

Nineteen Hundred Thirty-One
Supplement

to

Mason's Minnesota Statutes

(1927 thru 1931)

Containing the text of the acts of the 1929 and 1931 Sessions of the
Legislature, both new and amendatory, and notes showing repeals,
together with annotations from the various courts, state
and federal, construing the constitution, statutes,
charters and court rules of Minnesota



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(Section 9291-9294, General Statutes 1913, sections 10790-10793, Mason's Minn. St. 1927) but provided further that said State Board of Control and the said Warden of the Prison shall, at all times, in the line of manufacturing herein authorized and directed, employ and make use of prison labor to the largest extent feasible.

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 where there is use and demand for such manufactured products as are referred to herein, and binding twines, and ropes and ply goods of all kinds, local selling agencies therefor, 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 resale thereof to their actual customers therefor, 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 therefor. (As amended Apr. 24, 1929, c. 348.)

§10816. Sale of machines.

Laws 1931, c. 340, fixes maximum prices for 1931 and 1932. °

CHAPTER 106

Jails, Lockups, Work Farms, and Juvenile Offenders

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

COUNTY JAILS

§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. (As amended Mar. 27, 1931, c. 91.)

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

§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.

§10857. Compensation for boarding prisoners.

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

§10858. Collection of board bills.

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

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

§10859. Charges for other than county prisoners.—Whenever any prisoner is ordered confined in any county other than that in which his offense was committed, the sheriff of such other county shall keep him at the expense of the county sending him, and shall collect from such county for his board eighty-five cents per day, except that when there are not more than three prisoners in such county jail the charge for such board shall be one dollar and twenty cents per day for each prisoner, and, in addition thereto, such sum as shall have been necessarily expended for clothing, bedding, and medical aid for such prisoners. The county board of the county from which such prisoners are sent, at its first session after their commitment, shall authorize the auditor to issue to the sheriff of the county where they are committed orders upon the county treasurer for the maintenance of such prisoners while they remain in such jail. (As amended Apr. 24, 1929, c. 320.)

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

LOCKUPS

WORK OR CORRECTIONAL FARMS IN

CERTAIN COUNTIES

§10889. Counties having over 150,000 and less than 225,000 inhabitants.

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

§10892. Land, how acquired—Improvements—Prisoners.—The board of county commissioners of any such county as shall decide to acquire the land for and establish such work farm under the provisions of this law, shall have the power to acquire by purchase or condemnation a tract of land of not more than 4,500 acres, which land said county may

acquire and hold in its own name, or jointly with any such city as shall decide to co-operate with any such county in the purchase of said land in the establishment of such farm, and as such shall furnish and pay one-half of the cost thereof.

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

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

JUVENILE OFFENDERS

§10910. Duties—Contingent fund.

See §§208-1 to 208-9.

§10911. Duty of probation officer.

See §§208-1 to 208-9.

§10912. Stay of sentence.

See §§208-1 to 208-9.

§10915-11. Same—Annual report.

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

§10915-12. Salary of probation officer and assistant in certain counties.—

The chief probation officer shall receive three thousand two hundred dollars (\$3,200.00) per annum, the assistant probation officer shall receive two thousand dollars (\$2,000.00) and after serving five years shall receive twenty-two hundred dollars (\$2,200.00) per annum. All other deputy probation officers who have served as such probation officer for more than three years shall receive eighteen hundred dollars (\$1,800.00) per annum, and all other deputy probation officers who have served as such probation officers for more than two years shall receive sixteen hundred dollars (\$1,600.00) per annum, and all other deputy probation officers who have served as such probation officers for more than one year shall receive thirteen hundred dollars (\$1,300.00) per annum, and all other such deputy probation officers shall receive \$1,200.00 per annum, and all stenographers who have served for more than two years shall receive twelve hundred dollars (\$1,200.00) per annum, and all other stenographers shall receive one thousand dollars (\$1,000.00) per annum, and all clerks shall receive \$900.00 per annum. (As amended, Laws 1929, c. 380, Apr. 20, 1931, c. 257.)

Part V. Construction of Statutes and Express Repeals

CHAPTER 107

Statutes

CONSTRUCTION

§10928. When to take effect.

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

§10929. Revision to operate as repeal, when.

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

§10932. Rules of construction.

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

Judicial duty and policy.

A court will pass upon the constitutionality of a law only when necessary. 181M427, 232NW737. See Dun. Dig. 8930a.

Who may question validity.

A litigant may be heard to question the constitutionality of a statute only when it is about to be applied to his disadvantage. 181M427, 232NW737. See Dun. Dig. 8935(79).

Public officials who have no personal pecuniary interest in the matter involved will not be permitted to raise the question of the constitutionality of a statute to avoid the performance of a ministerial duty which it clearly imposes

upon them. 181M427, 232NW737. See Dun. Dig. 8935(78).

§10933. Particular words and phrases.

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6.

Act to establish October 12th as Columbus Day. Laws 1931, c. 175, ante, §2883-2.

Act to establish October 9 and Leif Erikson Day. Laws 1931, c. 120, ante §2883-1.

14. Published and posted notices.—

Unless otherwise specially provided, the words "Published notice," when used in reference to the giving of notice in any proceeding or the service of any summons, order or process in judicial proceedings, shall mean the publication in full of the notice or other paper referred to, in the regular issues of a qualified newspaper, once in each week, and at uniform intervals, for the number of weeks specified. Provided, however, that when one of the regular publication days for such notice, summons, order or process shall fall upon Thanksgiving Day or upon any legal holiday then and in that case it shall be a compliance with the law to have said notice, summons, order or process published either the day before or the day after Thanksgiving Day or such legal holiday. And a "qualified newspaper" shall