an order for the transfer of any prisoner from the county jail to any such workhouse, correctional or work farm such order shall be made in duplicate by such judge, shall recite therein the name of the court by which said prisoner was sentenced to such county jail, the date of sentence, the general nature of the offense for which sentenced, the length of the

original sentence, the length of such sentence still remaining, and any other facts obtainable from the commitment under which said prisoner may be held, that will furnish material information regarding said case, and shall direct the superintendent or other keeper of such workhouse, correctional or work farm, to safely keep such prisoner at hard labor for the remainder of such original term of sentence, as stated in such order, unless otherwise released according to law, or the parole rules and regulations of such workhouse, correctional or work farm. That both of said orders for transfer and recommitment of such prisoner to such workhouse, correctional or work farm, shall be filed forthwith, with the sheriff of such county or other keeper of said jail, and said sheriff or other keeper of said jail shall thereupon retain one of said orders of transfer and recommitment in his possession and shall without delay, at the expense of the county, transfer such prisoner named in such order and deliver him or her, together with the other of said duplicate orders for the transfer and recommitment of such prisoner to the superintendent or other keeper of said workhouse, correctional or work farm, who shall retain said order and safely keep said prisoner named therein for the remainder of said sentence at hard labor, as specified in said order, unless otherwise released as hereinbefore provided. That said order for transfer and recommitment of any such prisoner, as hereinbefore mentioned, shall have the same force and effect as the writ of commitment issued by the court which sentenced said prisoner in the first instance, and in addition shall be full authority for the holding and keeping of said prisoner, at hard labor, by the superintendent or other keeper of said workhouse, correctional or work farm, and for his apprehension by any peace officer in case of the escape of such prisoner from any such workhouse, correctional or work farm. On the request of any district judge of the district in which any such workhouse, correctional or work farm is located, the sheriff of any such county shall without delay furnish a copy to such judge of any commitment in his possession. ('17 c. 20 § 2)

JUVENILE OFFENDERS

10909. Probation officers in counties having over 50,000 inhabitants—In every county of more than fifty thousand (50,000) inhabitants, a probation officer shall be appointed by the district judges of said county and in every such county where two or more juvenile courts have been established and the places of holding the regular sessions thereof are more than fifty (50) miles distant from each other, there shall be appointed by said judges two (2) probation officers. Each probation officer may appoint one or more deputies subject to the approval of said judges. Each shall serve four (4) years unless sooner removed by said judges for cause. The county commissioners of said county shall provide said probation officers and deputies suitably furnished office rooms, record books, blanks, stationery, postage and other actual expenses required for the proper execution of the purpose of this act, to be defrayed out of any moneys in the general fund of their counties not otherwise appropriated, upon bills duly authorized and allowed in the usual manner by said commissioners. (R. L. § 5496, amended '07 c. 342; '13 c. 339 § 1) [9385]

Previously amended by 1913 c. 205. See Chapter 397, Laws 1917. See Chapter 289, Laws 1923. For Laws '23, c. 289, see §§ 10915-1 to 10915-15 herein.

10910. Duties—Contingent fund—Such chief probation officer or one of his deputies shall be present in the municipal courts in his county, and in the district court whenever any person under twenty-one years of age is brought into either court for trial for any offense, and in the probate court when so requested by the judge of said court. All persons sentenced by any of said courts to a term or terms of probation shall be committed to the care of the chief probation officer or to such other person as the court may designate. He shall supervise and be responsible for the conveyance of all children committed by the juvenile court to the state public school for dependent children and when so directed by the court to the state training school or to such other institution as the court may designate, without compensation, except transportation and expenses actually incurred. A contingent fund of not to exceed one thousand dollars (\$1,000) per annum for the payment of such transportation and incidental expenses incurred for the temporary care of said children and for returning to the court children who left the jurisdiction of the court without permission shall be set aside in the treasury of said county to be paid out only upon order of the court upon proper vouchers attached thereto. (R. L. § 5497, amended '07 c. 342; '09 c. 426; '13 c. 205 § 2) [9386]

10911. Duty of probation officer—He shall represent the interests of such minor in court, and investigate his case under the direction of the judge thereof. He shall inquire into the nature of every juvenile criminal case in any court where he is authorized to appear, may recommend that any such person convicted by the court be placed under probation, have oversight of such minor during any continuance or suspension of sentence, and, in general, perform such acts with reference to him as the judgment of the court may direct. He shall not be an active member of the regular police force, but in the execution of his official duties shall have all the power of a police officer. Every such officer who shall refuse or neglect to perform any duty required of him by law shall forfeit to the state two hundred dollars. (5498) [9387]

10912. Stay of sentence—When any person under the age of 21 years shall be found guilty of the violation of any law, ordinance, or regulation, or of incorrigibility or vagrancy, in any court of record in any county having a population of more than fifty thousand, the judge, after sentence, may stay its execution for such period as he may deem best, conditioned upon the good behavior of such person; and he may commit him during such stay to the care of the probation officer, or return him to the custody of his natural guardian, subject to the supervision of such officer, under prescribed conditions. (5499) [9388]

10913. Report of probation officer—Every such probation officer shall report in writing to the court, as often as required by the court so to do with reference to the condition, disposition and other pertinent facts relative to such children, and such furnish a copy of said report to the state board of control when requested by said board. (R. L. § 5500, amended '07 c. 342; '13 c. 205 § 3) [9389]

10914. Salaries—In counties having a population of more than fifty thousand and less than one hundred thousand, the probation officer shall receive as full compensation for his services six hundred dollars (\$600) per annum; in counties having a population of one hundred thousand and less than one hundred and fifty

thousand he shall receive one thousand five hundred dollars (\$1,500) per annum, and each deputy seven hundred and twenty dollars (\$720), and in counties having a population of more than one hundred and fifty thousand and less than two hundred and twenty thousand, each probation officer shall receive two thousand four hundred dollars (\$2,400) per annum, and each deputy such sum as shall be fixed by the said judges of the district court, and in counties having a population of not less than two hundred twenty-five thousand nor more than three hundred thousand inhabitants, the chief probation officer shall receive twenty-four hundred dollars (\$2,400) per annum, the assistant probation officer shall receive eighteen hundred and sixty dollars per annum, and all other deputy probation officers who have served as such probation officers for more than two years shall receive fourteen hundred forty dollars (\$1,440.00) each per annum, and all other deputy probation officers who have served as such probation officers for more than one year shall receive one thousand sixty dollars (\$1,060) each per annum, and all other deputy probation officers shall receive one thousand dollars (\$1,000) each per annum.

Provided, that in counties having more than three hundred thousand inhabitants and where there is a separate municipal court probation officer, the chief probation officer shall receive the same compensation as is now allowed by law, which salaries shall be paid by the county treasurer in equal monthly installments upon certificates issued by the clerk of the district court. (R. L. '05 § 5501, amended '07 c. 342; '13 c. 205 § 4; '19 c. 350 § 1; '21 c. 336 § 13) [9390]

10915. Term of office under prior laws not shortened—Nothing in this act shall be understood to abridge or shorten the term of office of any probation officer heretofore appointed under the provision of chapter 154 of the General Laws of Minnesota for 1899, and acts amendatory thereof, but any such officer heretofore appointed shall continue in office until the expiration of the term for which he was appointed, subject, however, to removal by the district court for cause. ('13 c. 205 § 5) [9391]

Explanatory note—Laws 1899, c. 154, was repealed. See § 10977, herein.

10915-1. Probation officer in counties with not less than 240,000 and not more than 350,000 inhabitants—Appointment—Term—In every county having not less than 240,000 inhabitants and not more than 350,000 inhabitants and constituting a single judicial district there shall be appointed by the judges of such district a probation officer who shall serve for four years unless sooner removed by said judges. ('23, c. 289, § 1)

Explanatory note—Section 15 of Laws 1923, c. 289 repeals all inconsistent acts and parts of acts.

10915-2. Same—Assistants and employees—The probation officer may appoint such deputies, assistants and employees as are approved by said judges, who may be removed by said probation officer upon thirty days notice, with the consent of said judges. ('25, c. 289, § 2)

10915-3. Same—Office room and records—The county commissioners of said county shall provide said probation officer and deputies with suitable furnished office rooms, record books, stationery, postage, expenses of investigation and visitation ordered by the court and such other actual expenses as are required for the proper execution of the purposes of this act, to be paid upon vouchers approved by one of the judges of said court. ('23, c. 289, § 3)

10915-4. **Same—Duties**—The probation officer or one of his deputies shall be present in the municipal court of said county and in the juvenile court thereof at each regular session and shall be present in the district court and the probate court of such county when so requested by a judge of said court. ('23, c. 289, § 4)

10915-5. **Same—Commitments to**—All persons sentenced to a term or terms of probation or during continuance of all cases shall be committed to the care of the probation officer unless some other person is designated by the court. ('23, c. 289, § 5)

10915-6. **Same—Investigations and reports**—The probation officer shall make such investigations with regard to any child or person as may be required by the court before, during or after the trial or hearing of such child or person, and shall furnish to the court such information and assistance as may be requested. ('23, c. 289, § 6)

10915-7. **Same—Conveyance of children committed to institutions—Expenses**—The probation officer shall supervise and be responsible for the conveyance of all children committed by the juvenile court to the State Public School for dependent children and when so directed by the court to the State Training School or to such other institutions as the court may designate, and the transportation and expenses actually incurred shall be paid by the county. ('23, c. 289, § 7)

10915-8. **Same—Contingent fund for expenses**—A contingent fund of \$1,500 per annum for the payment of transportation and incidental expenses incurred for the temporary care of such children, and for returning to the court children who have left the jurisdiction of the court without permission, and for any other necessary transportation, shall be set aside in the treasury of said county annually to be paid out only upon order of the court upon proper vouchers. ('23, c. 289, § 8)

10915-9. **Same—Further duties and powers**—The probation officer shall represent the interest of probationers in court and investigate the cases under direction of the judge thereof. He shall inquire into the nature of every juvenile delinquent or criminal case in any court where he is authorized to appear and have oversight of such person during any continuance or suspension of sentence or order of commitment, and in general perform such acts with reference thereto as the court may direct. In the execution of his official duties he shall have all the power of a peace officer. ('23, c. 289, § 9)

10915-10. **Same—Receipt and disbursement of moneys**—The probation officer shall receive and disburse such moneys as may be directed by any of said courts to be paid to him for the purposes for which they are ordered to be paid, and shall make an annual accounting thereof. Such bonds shall be given by the probation officer, his deputies and employees as may be required by the judges of the district court and the cost thereof shall be paid by county board upon approval of a judge of said court. ('23, c. 289, § 10)

10915-11. **Same—Annual report**—The probation officer shall report annually to the court with reference to the conditions and disposition and other pertinent facts relative to the probationers and shall furnish a copy of such report to the state board of control. ('23, c. 289, § 11)

10915-12. **Same—Salaries of probation officer and assistants**—The chief probation officer shall receive three thousand dollars (\$3,000.00) per annum, the assistant probation officer shall receive two thousand dollars (\$2,000.00) per annum. All other deputy probation officers who have served as such probation offi-

cers for more than two years shall receive sixteen hundred dollars (\$1,600.00) per annum and all other deputy probation officers who have served as such probation officers for more than one year, shall receive thirteen hundred dollars (\$1,300.00) and all other such deputy probation officers shall receive one thousand dollars (\$1,000.00) per annum and all stenographers who have served for more than two years shall receive twelve hundred dollars (\$1,200.00) per annum and all other stenographers shall receive one thousand dollars (\$1,000.00) per annum. ('23, c. 289, § 12; amended '27, c. 420, § 3)

10915-13. **Same—Salaries payable out of county treasury**—All annual salaries mentioned in this act shall be payable out of the county treasury in equal monthly installments. ('23, c. 289, § 13)

10915-14. **Same—Determination of classification of counties**—For the purpose of determining what counties in the state come under the classification contained in this act, reference shall be made to the last completed state or national census. ('23, c. 289, § 14)

10915-15. **Probation officer and deputies in counties having population of more than 150,000 and area of more than 5,000 square miles—Salaries**—That in any county of this state now or hereafter having a population of over 150,000 inhabitants and an area of more than 5,000 square miles, the judges of the District Court of the judicial district in which such county is located shall fix the amount of salaries to be paid probation officers of said Court and their deputies. ('27, c. 126, § 1)

Explanatory note—Laws 1927, c. 126, § 2 repeals all inconsistent acts or parts of acts.

10916. **Keeping of minors**—Every sheriff or other person having charge of a minor under the age of eighteen years, chargeable with any crime, shall provide a separate place of confinement for him, and under no circumstances place him with grown-up prisoners. No court or magistrate shall commit a minor under the age of fourteen years to a jail, lock-up, or police station pending hearing or trial; and, whenever he is unable to procure bail, he may be committed to the care of the sheriff or other public officer, or to the probation officer, who shall keep him in some suitable place provided by the city or county. Every minor while in confinement shall be provided with good reading matter, and his relatives and friends likely to exert a good influence over him shall at all reasonable times be permitted to visit him. (R. L. '05 § 5502, G. S. § 9392, amended '17 c. 265 § 1)

10917. **Trial of minors—Who excluded**—At the hearing or trial of a minor under the age of eighteen, charged with any crime, the trial judge or magistrate, prior to his being brought into the courtroom, shall clear the same of all persons except officers of the court, including attorneys, witnesses, relatives, and friends. (R. L. '05 § 5503, G. S. § 9393, amended '17 c. 265 § 2)

10917-1. **Industrial house school for girls in certain counties—Establishment, maintenance, etc.**—That the board of county commissioners of any county in this state which now has or may hereafter have a population of over 150,000 and less than 220,000 inhabitants, and an area of over five thousand (5,000) square miles, shall have the power to establish and maintain thereon an industrial home school for the confinement and care therein of any and all girls and women convicted of any violation of the laws of this state or of any city or village ordinance, who could be sentenced as punishment therefor to any prison, jail or lockup.

The board of industrial home directors at any time before July 1st of each year after the taking effect of this act, are authorized to determine the amount necessary to carry on said institution during the ensuing year and to file a duly certified copy of its resolution, fixing said amount, with the Board of County Commissioners of said county, and said Board of County Commissioners shall include such amount, or the amount to which the same shall be reduced by said county board, in the annual tax levy made by said County Board not to exceed an amount that would be raised by a levy of not more than one-tenth of one mill upon each dollar of the taxable property of said county, exclusive of money and credits, for the years 1921 and 1922, and annually thereafter an amount that would be raised by a tax levy of not to exceed one-twentieth of a mill upon each dollar of such taxable property within such county, which sums so raised may be used by the board of Industrial Home Directors for the maintenance of such industrial home school. The Board of Industrial Home Directors shall have the power in the name of St. Louis County, to lease, or to acquire by gift, purchase or condemnation land and a suitable building or buildings for and maintain thereon an industrial home school for the confinement and training or education therein in all branches of domestic science, the girls or women who become inmates thereof under the provisions of this act. That for the maintenance of said Industrial Home School during the remainder of the year after the taking effect of this act, the County Board may appropriate such funds from the revenue fund of the county as it shall deem advisable.

All expenses incurred in establishing and maintaining said home school shall be paid on duly itemized and verified bills filed with and audited and allowed by the County Board of Commissioners of such county when properly approved by the matron of said home school, except the salary of the matron and assistant matrons, who shall be paid in the same manner that other officers and employes of said county are paid. ('19, c. 153, § 1; amended '21, c. 70, § 2)

Explanatory note—Laws 1921, c. 70, § 1 amends the title of Laws 1919, c. 153.

10917-2. Same—Board of directors—That the Board of County Commissioners of any such county, whenever they shall determine to establish and maintain such home school, or shall have heretofore established such home school under the provisions of said law, shall appoint a board consisting of five members, electors of said county, which board shall include the members of any existing board under said law. The members of any board appointed under the terms of this act shall be chosen with reference to their special fitness for such office. All appointments to this board shall be ratified by the order of a majority of the judges of the district court of the judicial district in which the home school is located, before the same shall be in force and effect as an appointment. The board shall be known as the "Board of Industrial Home Directors."

The members of said board shall serve without compensation or financial benefit, but they shall be entitled to reimbursements for all actual and reasonable expenses in connection with their official duties, an itemized and verified statement of which expenses shall be filed with and audited and allowed by said county board.

The terms of the members of the first "Board of

Industrial Home Directors" hereunder shall expire as follows: One on the first Monday of January of the first year hereafter; two on the first Monday in January of the second year hereafter; and two on the first Monday in January of the third year after their appointment hereafter. Upon expiration of such terms their successors shall be appointed in like manner for three years each.

All vacancies on said board shall be filled by like appointment for the unexpired terms.

Upon the appointment of the first board of Industrial Home Directors hereunder, and annually thereafter on the first Monday in January, the board shall elect from its number of chairman, a vice chairman and a secretary, to serve for one year and until their successors qualify. The members of said board shall qualify by subscribing to and taking the usual oath of office. ('19, c. 153, § 2; amended '21, c. 70, § 3)

10917-3. Same—Control, etc., of school by board of directors—Matron, etc.—Said Home School for girls shall not be correlated with any other county institution, nor be located on land which is part of the county work farm or county poor farm of any such county. Said Board of Industrial Home Directors shall have full charge and control of said Industrial Home School, the selection of a building site and the acquiring thereof by purchase, gift, or condemnation; and the erection of all buildings and the making of all improvements thereon; and shall have charge of furnishing the same with proper furniture and equipment. The Board of Industrial Home Directors shall appoint and employ a matron and as many assistant matrons as may be required, and other necessary help, and shall prescribe their duties and fix their compensation subject to approval thereof by the County Board as to the number and compensation of such persons, and shall require to be taught in said school, Domestic Science in all its branches, and shall direct the establishment and maintenance of a careful curriculum for regular classes and study in relation thereto, and shall direct the matron to cause all girls and women confined therein to be employed at domestic labor and study as far as practicable. ('19, c. 153, § 3; amended '21, c. 70, § 4)

10917-4. Same—Rules and regulations—Inmates may work out—Matron, etc., as probation officers—Said "Board of Industrial Home Directors" shall adopt such rules and regulations and enforce such discipline for the management and operation of said industrial home school as may be deemed necessary, and shall have power to adopt rules and regulations under which the inmates may be allowed to work out by the day, when such inmates shall be sufficiently educated in domestic science to be qualified for such work.

The written order of the matron or assistant matron shall be sufficient authority and warrant for any officer or constable or parole officer of this state to execute such order, and arrest and return to the custody of said industrial home any inmate that may have escaped or broken her parole, and it is hereby made the duty of any such sheriff, constable or police officer to execute any such order in the same manner as any other criminal process of this state is executed.

The matron and assistant matrons of such industrial home school shall be vested with the duties of probation officers of the district court and said court shall have authority to appoint or designate one or more other persons of good character to serve as probation officers during the pleasure of the court without compensation. ('19, c. 153, § 4)

10917-5. Same—Admission to home school—Any girl

or woman who may be a resident of any county to which this act applies and who evinces a desire to be free from undesirable associations and to lead a better life shall, upon her personal request or the request of her parent or guardian and upon the recommendation of the matron, be admitted upon the order of the juvenile court of such county to such industrial home school and be subject to the rules and regulations thereof and be entitled to its protection and privileges for a period not exceeding ten days, provided such applicant may remain in said school for such further time as may be determined by the matron, subject however, to the control of the board of directors, and when circumstances render it possible shall pay such reasonable charges as may be required by said Board of Industrial Home Directors. ('19, c. 153, § 5)

10917-6. Same—Commitments to home school by juvenile courts—The juvenile court of any such county may commit to such industrial home school for a period of not more than one year any girl duly adjudged by such court to be dependent, neglected or delinquent, and any such girl may be released therefrom at any time upon order of said court, and if it appear to the satisfaction of said court that any girl so committed is of a vicious or incorrigible character and not proper to be an inmate therein, then such court may commit such person to any state or other institution authorized by law to receive her. ('19, c. 153, § 6)

10917-7. Same—Commitments to home school by district courts, etc.—The district court and any municipal court or justice of the peace in such county may commit or parole into such industrial home school any girl or woman duly convicted by such court of

any violation of the laws of this state or of any city or village ordinance and who could by such court be sentenced as punishment therefor to be confined in any prison, jail or village lockup.

Any girl or woman who at any time shall have been committed to the county jail of such county may, during the time of her confinement therein, by order of the court making such commitment, be transferred from such jail and committed to such industrial home school for such time as to such court shall seem proper, not exceeding, however, the unexpired term of her sentence.

If any girl or woman committed or paroled into such industrial home school is found to be vicious or incorrigible, and not amenable to the regulations of said industrial home school, she may be recommitted to the county jail of such county by the court from which said girl or woman was committed. ('19, c. 153, § 7)

10917-8. Same—School to be place of detention—Said school shall be a place of detention; and the district, juvenile and municipal courts and any justice of the peace of said county may commit to, parole to, or place in said school for temporary detention, any female coming within the respective jurisdictions of said courts, and any female who is committed to or placed therein may be released therefrom by order of said courts respectively. ('19, c. 153, § 8)

10917-9. Same—Laws repealed—All acts and parts of acts inconsistent herewith, including chapter 265, Laws of 1913, are hereby repealed. ('19, c. 153, § 9)

Explanatory note—Laws 1913, c. 265, was carried into C. S. 1913 as §§ 9394-9397.

1940 Supplement
To
Mason's Minnesota Statutes
1927

(1927 to 1940)
(Superseding Mason's 1931, 1934, 1936 and 1938
Supplements)

Containing the text of the acts of the 1929, 1931, 1933, 1935, 1937 and 1939 General Sessions, and the 1933-34, 1935-36, 1936 and 1937 Special Sessions of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state and federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota together with digest of all common law decisions.



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10846-6. Reclassifications.

Classification board only has jurisdiction over prisoners committed after passage of act. Op. Atty. Gen. (344b), June 14, 1935.

10846-8. Expenses of board to be paid.

Expenses for keeping prisoners prior to time they are classified, clerk hire, examination by physician and psychiatrists and other necessary expenditures should be paid from funds of state reformatory and state prison in such proportion as board of control shall determine. Op. Atty. Gen. (344b), June 14, 1935.

EMPLOYMENT OF PRISONERS IN CONSERVATION WORK

10846-11. Convicts to do conservation work.—The state board of control is hereby authorized within its discretion, to use selected convicts in work in the nature of general conservation, reforestation, soil erosion control, soil rehabilitation and cultivation upon any land within the control of the state board of control. (Act Apr. 25, 1935, c. 297, §1.)

10846-12. Board of control may acquire land.—To carry out the purposes of the preceding section, the state board of control shall have power to acquire for specified periods of time, by agreement in writing, control of any land which is within the jurisdiction or control of any state department or agency, and any state department or agency having land under its jurisdiction or control, is authorized on agreed terms to deliver control of such land to the state board of control for the purposes specified in section 1. (Act Apr. 25, 1935, c. 297, §2.)

10846-13. May expend moneys.—For the purposes of this act, the state board of control may lawfully expend moneys from any of the following funds: (a) The current expense appropriations of the state reformatory and state prison; (b) Revolving funds at either of these institutions, including funds heretofore appropriated for building purposes for the State Prison or the State Reformatory; and (c) The contingent fund appropriation of the state board of control. Provided, however, that no more money shall be expended for such purposes than \$50,000.00 in the aggregate during the next biennium. (Act Apr. 25, 1935, c. 297, §3.)

Board of control has authority to expend funds from year to year without specific authorization. Op. Atty. Gen. (88a-2), Dec. 15, 1936.

10846-14. Warden to make selection.—Whenever convicts may be required to be used in any work as provided for in this act, they shall be selected, with the approval of the state board of control, by the warden of the state prison or superintendent of the state reformatory in the following manner and order of preference:

(1) Suitable paroled convicts who are being detained awaiting private employment;

(2) Convicts who are not habitual offenders or guilty of heinous crimes and who, in the opinion of the heads of the institutions, are not incorrigible and who are physically capable and otherwise suitable for the character of the work provided for in this act. (Act Apr. 25, 1935, c. 297, §4.)

10846-15. Rescues and escapes.—Any rescue or escape or attempted escape of or by a convict while without the confines of the state prison or reformatory under the provisions of this act, shall be deemed a rescue or escape or attempted escape within the meaning of Mason's Minnesota Statutes of 1927, Sections 10004 to 10012, inclusive. (Act Apr. 25, 1935, c. 297, §5.)

See §§208-1 to 208-9 creating probation and investigation department in certain counties.

MISCELLANEOUS PROVISIONS

10846-21. Barter and exchange of prison made goods prohibited.—That no goods, wares or merchandise manufactured, produced or mined, wholly or in part by convicts or prisoners (except convicts or prisoners on parole or probation), or in any penal and/or reformatory institutions in this or any other state shall be bartered, traded or exchanged by such penal institutions for any other goods, wares or merchandise of any kind whatsoever for use in such penal institutions. (Apr. 24, 1937, c. 444, §1.)

Sec. 2 of Act Apr. 24, 1937, cited, provides that the Act shall take effect from its passage.

CHAPTER 106**Jails, Lockups, Work Farms, and Juvenile Offenders****COUNTY JAILS****10847. How constructed and maintained.**

County has no authority to pay rent, fuel or light bills of a sheriff's residence apart from the county jail, even during process of rebuilding the jail. Op. Atty. Gen., Sept. 16, 1931.

10849. United States prisoners.—Whenever any person is committed to any jail by any process issued under authority of the United States, the sheriff or jailer shall receive such person into custody, and safely keep him until discharged by due course of law, subject in all respects to the same liabilities and remedies as though committed under process issued under state authority. The United States shall pay to the county the sum of one dollar per day for each prisoner so kept and boarded, subject to such division of fees between the county and the sheriff as is now provided by law. (R. L. '05, §5464; G. S. '13, §9336; '17, c. 304, §1; Mar. 27, 1931, c. 91.)

Sheriff must receive prisoners committed by federal court, and is entitled to receive from the county 75c per day for each federal prisoner, the amount collected from the federal government being turned over to the county treasurer. Op. Atty. Gen., Nov. 23, 1930.

A county is not required to receive federal prisoners if it does not want to take them, and the matter of payment of compensation to a matron for women prisoners is a matter to be taken up with the Federal Government. Op. Atty. Gen., Aug. 11, 1931.

A county cannot enter into a contract with federal government agreeing to board federal prisoners at a rate less than \$1 per day. Op. Atty. Gen., June 16, 1933. In absence of negligence sheriff is not liable for loss of money held for federal prisoner in jail safe. Op. Atty. Gen., July 27, 1933.

10853. Labor for jail prisoners.

Prisoners may be kept at a road camp at night when working at a distance from the county seat. Op. Atty. Gen., Apr. 30, 1929.

Op. Atty. Gen., Mar. 24, 1933; note under §10907.

County is not liable for injuries received by prisoner in county jail while working. Op. Atty. Gen., Mar. 13, 1933.

County is not liable for medical attention to discharged prisoner who was injured while working pursuant to this section. Op. Atty. Gen., Mar. 13, 1933.

One sentenced to jail of one county may not be committed to work farm in another county because county jail has been condemned. Op. Atty. Gen., Mar. 24, 1933.

City council may allow a man who has been sentenced to a fine or imprisonment to pay his fine by working for city instead of serving jail sentence. Op. Atty. Gen. (341), Sept. 24, 1935.

City may by ordinance provide that prisoners perform labor instead of being fined, if §§10853 to 10856 are followed as to procedure. Op. Atty. Gen. (341), Dec. 7, 1935.

10857. Compensation for boarding prisoners.—Every sheriff in charge of a county jail shall receive from the county compensation for board and washing for prisoners as follows:

On the last day of each month he shall render to the county board a verified statement showing the

name of each prisoner and the number of days boarded. The pay shall be seventy-five cents per day and proportionately for a fractional day for each prisoner. In every county where the sheriff's compensation for board of prisoners is fixed by special law, it shall so continue unless the county board by unanimous vote shall elect to come under the general law after which it shall be governed by this section provided that the provisions of this Act shall not apply to any county in this state now or hereafter having a population of more than seventy-five thousand (75,000). (R. L. '05, §5472; '09, c. 192, §1; G. S. '13, §9344; '17, c. 184, §1; Apr. 15, 1933, c. 251; Apr. 24, 1935, c. 262.) Op. Atty. Gen. (91h), April 15, 1939; note under §10879.

Sheriff must receive prisoners committed by federal court, and is entitled to receive from the county 75c per day for each federal prisoner, the amount collected from the federal government being turned over to the county treasurer. Op. Atty. Gen., Nov. 28, 1930.

Sheriff is only entitled to receive 55c per day for boarding of federal prisoners unless such compensation is fixed by special law in counties containing more than 75,000 inhabitants. Op. Atty. Gen., June 6, 1933.

This act became operative on April 16, 1933. Op. Atty. Gen., June 24, 1933.

City must pay county actual cost and expenses incurred by county in care of city prisoner, §10879 controlling over this section. Op. Atty. Gen., Sept. 25, 1933.

This section is not controlling in determining amount of reimbursement to be paid county by villages under §10879. Op. Atty. Gen. (563a), Feb. 15, 1939.

10858. Collection of board bills.

Sheriff must pay over to county all sums received for board of federal prisoners and then file his claim against the county. Op. Atty. Gen., Nov. 9, 1929.

Sheriff must receive prisoners committed by federal court, and is entitled to receive from the county 75c per day for each federal prisoner, the amount collected from the federal government being turned over to the county treasurer. Op. Atty. Gen., Nov. 28, 1930.

Sheriff is not entitled to receive cash for part of prisoners' board bill which is paid for keep of federal prisoners and for which government pays cash. Op. Atty. Gen., Oct. 14, 1932.

Sheriff's bill for boarding prisoners must be submitted to county board and allowed by them, and this applies to board of federal prisoners. Op. Atty. Gen., Oct. 14, 1932.

County has authority to require cities and villages to reimburse county for care of prisoners sent to county jail for violation of city and village ordinances. Op. Atty. Gen. (341m), June 18, 1934.

10859. Charges for other than county prisoners.—

Whenever any prisoner is ordered confined in any county other than that in which his offense was committed, the sheriff of such other county shall keep him at the expense of the county sending him, and shall collect from such county for his board eighty-five cents per day, except that when there are not more than three prisoners in such county jail the charge for such board shall be one dollar and twenty cents per day for each prisoner, and, in addition thereto, such sum as shall have been necessarily expended for clothing, bedding, and medical aid for such prisoners. The county board of the county from which such prisoners are sent, at its first session after their commitment, shall authorize the auditor to issue to the sheriff of the county where they are committed orders upon the county treasurer for the maintenance of such prisoners while they remain in such jail. (R. L. '05, §5474; G. S. '13, §9346; Apr. 24, 1929, c. 320.)

Op. Atty. Gen., Sept. 25, 1933; note under §10857.

Op. Atty. Gen. (91h), April 15, 1939; note under §10879.

The eighty-five cents collected by sheriff must be turned over to county, and he is only entitled to receive seventy-five cents back. Op. Atty. Gen., Nov. 9, 1929.

Where one was convicted of crime in Clearwater County and sentenced to county jail of Beltrami County, in which county prisoner had legal settlement, Clearwater County, and not Beltrami County, was liable for surgical treatment of prisoner. Op. Atty. Gen., Apr. 29, 1932.

This section is not controlling in determining amount of reimbursement to be paid county by villages under §10879. Op. Atty. Gen. (559a), Feb. 15, 1939.

10861-11 to 10861-16. [Repealed.]

Repealed Apr. 6, 1937, c. 164, §7, post, §10861-23.

10861-17. Sheriff to board prisoners in certain counties.—In any County in this State now or here-

after having a population of over 250,000 and less than 350,000 inhabitants in which county there is located a city of the first class having a population in excess of 250,000 inhabitants, the sheriff shall purchase all necessary foodstuffs and shall have same prepared and served to the prisoners confined in the County Jail of such County, but he shall receive no compensation therefor in addition to his salary as fixed by law. (Apr. 6, 1937, c. 164, §1.)

10861-18. County to equip kitchen.—The County Board of said County shall equip the County Jail with all necessary cooking and serving utensils for feeding of prisoners and shall furnish all fuel, gas, electricity and supplies necessary for preparing said food for said prisoners. (Apr. 6, 1937, c. 164, §2.)

10861-19. Sheriff to appoint employees.—The sheriff of said County shall appoint and employ one assistant, whose duty it will be to check up daily purchases, keep proper records and at the first meeting of each month present to the Board of County Commissioners all bills for foodstuffs purchased the preceding month, and such bills shall be allowed in the same manner as provided by the laws relating to the allowance of claims by County Boards. The compensation of said assistant shall be One Hundred (\$100.00) Dollars per month. Such assistant shall have the power and authority of a Deputy Sheriff under the laws of this State, and before entering upon said duties shall take the oath of such office and shall furnish a bond in the same manner. (Apr. 6, 1937, c. 164, §3.)

10861-20. Limit to compensation of employees.—The sheriff of said County shall appoint and employ a cook and such assistants as may be necessary to have charge of the preparation and serving of all such food and said sheriff shall fix their compensation, but at no time shall such combined compensation exceed Two Hundred Twenty-five (\$225.00) Dollars per month, which shall be paid in the same manner as the salaries of other County employees are paid. Such cook and assistants shall have the power and authority of deputy sheriffs under the laws of this State and before entering upon said duties shall take the oath of such officers and shall furnish a bond in the same manner. (Apr. 6, 1937, c. 164, §4.)

10861-21. Sheriff to keep record.—The sheriff shall keep a record of feeding all prisoners, except such prisoners as are confined in such jail for violation of the laws of the State of Minnesota, and render a statement to the governmental agency responsible for such confinement monthly or quarterly, and all moneys received therefrom shall be turned over to the Treasurer of Ramsey County through the County Auditor of Ramsey County. (Apr. 6, 1937, c. 164, §5.)

10861-22. Sheriff may employ trustees in kitchen.—The sheriff may furnish and use such prisoners confined in said jail, to be known as trustees, as may be required to aid and assist in the kitchen and for the purpose of serving food to prisoners confined in said jail. (Apr. 6, 1937, c. 164, §6.)

10861-23. Law repealed.—That Laws 1927, Chapter 191, be and the same is hereby repealed. (Apr. 6, 1937, c. 164, §7.)

10863. Clothing, bedding, food and care.

Op. Atty. Gen. (91h), April 15, 1939; note under §10879. County must furnish the sheriff with fuel for cooking purposes. Op. Atty. Gen., Jan. 6, 1932.

County, and not township of pauper's settlement, is liable for medical aid furnished him while a prisoner in county jail. Op. Atty. Gen., Mar. 21, 1933.

Village has no obligation to reimburse county for medical care furnished to violators of village ordinances kept in county jail. Op. Atty. Gen. (559a), Feb. 15, 1939.

10873. District jails—How designated.

One sentenced to jail of one county may not be committed to work farm in another county because county jail has been condemned. Op. Atty. Gen., Mar. 24, 1933.

10874. Condemnation of jails.

If conditions supporting order of board of control condemning jails no longer exist and such board arbitrarily refuses to modify its former order, matter may be brought on for hearing in district court upon a petition for a writ of mandamus. Op. Atty. Gen. (127b), Apr. 6, 1934.

LOCKUPS**10875. How established.**

St. Paul City Workhouse is not a "lockup" within meaning of this act. Op. Atty. Gen. (59a-14), June 22, 1936.

10879. Cities may send prisoners to jails outside.

A city or village must pay the county the necessary costs and expenses in taking care of a prisoner sentenced for violation of an ordinance. Op. Atty. Gen., Sept. 10, 1931.

City must pay actual cost and expenses incurred by county in care of prisoners regardless of §§10857, 10859. Op. Atty. Gen., Sept. 25, 1933.

County has authority to require cities and villages to reimburse county for care of prisoners sent to county jail for violation of city and village ordinances. Op. Atty. Gen. (341m), June 18, 1934.

Villages must reimburse counties necessary costs and expenses incident to taking care of prisoners in county jail who have violated village ordinances. Op. Atty. Gen. (559a), Feb. 15, 1939.

Village has no obligation to reimburse county for medical care furnished to violators of village ordinances kept in county jail. Id.

Section also applies to villages. Id.
Village must reimburse town for medical aid furnished to violators of village ordinances kept in county jail. Op. Atty. Gen. (91h), April 15, 1939; overruling Op. Atty. Gen., Nov. 12, 1925, and Feb. 15, 1939.

10884. Board of control may condemn.

State Board of Control has no authority to condemn St. Paul City Workhouse. Op. Atty. Gen. (59a-14), June 22, 1936.

WORK OR CORRECTIONAL FARMS IN CERTAIN COUNTIES**10880. Counties having over 150,000 and less than 225,000 inhabitants.**

County cannot maintain two tracts of land forty miles apart as a work farm, but may abandon one farm and purchase another. Op. Atty. Gen., June 19, 1929.

10892. Land, how acquired—Improvements—Prisoners.—The board of county commissioners of any such county as shall decide to acquire the land for and establish such work farm under the provisions of this law, shall have the power to acquire by purchase or condemnation a tract of land of not more than 4,500 acres, which land said county may acquire and hold in its own name, or jointly with any such city as shall decide to co-operate with any such county in the purchase of said land in the establishment of such farm, and as such shall furnish and pay one-half of the cost thereof.

That said county may singly, or in co-operation with such city, through the commission herein provided for, improve such farm by the erection of fences and suitable buildings thereon, and in such other ways as may be found necessary by it in order to accomplish the purpose for which said farm shall be established, and all such improvements when made by such county and city acting jointly through such commission shall be the joint property of such county and city.

The Superintendent of said work farm shall cause all prisoners confined thereon to be employed at hard labor, as far as practicable, either upon the said farm or elsewhere in said county, in order to enable said prisoners to be engaged in productive employment and to be self-supporting. (G. S. '13, §9377; '13, c. 188, §4; Apr. 15, 1929, c. 197, §1.)

10896. Appropriations—Tax levy.—Any such county wishing and deciding to provide a work farm by itself alone as indicated in Mason's Minnesota Statutes of 1927, Section 10890 may through its county commissioners appropriate the first year not to exceed the sum of \$35,000 for the purchase of the land and establishment and equipment of the same, or not to exceed the sum of \$20,000 if it shall decide to provide such work farm in co-operation with any such city, as herein provided.

Such work farm commissioners shall determine by resolution each year, prior to July 1st, the amount of money necessary for the equipment and maintenance of the work farm the following year, over and above the probable receipts for the account of said work farm fund from all sources other than taxes, and a certified copy of such resolution shall be forthwith forwarded to the county board, if such work farm be established and maintained by such county alone, and such board shall at its regular meeting in July include such amount in its annual levy of county taxes for the ensuing year, unless after due hearing such amount be determined to be excessive and unnecessary, in which event such amount may be reduced accordingly by the board.

That in case such work farm be established and maintained by any such county and city jointly, certified copies of such resolution determining the said amount necessary for the equipment and maintenance of said work farm for the following year, shall be forthwith forwarded to the county board of such county and to the city council of such city, and such board shall at its regular meeting in July, and said city council shall at some meeting prior to October tenth, include the proper share of said county and city in their annual levies of county and city taxes, respectively, unless such amounts shall be reduced by said county board and city council in the manner hereinbefore provided, to amounts that shall be deemed reasonable and necessary by said county board and said city council.

But in no case shall the amount of such levy in any one year after the first year exceed the sum of three-tenths of one mill on the dollar of the assessed valuation of property in said county, when said work farm is maintained by such county alone; nor exceed the sum of one-tenth of one mill on the dollar of the assessed valuation of property in said county, for said county's share, of such tax levy for said work farm fund, when said work farm shall be maintained by said county and city jointly. Such amounts when collected shall be apportioned by the county auditor and be credited to the "county work farm fund" or to the "joint county and city work farm fund", as the case may be. At the end of each year any balance remaining in said "joint county and city work farm fund", to the credit of said city's share shall be apportioned and paid to said city, if the council of said city shall so demand.

All moneys received for such work farm shall be deposited in the treasury of said county to the credit of such fund and shall not be used for any other purpose, and shall be drawn upon the proper officials of said county upon the properly authenticated vouchers of said "board of work farm commissioners" or "board of joint county and city work farm commissioners," as the case may be. (As amended Mar. 7, 1939, c. 55.)

10906-2. Same—County board as board of work farm commissioners—Overseer or superintendent.

Superintendent of county work farm in county having 150,000 population and 5,000 sq. miles may transport discharged inmates back to place of sentence. Laws 1939, c. 44, app. March 4.

10907. Transfer of prisoners from jail to work-house authorized.

Act Mar. 4, 1939, c. 44, provides that in counties having population of 150,000, and area of more than 5,000 square miles, the superintendent of a work farm may furnish transportation to discharged inmates from the farm to the place of their conviction at the expense of the county.

One sentenced to jail of one county may not be committed to work farm in another county because county jail has been condemned. Op. Atty. Gen., Mar. 24, 1933.

JUVENILE OFFENDERS**10910. Duties—Contingent fund.**

See §§208-1 to 208-9.

10911. Duty of probation officer.

See §§208-1 to 208-9.

10912. Stay of sentence.

See §§208-1 to 208-9.

10915-8. Same—Contingent fund for expenses.—

A contingent fund of \$2,500 per annum for the payment of transportation and incidental expenses incurred shall be set aside in the treasury of said county annually to be paid out only upon order of the court upon proper vouchers. Such probation officer, assistant probation officer or deputy probation officers may be allowed the sum of five cents per mile for actual mileage traveled when using their own automobiles in the performance of their duties which shall be paid to them monthly out of the above fund. ('23, c. 289, §8; Apr. 21, 1939, c. 362, §1.)

Editorial note.—Sec. 3 of Act Apr. 21, 1939, cited, provides that the act shall take effect Jan. 1, 1940.

The title of the act purports to amend "Laws 1923, chapter 289, sections 8, 12, and 16, as amended." The body of the act does not amend §16.

10915-11. Same—Annual report.

The county board of Ramsey County, the probation officer and the judge of district court may, in their discretion, print copies of annual report of probation officer of juvenile court and distribute them among welfare agencies, priests and ministers. Op. Atty. Gen., May 26, 1931.

10915-12. Same—Salaries to be fixed by district judges.—

The chief probation officer, assistant probation officer, deputy probation officers and all other employees in the office of the probation officer shall receive such compensation as shall be fixed by the judges of the district court of any such county. ('23 c. 289, §12; '27, c. 420, §3; '29, c. 380; Apr. 20, 1931, c. 257; Apr. 15, 1935, c. 190; Apr. 21, 1939, c. 362, §2.)

See note under §10915-8.

Part V. Construction of Statutes and Express Repeals

CHAPTER 107

Statutes

THE REVISED LAWS AND THEIR EFFECT

10918. How cited—When to take effect—Session laws not affected.

Revisor of statutes created. Laws 1939, c. 442.

10922. Continuation of former laws.

An intent to change the law will not be lightly inferred from a mere change of phraseology in a revision. Gilroy's Estate, 193M349, 258NW584. See Dun. Dig. 8961.

A revision of existing statutes is presumed not to have changed their meaning, even if there be phraseological alterations, unless an intention to change clearly appears from language of revised statute when considered in connection with subject-matter of act and its legislative history. State v. Montague, 195M278, 262NW684. See Dun. Dig. 8961.

Reenacted statute should receive the known, settled construction which it had received when previously in force. Wenger v. W., 200M436, 274NW517. See Dun. Dig. 8965.

CONSTRUCTION

10928. When to take effect.

Amending act which did not specifically provide when it was to take effect went into effect from and after its approval. Venteicher, 202M331, 278NW581. See Dun. Dig. 8946.

A tax statute, like any other statute will not be given a retrospective effect in the absence of an express command or a necessary implication. Board of Education v. A., 285NW80. See Dun. Dig. 9173.

Act takes effect the beginning of the day following its approval. Op. Atty. Gen., Apr. 9, 1929.

Laws 1933, c. 251, approved on April 15, became operative on April 16. Op. Atty. Gen., June 24, 1933.

Rule against retroactive legislation as a basic principle of jurisprudence. 20 MinnLawRev 775.

10929. Revision to operate as repeal, when.

State v. Schimelpfenig, 192M55, 255NW258; note under §§297, 10933(21).

Section 1538-1 does not repeal or modify the provisions of the charter of the City of St. Paul providing for condemnation of land for street and highway purposes. 177M146, 225NW86.

When two legislative acts are not expressly repugnant, but later act covers entire subject-matter of earlier and does not purport to amend it, and if it plainly appears that later act was intended as a substitute for earlier, it will operate as a repeal of former. Board of Education v. B., 192M367, 256NW894. See Dun. Dig. 8926.

If a statute is manifestly inconsistent with a prior statute covering the same subject, it repeals it, in whole or pro tanto, without any repealing clause, in absence of an expressed intention to contrary. Bemis Bro. Bag Co. v. W., 197M216, 266NW690. See Dun. Dig. 8927.

Prior statutes may be resorted to for purpose of solving, but not to create, an ambiguity, and if language of revision indicates an intention to adopt meaning of a prior statute, revised statute will be given that effect. Wenger v. W., 200M436, 274NW517. See Dun. Dig. 8961.

10930. Effect of repeal.

Sheriff agreeing to pay detective \$25 for each conviction for violation of liquor laws could pay such amount in pending cases for convictions occurring after effective date of Laws 1933, c. 130. Op. Atty. Gen., Apr. 28, 1933.

10931. Amendments validated.

An erroneous reference included in an amendatory act identifying statute to be amended may be eliminated as surplusage and statute read as corrected, where legislative intention is clear. Bull v. K., 286NW311. See Dun. Dig. 8985.

10932. Rules of construction.

½. Rules of construction in general.

Taxing statutes are generally construed with strictness. Webber v. K., (CCA8), 97F(2d)921.

Where legislative intent is reasonably apparent, court may properly disregard punctuation or repunctuate if necessary, to arrive at natural meaning of language used. Great Atlantic & Pacific Tea Co. v. E., (DC-Minn), 23F Supp70.

Legislative re-enactment of a statute will not validate an erroneous interpretation of it by an administrative official. Hanson v. L., (DC-Minn), 24FSupp535.

An erroneous construction of a revenue statute by an administrative officer is not binding on the courts. Id.

The court may look to the legislative history in construing a statute when there may be doubt on the subject. Twin Ports Oil Co. v. P., (DC-Minn), 26FSupp366.

Prima facie effect of similar South Dakota law construed. Berlin v. K., 183M278, 236NW307. See Dun. Dig. 8821, 8937a(99), 8956.

As between a statutory provision with special and limited application, and another, general in scope, special controls general within former's limited field. Rosenquist v. O., 187M375, 245NW621. See Dun. Dig. 8970.

Ambiguity will be resolved in favor of state. State v. Walsh, 188M412, 247NW523. See Dun. Dig. 8990.

Literal meaning of statute is not always conclusive, and there must be resort to construction when words, otherwise plain, result in ambiguity when applied to their subject-matter. State v. Walsh, 188M523, 247NW523. See Dun. Dig. 8938.

Strict construction of statutes in derogation of common law must not be used as cover for extraconstitutional limitations on legislative power. State v. Minneapolis, St. P. & S. S. M. Ry. Co., 190M162, 251NW275. See Dun. Dig. 1602.

However radical its change, a statute is not to be so narrowed by construction as to defeat its purpose, simply because it is an innovation on common-law principles. Id. See Dun. Dig. 8958.

Rules of judicial construction require that so far as possible conflicting provisions of a city charter be harmonized in conformity with announced legislative policy of state. State v. Erickson, 190M216, 251NW519. See Dun. Dig. 8951.

Fundamental rules of construction of statutes is to give effect to intention of legislature as expressed in language used. Id. See Dun. Dig. 8940.

Where there is a conflict, law later in point of original enactment will control. Id. See Dun. Dig. 8961.

Where facts are undisputed and provisions of ordinance are unambiguous and stated in clear language,