

1938 Supplement  
To  
**Mason's Minnesota Statutes**  
1927

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

Containing the text of the acts of the 1929, 1931, 1933, 1935, and 1937 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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the state board of control shall have power to acquire for specified periods of time, by agreement in writing, control of any land which is within the jurisdiction or control of any state department or agency, and any state department or agency having land under its jurisdiction or control, is authorized on agreed terms to deliver control of such land to the state board of control for the purposes specified in section 1. (Act Apr. 25, 1935, c. 297, §2.)

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

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

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

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

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

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

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

#### MISCELLANEOUS PROVISIONS

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

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

## CHAPTER 106

### Jails, Lockups, Work Farms, and Juvenile Offenders

#### COUNTY JAILS

##### 10847. How constructed and maintained.

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

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

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

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

A county cannot enter into a contract with federal government agreeing to board federal prisoners at a rate less than \$1 per day. Op. Atty. Gen., June 16, 1933.

In absence of negligence sheriff is not liable for loss of money held for federal prisoner in jail safe. Op. Atty. Gen., July 27, 1933.

##### 10853. Labor for jail prisoners.

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

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

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

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

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

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

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

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

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

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

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

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

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

**10858. Collection of board bills.**

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

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

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

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

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

**10859. Charges for other than county prisoners.—**

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

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

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

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

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

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

**10861-17. Sheriff to board prisoners in certain counties.**—In any County in this State now or hereafter having a population of over 250,000 and less than 350,000 inhabitants in which county there is located a city of the first class having a population in excess of 250,000 inhabitants, the sheriff shall purchase all necessary foodstuffs and shall have same prepared and served to the prisoners confined in the County Jail of such County, but he shall receive no compensation therefor in addition to his salary as fixed by law. (Apr. 6, 1937, c. 164, §1.)

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

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

furnish a bond in the same manner. (Apr. 6, 1937, c. 164, §3.)

**10861-20. Limit to compensation of employees.—**

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

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

**10861-22. Sheriff may employ trustees in kitchen.**

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

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

**10863. Clothing, bedding, food and care.**

County must furnish the sheriff with fuel for cooking purposes. Op. Atty. Gen., Jan. 6, 1932.

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

**10873. District jails—How designated.**

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

**10874. Condemnation of jails.**

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

**LOCKUPS****10875. How established.**

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

**10879. Cities may send prisoners to jails outside.**

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

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

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

**10884. Board of control may condemn.**

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

**WORK OR CORRECTIONAL FARMS IN CERTAIN COUNTIES****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. (G. S. '13, §9377; '13, c. 188, §4; Apr. 15, 1929, c. 197, §1.)

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

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

#### JUVENILE OFFENDERS

**10910. Duties—Contingent fund.**

See §§208-1 to 208-9.

**10911. Duty of probation officer.**

See §§208-1 to 208-9.

**10912. Stay of sentence.**

See §§208-1 to 208-9.

**10915-11. 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 \$3,200.00 per annum, the assistant probation officer shall receive \$2,000.00 and after serving five years shall receive \$2,200.00 per annum, the assistant probation officer in charge of girls cases shall receive \$2,000.00 per annum and after the said person has served more than five years such salary shall be \$2,200.00 per annum. All other deputy probation officers who have served as such probation officers for more than three years shall receive \$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 \$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 \$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 \$1,200.00 per annum, and all other stenographers shall receive \$1,000.00 per annum, and all clerks shall receive \$900.00 per annum. ('23, c. 289, §12; '27, c. 420, §3; '29, c. 380; Apr. 20, 1931, c. 257; Apr. 15, 1935, c. 190.)