

1883," approved March 7, 1887, being chapter eighty of the special laws of 1887.

SEC. 3. The provisions of this act shall not apply to any bonds issued in aid of any railroad corporation.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 17, 1893.

Excepting bonds issued in aid of railroads.

CHAPTER 157.

S. F. No. 478.

An act to regulate the construction and management of county jails.

County jails.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. County commissioners authorized to maintain a jail.—The county commissioners in every county shall have authority to maintain at the expense of the county a jail for the safe keeping of prisoners.

Commissioners may maintain jails.

SEC. 2. Fugitives from justice to be kept in any jail—Compensation.—Any county jail may be used for the safe keeping of any fugitive from justice in this state, in accordance with the provisions of any act of congress, and the sheriff shall be entitled to receive in behalf of the county fifty-seven cents per day for the board of such fugitive from the officer having him in custody, and the sheriff shall be entitled to the further sum of one dollar, as fees for the commitment of such fugitive, from the officer having him in custody.

Prisoners and compensation to sheriff.

SEC. 3. United States prisoners, how kept, liability of sheriffs, etc., for misconduct, etc.—All sheriffs and jailers to whom any person is sent or committed by virtue of legal process issued by or under the authority of the United States shall be and they are required to receive such person into custody, and to keep him safely until discharged by due course of law; and all such sheriffs and jailers offending in the premises shall be liable to the same pains and penalties, and the parties aggrieved shall be entitled to the same remedies against them or any of them as if such prisoners have been committed to their custody by virtue of legal process issued under the authority of this state.

Keeping United States prisoners.

SEC. 4. The United States liable for support of such prisoners.—The United States shall be liable to pay to the sheriff in behalf of the county for the board, washing and keeping of such prisoners the sum of fifty-seven cents per day for each prisoner so kept.

Pay for United States prisoners.

SEC. 5. Sheriffs shall preserve orders of commitment, etc.—All instruments of every kind, or attested copies thereof, by which a prisoner is committed or liberated shall be regularly indorsed and filed and safely kept in

Orders of commitments to be safely kept by sheriffs.

a suitable box by such sheriff or by his deputy acting as a jailer. Such box with its contents shall be delivered to the successor of the office having charge of the jail.

Process to be kept by sheriff

SEC. 6. Copy of process to be kept by sheriff—Effect as evidence.—When a prisoner is confined by virtue of any process directed to the sheriff, and which requires to be returned to the court whence it issued, such sheriff shall keep a copy, duly certified by such sheriff, shall be prima facie evidence of his right to retain such prisoner in custody.

Register of prisoners to be kept.

SEC. 7. Calendar of prisoners—Contents.—The sheriffs of the respective counties shall keep a true and exact calendar or register of all prisoners committed to any jail under their care, in such form as the state board of corrections and charities may prescribe, and the same shall be kept in a book to be provided by the county; said register shall contain, with other facts, the names of all persons committed to the jail, the place of abode, the time of their commitment, the authority that committed them, and, if they are committed for criminal offenses, shall contain a description of their persons; and when any prisoner is liberated said calendar shall state the time when and the authority by which such liberation took place, and if any prisoner escapes shall also state particularly as to the time and manner of said escape.

Copy to be furnished at each term of court.

SEC. 8. Same—Copy to be returned at each term of court.—At the opening of each session of the district court within his county, the sheriff shall return a copy of said calendar, under his hand, to the judge holding said court; and if any sheriff neglects or refuses to do so he shall be punished by fine not exceeding three hundred dollars.

Jailer and matron to be appointed.

SEC. 9. Sheriff to appoint jailer and matron.—The sheriff of each county maintaining a county jail shall have authority, with the consent and approval of the judges of the district court for each county, to appoint a matron, either the wife of the sheriff or jailer or some other discreet and competent woman, who shall have exclusive charge, under direction of the sheriff, of all female prisoners, and shall receive such compensation as the district judge shall from time to time determine, not less than fifty cents for each day when there are female prisoners confined in the jail. He shall also have authority, with the consent and approval of the judge of the district court for said county, to appoint a jailer at such compensation as the judge of the district court may from time to time determine, not less than one dollar for each day when there are male prisoners confined in the jail. Whenever the average number of prisoners in any county jail for the six months preceding shall have been ten or more the sheriff shall have authority, with the consent and approval of the judge of the dis-

Compensation of jailer.

trict court, to appoint a night watchman, and whenever the average number of prisoners for the six months preceding shall have been twenty or more, an assistant jailer; such night watchman and assistant jailer to receive such compensation as the judge of the district court may from time to time determine, not less than eighty-three cents each per day; provided, that such night watchman or assistant jailer shall be discharged whenever the average number of prisoners for the preceding six months shall have fallen below the number above prescribed. The said officers shall be sober, responsible persons, able to read and write the English language intelligently, shall hold office subject to the pleasure of the sheriff or the district judge, and their compensation shall be paid monthly out of the county treasury upon the warrant of the county auditor.

Night watchman.

Assistant jailer.

SEC. 10. Labor of prisoners.—County commissioners are hereby authorized to provide regular labor for prisoners in county jails whenever and however they may deem it practicable. This labor shall be compulsory for prisoners serving sentence, and may be allowed as a privilege to prisoners held for trial; provided, that this action shall not be deemed to authorize the working of prisoners outside the jail yard. The expense of tools and materials for such labor shall be defrayed by the county, and the county shall be entitled to the earnings of the prisoners.

Prison labor.

SEC. 11. Compensation of the sheriff for boarding prisoners.—The sheriff in charge of each county jail shall be entitled to and shall receive compensation from the county for the board and washing of each and every prisoner confined in such jail. On the last day of each month the sheriff shall render to the board of county commissioners a verified statement showing the name of each prisoner boarded and the number of days' board furnished each. The average number of prisoners for the month shall be ascertained by adding together the number of days' board for the several prisoners and dividing by the number of days in the month. If the average number of prisoners for the month shall have been not more than five the sheriff shall receive at the rate of fifty-seven cents per day for each prisoner boarded. If the average number of prisoners shall have been more than five and not more than ten he shall receive at the rate of fifty cents per day for each prisoner boarded. If the average number of prisoners shall have been more than ten and not more than fifteen he shall receive forty-six cents per day for each prisoner boarded. If the average number of prisoners shall have been fifteen or more he shall receive forty-three cents per day for each prisoner boarded. Provided, that in no case shall the sheriff be required to accept a less amount for boarding a larger number of prisoners than he would

Boarding prisoners.

be entitled to receive for five, ten or fifteen prisoners under this section; but he shall be entitled to charge and receive for such larger number of prisoners at least as much as he would have been entitled to for such smaller number; and provided, further, that in every county where the compensation of sheriff for the board of prisoners is now governed by special law, the rate of such compensation shall continue to be governed by such special law unless the board of county commissioners, by unanimous vote, shall elect to come under the general law, after which time the compensation of the sheriff for boarding prisoners shall be fixed in accordance with this section.

Sheriffs to collect bills for boarding.

SEC. 12. Sheriffs to collect bills for board of prisoners.—In case any fugitive from justice, any United States prisoner, any prisoner committed from another county, or any prisoner committed by virtue of any ordinance of any city or village, shall have been confined in any county jail, it shall be the duty of the sheriff at the close of each month to render to the county auditor a statement showing the name of each prisoner so boarded and the amount due to county on his account and from whom. Also a statement of all amounts due for the board of prisoners for preceding months and from whom. It shall be the duty of the sheriff to make out and collect in the name of the county all bills for the board of prisoners against the United States, other counties, cities, villages or officers of the law, and to pay the amounts so collected promptly into the county treasury; and in case any such bills shall fail to be so collected and paid into the county treasury as aforesaid, through the negligence of the sheriff, then he shall be liable on his bond for such amounts.

Prisoners from other counties.

SEC. 13. Keeping prisoners from other counties and city or village prisoners.—Whenever any prisoner, by the proper authority, is directed to be confined in any county other than that in which the offense was committed, the sheriff of the county in which such prisoner is to be confined shall keep said prisoner at the expense of the county in which the offense was committed, and shall be authorized to collect, in behalf of the county in which said jail is located, to reimburse said county for the use of said jail with its furnishings, and for the cost of fuel, jailer and board of prisoners, the sum of seventy-one cents per day for each prisoner so boarded in any jail which shall be designated as a district jail, as provided in section twenty-nine, and the sum of fifty-seven cents per day for each prisoner so boarded in any jail not designated as a district jail. The board of county commissioners of the county from which said prisoner was sent, at their first session after the commitment of such prisoner, shall authorize the auditor of their county to issue to the sheriff of the county to which such prisoner was sent

for confinement, orders upon their county treasurer for the maintaining of such prisoner from the time of his commitment until the expiration of his sentence or until the said prisoner shall receive his trial or be otherwise released by due process of law.

SEC. 14. Jail.—How to be kept.—The sheriff of the county himself or by deputy shall keep the jail and be responsible for the manner in which the same is kept. No female prisoner shall be kept in the same room with any male prisoner. No insane prisoner shall be kept in the same room with any other prisoner, unless such prisoner shall be detailed as a nurse; and no child under the age of sixteen years shall be kept in the same room with any other prisoner. Whenever the construction of the jail will permit, strict separation of prisoners, by keeping each prisoner in his own cell, shall be maintained at all times, and no prisoner awaiting trial shall be allowed to remain in the same cell or room with any other prisoner.

Sheriff to be responsible for care of jail.

SEC. 15. Clothing, bedding, etc., to be furnished at expense of county.—It shall be the duty of the county commissioners to provide a supply of jail suits of coarse material, but without any distinctive marks, together with a sufficient supply of suitable underclothing in each jail, and whenever, in the judgment of the sheriff, it is necessary, in order to promote the cleanliness and health of prisoners, he may require any prisoner to wear such jail clothing during his confinement; but in such cases the prisoner's own clothing shall be carefully preserved and restored to him upon his discharge. No prisoner shall be required to wear a jail suit which has been previously worn by another prisoner until it has been thoroughly cleansed with soap and water or super-heated steam in the meantime. The county commissioners shall provide also necessary bedding, towels and medical aid for all prisoners who are in custody, and fuel for the jail and sheriff's residence, unless the same are otherwise furnished, and such payments shall not be deducted from the sum which the sheriff is entitled to receive for the board of the prisoners as provided by law.

County to furnish clothing, bedding, etc., for jail.

SEC. 16. Food of prisoners, cleanliness, etc.—The keeper of such jail shall see that the same is constantly kept in a cleanly and healthful condition, and that strict attention is constantly paid to the personal cleanliness of all the prisoners in his custody, as far as may be, and shall cause the shirt of each prisoner to be washed at least once in each week; and prisoners shall not be required to do their own washing; each prisoner shall be furnished daily with as much clean water as he shall have occasion for, either for drink or for the purpose of personal cleanliness, and with a clean towel once a week, and shall be served three times each day with wholesome food, which shall be well cooked and in suffi-

Food for prisoners.

cient quantity. Provided, that in case the construction of the jail is such as to allow prisoners held for trial to be kept separate from prisoners serving sentence, a difference shall be made in the diet of the two classes of prisoners. Prisoners serving sentence shall receive sufficient supply of wholesome food, and shall receive meat once each day; but they shall not receive butter, sugar, pastry, tobacco or other luxuries, except on Sundays and holidays.

Liquors to convicts forbidden.

SEC. 17. Furnishing liquors to convicts forbidden.—Exception.—No sheriff, jailer or keeper of any jail shall, under any pretense, give, sell or deliver to any person committed to any prison for any cause whatever, any spirituous liquor, or any mixed liquor, part of which is spirituous, or any wine, cider or strong beer, unless a physician certifies in writing that the health of such prisoner requires it; in which case he may be allowed the quantity prescribed, and no more.

Bibles and religious instruction.

SEC. 18. Prisoners to have bibles.—Religious instructions.—The keeper of each jail shall provide, at the expense of the county, for each prisoner under his charge who may be able and desirous to read, a copy of the bible or new testament; and any minister of the gospel disposed to aid in reforming the prisoners and instructing them in their moral and religious duties, shall have access to them at seasonable and proper times. All immoral books and papers and papers composed largely of accounts of crime shall be strictly excluded from the jail.

Juvenile prisoners.

SEC. 19. Treatment of juvenile prisoners.—Juvenile prisoners shall be treated with humanity and in a manner calculated to promote their reformation. Strict care shall be taken to prevent their communication with hardened criminals. Good reading matter shall be provided for them, and the visits of parents or guardians and friends who desire to exert a moral influence over them shall, at all reasonable times, be permitted.

Penalties for official neglect.

SEC. 20. Penalties for violation of requirements.—If any sheriff, jailer or keeper of any jail shall violate the provisions of sections fifteen, sixteen, seventeen, eighteen or nineteen he shall in each case forfeit and pay, for the first offense, the sum of twenty-five dollars; and such officer shall, on a second conviction, be further sentenced to be incapable of holding the office of sheriff, deputy sheriff, jailer or keeper of any jail, for the term of five years.

Solitary confinement.

SEC. 21. Solitary confinement.—Whenever any person committed to jail for any cause whatever, is unruly, or disobeys any of the regulations established for the management of jails, the sheriff or keeper may order such prisoner to be kept in solitary confinement, and fed on bread and water only, for a period not exceeding twenty days for each offense.

SEC. 22. Escaping from jail, how punished.—If any person who may be in jail under sentence of imprisonment in the state prison shall break jail and escape, he shall be punished by imprisonment in the state prison for the term of one year, in addition to the unexpired term for which he was originally sentenced. If any person under sentence of imprisonment in the county jail, or any person committed for the purpose of detaining him for trial, for any offense not capital, shall break jail and escape, he shall be imprisoned in the county jail for the term of six months. If any person committed to jail for the purpose of detaining him for trial for a capital offense shall break jail and escape, he shall be imprisoned in the state prison for the term of two years.

Escapes from jail.

SEC. 23. In case of fire, prisoners may be removed.—If any jail or building thereto attached takes fire, and the prisoners are exposed to danger by such fire, the keeper may remove them to a place of safety, and there confine them so long as may be necessary to avoid such danger; and such removal and confinement shall not be deemed an escape of such prisoners.

Prisoners in case of fire.

SEC. 24. County commissioners to consult the state board of corrections and charities.—Whenever the county commissioners of any county in Minnesota shall vote to consider the question of erecting a county jail, it shall be the duty of said county commissioners to communicate that fact to the state board of corrections and charities. It shall be the duty of said board of corrections and charities within three months after the receipt of such communication to offer to the said board of county commissioners such advice in the premises as they shall deem proper.

Erecting jails, state board of corrections to be consulted.

SEC. 25. Plans and estimates to be submitted.—If, after receiving the advice of the board of corrections and charities, not less than three members of the board of county commissioners shall vote in favor of the erection of a county jail, or if at any time they desire to make repairs on the county jail costing more than two hundred dollars, they shall proceed to procure plans and estimates of the cost of such county jail, or such repairs, and the said plans and estimates shall be submitted to the state board of corrections and charities for suggestion and criticism before final adoption by the said commissioners. No contract for the erection, in whole or in part, of any county jail, or for repairs costing more than two hundred dollars, shall be valid or binding, and it shall be unlawful for the county auditor to draw any warrant in payment for labor or material for the construction of such jail, unless the suggestions and criticism of the state board of corrections and charities in writing shall be on file in the office of the county auditor.

Plans for new jails.

Repairs on jails.

SEC. 26. Funds, how provided.—Before making any contract for the erection of any county jail, it shall be

Building fund
to be raised by
tax bonds.

the duty of the county commissioners to take steps to provide the necessary funds, either by levying a sufficient tax for that purpose upon the taxable property in the county or by issuing the bonds of the county for such sum as may be necessary therefor; provided, that no bonded indebtedness shall be created under this act in excess of such limit as has been or may hereafter be established by law.

Bonds, as to
time and inter-
est.

SEC. 27. Issue of bonds.—The said bonds shall be issued in sums not less than one hundred dollars nor more than one thousand dollars each, and may bear interest at any rate not exceeding six per cent per annum, payable semi-annually, and the principal shall be payable at such time or times, not more than twenty years after the date of said bonds, as said board of county commissioners may by resolution determine.

Payment and
interest.

SEC. 28. Payment of bonds and interest thereon.—The said county commissioners are hereby authorized and empowered, and it is hereby made their duty, to levy a tax from time to time upon the taxable property of said county, sufficient to meet the interest coupons and the principal of said bonds as they shall become due, and until the payment of interest and principal of said bonds is fully provided for.

District jails
may be desig-
nated by board
of corrections.

SEC. 29. District jails may be designated.—The state board of corrections and charities is hereby authorized and empowered, with the consent of the board of county commissioners, to designate any suitable county jail in the state as a district jail, to be used for the detention of prisoners from other counties in addition to those of the county in which said jail is located. No jail shall be designated as a district jail unless, in the judgment of the state board of corrections and charities, it has a fireproof cell room, suitable bathing facilities; a separate ventilating flue for each cell; a well-lighted cell for each prisoner, at least four and one-half by six and one-half feet in size; separate departments for prisoners held for trial and prisoners serving sentence; and also for women and children; and whenever, in the judgment of said board, the building, management, or discipline of any district jail is not such as is proper, they may rescind their order designating such county jail as a district jail.

Prisoners in
counties having
no jails.

SEC. 30. Where prisoners shall be kept when there is no sufficient jail.—When there is no sufficient county jail in any county wherein any criminal offense has been committed, or when the county jail in such county shall have been condemned in accordance with section thirty-one of this act, the examining magistrate, upon his own motion, or the district judge, upon application of the sheriff, may order any person charged with a criminal offense, and directed to be committed to prison, to be sent to the jail of some other county having a sufficient

jail. Provided, that if there be a district jail in the judicial district to which the said county belongs, he shall be sent thereto, or to some nearer district jail, as the committing magistrate or the district judge shall designate; and the sheriff of such other county shall, on exhibit of such magistrate's or judge's order, receive and keep in custody, in the jail of his county, the prisoner ordered to be committed as aforesaid; and the sheriff shall, upon the order of the district court or a judge thereof, redeliver such prisoner when in demand.

SEC. 31. Condemnation of jails.—Whenever the jail of any county is insecure or otherwise unfit for use, the judge of the judicial district, on the recommendation of the grand jury or of his own motion, may issue his written order condemning such jail; or whenever, in the judgment of the state board of corrections and charities, the jail of any county is insecure or otherwise unfit for use, the said board, by and with the consent of the judge of the judicial district in which said jail is located, may issue a written order condemning said jail; and after being so condemned 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 the court is in session, until such order is rescinded.

Insecure and
unfit jails may
be condemned.

SEC. 32. Repealing clause.—Title one of chapter one hundred and twenty of the general statutes of 1878, and all acts or parts of acts inconsistent with this act, except as specified in section eleven, are hereby repealed.

Repealing chap.
120, statutes of
1878.

SEC. 33. When to take effect.—This act shall take effect and be in force from and after its passage.

Approved April 19, 1893.

CHAPTER 158.

S. F. No. 122.

An act authorizing sheriffs and deputy sheriffs to complete foreclosure sales after the expiration of their term of office.

Completing
foreclosure
sales.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That in all cases where any sheriff or any deputy sheriff of any county in this state has heretofore and during his term of office duly sold any real property under a power of sale contained in a mortgage authorizing such sale, and such term of office has expired before the execution of a certificate and affidavit of sale by such officer, he shall, nevertheless, at any time within three months after the expiration of such term of office, he and he is hereby authorized to execute and deliver such certificate and such affidavit in the same manner and with the same effect as if he were still in office.

Authorizes
sheriffs to exe-
cute certificates
after their term
of office.