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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every such purpose. (11, c. 238, §6; G. S. '13, §9273; Apr. 14, 1931, c. 161, §4; Apr. 5, 1935, c. 110, §2.)


10770-1. Parole of prisoners. - The state board of parole is hereby authorized and empowered to grant to any prisoner in the state prison, state reformatory or state reformatory for women, a temporary parole under guard, not exceeding three days, to any point within the state, upon payment of the expenses of such prisoner and guard. (Act Mar. 9, 1929, c. 70.)

10772. Credits for prisoners. - A resident of Minnesota imprisoned in the reformatory for women continues to be a resident of Minnesota but is not a citizen until restored as provided in this section and sec. 10773. Op. Atty. Gen., Apr. 7, 1933.


10775. Supervision by board—agents. - Said board of parole as far as possible, shall exercise supervision over paroled and discharged convicts and when deemed necessary for that purpose, may appoint state agents, fix their salaries and allow them traveling expenses. It may also appoint suitable persons in any part of the state for the same purpose. Every such agent or person shall perform such duties as said board may prescribe in behalf of or in the supervision of prisoners paroled or discharged from the state prison, state reformatory, or other public prison in the state, including assistance in obtaining employment and the return of paroled prisoners, and in addition thereto shall, when so directed by the state board of control, investigate the circumstances and conditions of the dependents of prisoners of the state penal institutions and report their findings and recommendations to the warden and superintendent of the respective institutions and to the state board of control. Such agents and such persons shall hold office at the will of the board of parole and the person so appointed shall be paid reasonable compensation for the services actually performed by them. Each shall be paid from the current expense fund of the institution or institutions for whose benefit he was appointed. (11, c. 293, §10; G. S. '13, §9277; Apr. 14, 1931, c. 161, §5.)

10777. Rules governing paroles, etc. - A member of board of parole attending prison congress in another state under authority from the board was entitled to compensation of $15.00 per day and traveling expenses. Op. Atty. Gen., Oct. 20, 1932.

WHEREFORE, prisoner violated his parole on Dec. 16, 1933, and parole board did not act until Jan. 25, 1934, when parole was revoked and warrant issued. (Act Apr. 24, 1935, c. 527.)

10778-1. Governor may enter into reciprocal agreement. - The governor of the state of Minnesota is hereby authorized and empowered to enter into reciprocal agreements with other states, or any compact and agreements with other states through their duly constituted authorities, in reference to reciprocal supervision of persons on parole or probation and for the reciprocal return of such persons to the contracting states for violation of the terms of their parole or probation. (Act Apr. 24, 1935, c. 527.)

CHAPTER 105
State Prison and State Reformatory

STATE PRISON

10787. Location and management. - The State Board of Control abolished and functions and powers transferred to director of public institutions by Act Apr. 22, 1936, c. 451, Art. 6, §3, ante §§10790-10793, 3189-104.

Prisoners in penitentiary should not be requested or compelled to waive negligence of doctor or surgeon as condition of treatment. Op. Atty. Gen. (341H), Nov. 20, 1934.

Prisoners may use funds received from adjusted compensation certificates to purchase land if discipline of institution is not affected. Op. Atty. Gen. (342B), May 29, 1936.


A convict is entitled to items specified at time he is discharged or released. Op. Atty. Gen. (910-1), April 6, 1939.

10807. Communication with convicts. - Communications which are withheld from inmates and relatives in files must be delivered to him upon his discharge from institution. Op. Atty. Gen. (908a), Sept. 4, 1934.


And said Board of Control and said Warden of the said Prison are hereby authorized, directed and instructed to establish in and throughout all parts of this State an establishment for poor relief purposes. Said Board of Control and said Warden are hereby authorized to purchase, on such terms and conditions as it may think proper, all such manufactured products as are referred to herein, such as binding twines, ropes and ply goods of all kinds, local selling agencies therefore, and to contract with such agencies to furnish thereto for the local sale thereof, the farm machinery the manufacture of which is authorized by this act and the extra parts thereof, f. o. b. the said factory, at the actual cost of the production thereof, plus five per cent of the actual cost thereof; including a charge of not to exceed twenty-seven cents per hour for labor of each prisoner employed, and the said local agencies so contracted with are hereby authorized in the resales thereof to their actual customers therefore, to charge advance; prices equaling twenty per cent of the prices charged them for said machines (plus actual freight charges), but not a greater profit thereon, and the contracts entered into with said agencies shall be so worded as to obligate them to be diligent in the prosecution of the sales of the said machines to the customers thereof. (’07, c. 49, §1; G. S.’13, §§9315; ’13, c. 141, §1; ’23, c. 294, §1; ’27, c. 172; Apr. 24, 1929, c. 184.)

Laws ’38, c. 342, fixes the price of machinery and parts manufactured under this section for the years 1931 to 1934, inclusive.

10816. Sale of machines.

10819. Parole of prisoners.
A person paroled from a state penal institution and under supervision of state board of parole cannot gain a new point to be used for poor relief purposes. Op. Atty. Gen. (332-7), Sept. 2, 1929.

10821. Moneys, how used—Forfeiture.
Prisoner may use funds received under the regulations for purchase of land if discipline of institution is not affected. Op. Atty. Gen. (342b), May 19, 1936.

STATE REFORMATORY

10823. Location and management.
State board of control abolished and functions and powers transferred to director of public institutions by Act Apr. 22, 1939, c. 432, Art. 6, §§3, 4, ante §§3199-103, 3199-104.

10824. Sentence—Term of imprisonment.—Any male person not less than sixteen years of age, convicted of a crime other than murder in the first or second degrees punishable by imprisonment in the state prison never before sentenced to a state prison or reformatory, may be sentenced to the reformatory, which sentence shall be without limit as to time. The commitment and accompanying papers shall be the same as upon a sentence to the state prison. Such imprisonment shall not exceed the maximum term, and may be terminated by the board of control at any time after the expiration of the minimum term provided by law for the crime. (As amended Apr. 21, 1939, c. 353.)


10825. Transfer of prisoners.

10826. Expense of sheriff in conveying prisoners.
Prisoners transferred to State Reformatory for women, which sentence shall take effect from its passage.

10827. Register of convicts.
Any record concerning inmate other than those hereinafter provided for shall be subject to classification of prisoner in due course at St. Cloud reformatory. Op. Atty. Gen. (344k-10), Aug. 11, 1933.

10837. Board of control given authority to transfer.
State board of control abolished and functions and powers transferred to director of public institutions by Act Apr. 22, 1939, c. 432, Art. 6, §§3, 4, ante §§3199-103, 3199-104.

10838. Discharge—Clothing—Money.
This section applies only to state reformatories for men and board of control has authority to determine what clothing and money to give to discharged inmates of state reformatory for women. Op. Atty. Gen. (344f), Mar. 16, 1936.

10839. State Reformatory for women established.
There is hereby created and established a separate state reformatory for women. There shall be maintained in the State Reformatory for Women, a separate record should be maintained until they are actually assigned. Op. Atty. Gen. (344c), July 18, 1935.

10840.1 to 10846-9. [Repealed Mar. 18, 1939, c. 37, §1.]

10846. Must be classified and assigned.
All records of the board shall be kept separate and be open to inspection at all times. No prisoner shall be classified and receive a sentence in common with records of institution to which prisoner is transferred. Op. Atty. Gen. (344d), June 14, 1936.

Where one out on parole commits crime and receives sentence, and parole is suspended, new sentence should be reduced to one where sentence is not subject to classification of prisoner in due course at St. Cloud reformatory. Op. Atty. Gen. (344k-10), Aug. 11, 1933.

STATE BOARD OF CRIMINAL CLASSIFICATION

10840-1 to 10846-9. [Repealed Mar. 18, 1939, c. 37, §1.]

ANNOATIONS UNDER REPEALED SECTIONS

10846-8. St. Cloud to be receiving depot.
Prior to classification prisoners are not inmates of the reformatory and separate record should be maintained until they are actually assigned. Op. Atty. Gen. (344g), June 14, 1936.

Where clerk of district court holds a commitment to state penal institution under sentence imposed after defendant had been sent to state reformatory. Op. Atty. Gen. (344k-10), Apr. 12, 1935.

EMPLOYMENT OF PRISONERS IN CONSERVATION WORK

10840-11. Convicts to do conservation work.—The state board of control is hereby authorized within its discretion, to use selected convicts to 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.)

10840-12. 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.)

10840-13. May expend moneys.—For the purpose 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 penal institutions for any other goods, wares or merchandise manufactured, produced or mined, wholly or in part by convicts or prisoners (except convicts or prisoners on parole or probation), and in 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. (Act Apr. 25, 1935, c. 297, §3.)

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.


City council may allow a man who has been convicted of a felony to work for the city. Op. Atty. Gen., Sept. 21, 1929.

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., (841), Dec. 7, 1935.

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 the jailer'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 per day for each federal prisoner the amount collected from the federal government being turned over to the county treasurer. Op. Atty. Gen., Nov. 26, 1899.

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 man 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.


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.

County is not liable for injuries received by prisoner in county jail while working. Op. Atty. Gen., Mar. 18, 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 fines or imprisonment to pay his fine by working for city instead of serving jail sentence. Op. Atty. Gen., (841), Sept. 24, 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