

# GENERAL STATUTES

OF

# MINNESOTA

1913

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board, and the persons so appointed shall be paid a 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. (5461)

See §§ 9267-9280.

## CHAPTER 106

### JAILS, LOCKUPS, AND JUVENILE OFFENDERS

#### COUNTY JAILS

**9334. 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)

**9335. 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)

**9336. 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 fifty-seven cents per day. (5464)

**9337. 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)

**9338. 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)

**9339. 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)

Appointment and removal of jailer (25-383).

**9340. 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)

**9341. 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 marshall 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)

**9342. 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)

**9343. 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 officer 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)

**9344. Compensation for boarding of 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 average number for the month shall be ascertained by adding together the number of days each has been boarded, and dividing by the number of days in the month. If such average number is not more

than five, the pay shall be sixty cents per day for each prisoner; if more than five and not more than ten, fifty-five cents per day; if more than ten, fifty cents per day; but in no case shall he receive a less amount for boarding a larger number than he would be entitled to for a smaller number. 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. (R. L. § 5472, amended '09 c. 192 § 1)

G. S. 1894 § 7427 cited (97-301, 107+137).

**9345. 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)

**9346. 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)

117-1, 134+290.

**9347. 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)

**9348. Same—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)

**9349. 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 per-

son 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)

**9350. 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)

**9351. 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)

**9352. 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)

**9353. Solitary confinement**—Whenever any prisoner is unruly or disobeys any regulation for the management 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)

**9354. 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)

**9355. 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)

**9356. 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)

**9357. 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)

9358. **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 hereafter established by law. (5483)

9359. **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 principle 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)

9360. **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)

9361. **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)

### LOCKUPS

9362. **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)

9363. **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, com-

fortably 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)

**9364. 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)

Section 3 provides that the act shall apply to cities under home rule charters, and repeals inconsistent acts, etc.

**9365. Same—Section 5488 not applicable**—Section 5488 of the Revised Laws, 1905 [9363], 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)

**9366. 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 municipality 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)

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

**9367. 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)

**9368. 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)

**9369. 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)

**9370. 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 con-

demned 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)

9371. **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)

9372. **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)

9373. **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)

#### WORK FARMS IN CERTAIN COUNTIES

9374. **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)

9375. **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)

**9376. 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)

**9377. 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)

**9378. 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 un-

der 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)

**9379. 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 necessaries, 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 necessaries shall be delivered, that said necessaries 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 necessaries, 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)

**9380. 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)

**9381. Appropriations—Tax levy—**Any such county wishing and deciding to provide a work farm by itself alone as indicated in section two [9375] 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 first, 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 hereinafore 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-tenth (1-10) 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-twentieth (1-20) 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)

**9382. 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)

9383. **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)

9384. **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)

### JUVENILE OFFENDERS

9385. **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)

Previously amended by 1913 c. 205. See § 9391.

9386. **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)

9387. **Same**—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)

**9388. 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)

**9389. 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)

**9390. 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 (\$600) dollars per annum; in counties having a population of one hundred thousand and less than one hundred and fifty thousand he shall receive one thousand and 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 thousand, he shall receive eighteen hundred dollars (\$1,800.00), 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 thousand nor more than three hundred thousand inhabitants the chief probation officer shall receive two thousand dollars (\$2,000) per annum, the assistant probation officer shall receive fifteen hundred dollars (\$1,500) per annum, and all other deputy probation officers who have served as such probation officers for more than two years shall receive twelve hundred dollars (\$1,200) 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 dollars (\$1,000) each per annum, and all other deputy probation officers shall receive nine hundred dollars (\$900) 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. § 5501, amended '07 c. 342; '13 c. 205 § 4)

**9391. 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)

A similar provision was made by 1907 c. 342 § 5. 1899 c. 154 was amended by 1903 c. 270. Said acts were repealed by §§ 9453, 9456; their provisions being incorporated in R. L. §§ 5496 to 5501 [ §§ 9385-9390]. 1899 c. 154 §§ 1, 2, and 7 was again amended by 1905 c. 321.

**9392. How kept**—Every sheriff or other person having charge of a minor under the age of sixteen 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, lockup, 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 read-

ing matter, and his relatives and friends likely to exert a good influence over him shall at all reasonable times be permitted to visit him. (5502)

9393. **Trial of minors—Who excluded—**At the hearing or trial of a minor under the age of sixteen, 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. (5503)

#### INDUSTRIAL HOME SCHOOLS FOR GIRLS IN CERTAIN COUNTIES

9394. **Counties having 150,000 and not over 220,000 inhabitants—Powers and duties of county board—Officers—**The board of county commissioners in any county in the state now or hereafter, having not less than 150,000 and not more than 220,000 inhabitants, shall have power to lease, purchase or erect a building or buildings suitable for the purpose of conducting therein an industrial home school for girls and equip the same with proper appliances, furniture and apparatus. Before deciding finally upon the site, building plans, buildings and equipment, said board shall call for and consider the suggestions and recommendations of the district judges, probation officers, and all other persons who may seem qualified for the expression of an opinion concerning the subject.

The county commissioners of all counties to which this act applies are hereby required, whenever they shall establish such school, to maintain said school for the purpose of training and educating in all branches of domestic science the girls who shall become inmates thereof under the provisions of this act, and are hereby authorized, empowered and required whenever they shall establish such school to provide the necessary funds to make all needful appropriations to carry out the provisions of this act; provided, that before any board of county commissioners shall have authority to expend more than \$5,000 in any one year for the acquiring and equipment of any industrial home school for boys or girls, or more than \$3,600 in any one year for the maintenance of such home school, the plans, equipment and total cost of establishing and maintaining such school shall first be approved by a majority of the judges of the district court of the judicial district in which such county is located.

There shall be a superintendent and a matron for such industrial home school who shall be appointed and removed at will by the order of a majority of the judges of the said district court and said majority of the judges shall also fix the salaries and the compensation of all employees in said school. ('13 c. 265 § 1)

Section 5 repeals inconsistent acts, etc.

9395. **Who admitted—Voluntary applicants—**Any young woman, regardless of her age, who is 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 and upon the recommendation of the superintendent be admitted upon the order of the juvenile court to the industrial home school for girls 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 that such voluntary applicant may remain in said school for such further time as may be determined upon by the superintendent and matron, upon payment of reasonable charges to be fixed by such officers with the approval of the board of county commissioners. ('13 c. 265 § 2)

9396. **Probation officers—Powers and duties—**The superintendent and matron of the industrial home school for girls shall be vested with the powers and duties of probation officers of the juvenile 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. Such probation officers shall act under the authority of said court in reference to any child or children committed to his care and it shall be the duty of all probation officers to make an investigation with regard to any child or

children as may be required by the court before or after trial and to furnish to the court such information and assistance as the court may require and to take charge of any child or children before or after trial whenever so directed by the court and to keep such records and to make such reports to the court as the court may order or direct. Probation officers heretofore or hereafter appointed under the provisions of section 5496 Revised Laws 1905 [9385] and all laws amendatory thereof, shall be subject to the authority of said court in reference to all matters covered by the provisions of this act. All such probation officers other than the superintendent and matron of said industrial home school for girls shall serve without compensation from the county except when such compensation is fixed by a majority of the district court. ('13 c. 265 § 3)

9397. **Who may be committed**—The juvenile court of any such county may commit any girl brought before it under the provisions of this act to the industrial home school for girls for a period of not more than one year, and any girl may be released therefrom at any time upon the order of said court. Provided that if it shall appear to the satisfaction of said court that any such person is of a vicious character and will not be a proper inmate for said industrial school, then she may be committed to any state or other institution authorized by the law to receive her. Provided further that if it shall appear to the satisfaction of the court that any girl who has been committed to the industrial home school is of a vicious or incorrigible character and not proper to be an inmate therein, then said court may recommit such person to any state or other institution authorized by law to receive her. ('13 c. 265 § 4)