

# MASON'S MINNESOTA STATUTES

1927

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BY THE SUBSEQUENT LEGISLATION OF 1925  
AND 1927

AND ALSO EMBRACING LAWS OMITTED FROM THE GENERAL STATUTES  
1923, AND THE LAWS OF THE 1925 AND 1927 SESSIONS OF THE  
LEGISLATURE UNDER APPROPRIATE CLASSIFICATION.

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CHAPTER 105

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STATE PRISON

10787. Location and management—The state prison shall be continued at its present site in Stillwater for the confinement and reformation of convicts, and be under the general management of the board of control. (5432) [9289]

See 1909 c. 27, "An act authorizing the completion of the construction of the new state prison, and authorizing the equipment thereof for carrying on therein the industrial work authorized by law to be carried on there-

in, and authorizing the levy and collection of taxes to provide funds therefor, and the issuance of certificates of indebtedness in connection therewith," amended 1911 c. 212.

Constitutional (109-6, 122+469).

For act authorizing the discontinuance of the old state prison in Stillwater as a State Prison, providing for transfer of prisoners etc. See, '15 c. -112.

10788. Revolving fund—Borrowing—The board of control of state institutions and the warden of the state prison are authorized, whenever in their judgment it becomes necessary in order to meet current demands on the revolving fund of the state prison, to borrow such sums of money as may be necessary. Such sums so borrowed, however, shall not exceed in any one year, seventy-five per cent of the total of the revolving fund of said prison. ('05 c. 135, amended '07 c. 266 § 1) [9290]

10789. Prison funds—Whenever the board of control and the warden of the state prison shall certify to the state auditor and state treasurer, that in their judgment it is necessary to borrow a specified sum of money in order to meet the current demands on the revolving fund of the state prison, the state treasurer and state auditor may, in their discretion, transfer and credit to the revolving fund, from any moneys in the state treasury not required for immediate disbursement, the whole or such part of the amount so certified as they deem advisable, which sum so transferred shall be repaid by the board of control from said revolving fund to the fund or funds from which the same was transferred, at such time as shall be specified by said state treasurer and state auditor, together with interest thereon at such rate as shall be specified by the state auditor and state treasurer, not exceeding four per cent per annum. When any transfer shall so have been made to the revolving fund of the state prison the state treasurer and state auditor shall notify the board of control and the warden of the state prison of the amount so transferred to the credit of said revolving fund, the date when the same is to be repaid and the rate of interest so to be paid. ('19 c. 25 § 1)

10790. Revolving fund created—That there is hereby created a state prison revolving fund available for the purpose of carrying on all industrial enterprises which heretofore have been or hereafter may be authorized by law to be carried on at the state prison at Stillwater, Minnesota. ('09 c. 151 § 1) [9291]

10791. How made up—The said fund shall consist of the one hundred and fifty thousand dollars appropriated as available for the manufacture of binding twine at said prison, in and by chapter 163 of the General Laws of 1891 together with and including all net earnings or net profits of the said manufacture of binding twine at said prison which have accrued since the enactment of said chapter and which have meanwhile been added to said original appropriation which said additions thereto are hereby legalized, and all the future net earnings or net profits of any and all industries carried on at said state prison under authority of law and as now or hereafter authorized by law. ('09 c. 151 § 2) [9292]

Explanatory note—Laws 1891, c. 163, was repealed. See § 16973, herein.

**10792. How used**—Said funds shall be used for the purchase of raw materials, payment of salaries and wages, and other expenses necessary and proper in the conduct of said industrial enterprises, authorized by law, and for such other purposes, or be devoted to such other uses, as may hereafter be by law duly authorized. ('09 c. 151 § 3) [9293]

**10793. How paid—Contingent fund**—Said fund shall be deposited in the state treasury and paid out only on such proper vouchers as may be authorized and approved by the state board of control, and in the same manner and under the same restrictions as are now provided by law for the disbursement of funds by said state board of control: Provided, that said board of control is hereby authorized to keep and maintain at said prison a contingent fund as provided in section 1896, Revised Laws 1905 [4445]; but said contingent fund shall be at all times covered and protected by a proper and sufficient bond to be duly approved as by law now provided. ('09 c. 151 § 4) [9294]

See '17 c. 278, insurance of prisons.

**10794. Contractors not to be employed—Compensation**—No prison contractor or his agent or employee, and no person directly or indirectly interested in any business carried on therein, shall hold office or employment in said prison. Nor shall any officer or employee therein be directly or indirectly interested in any contract, purchase or sale for or on account of the prison, or receive any compensation for services performed for or on behalf of any contractor, or for his services other than that prescribed by law. And no official or employee shall receive any gift from a prisoner therein, or any money or other consideration for services rendered or to be rendered to him. Every contractor, his agent or employee, violating any provision of this section, shall be thereafter barred from obtaining any contract for labor in said prison, and every officer or employee violating the same shall be discharged, and thereafter disqualified from holding any position therein. (5433) [9295]

**10795. Visitors—Fees**—Members of the state board of control, the governor, lieutenant governor, members of the legislature, state officers, and regularly authorized ministers of the gospel, may visit the prisoners at pleasure, but no other persons without special permission of the warden, under rules prescribed by said board. A moderate fee may be required of visitors, other than those allowed to visit at pleasure. All fees so collected shall be reported and remitted to the state treasurer under such rules and regulations as the state board of control may deem proper, and when so remitted shall be placed to the credit of the current expense fund of the institution. (R. L. § 5434, amended '09 c. 241 § 1) [9296]

**10796. Clothing and food—Money on discharge**—Convicts shall be supplied with substantial, wholesome food in sufficient quantities, and bedding and clothing of coarse material. Upon discharge the warden, at the expense of the state, shall furnish each convict released with one good, serviceable suit of clothing and underclothing, and, when released between October 1 and March 31 following, with a good, serviceable overcoat; and he shall pay to each convict, when released, twenty-five dollars in money drawn from the current expense fund. (5435) [9297]

**10797. Commitment papers—Duty of clerk and officer**—The clerk of every court by which a convict shall be sentenced to the state prison or state reformatory shall furnish the officer or person having such convict in charge a record containing a copy of the indictment

and plea, the name and residence of the judge presiding, of the prosecuting officer, of the convict's attorney, of the jurors, and of the witnesses sworn on the trial, such synopsis of the testimony as the judge may direct, the charge of the court, the verdict, and the sentence, with the date thereof, together with the convict's statement under oath, if obtainable from him, as to his true name, his residence if any, the date and place of his birth, the names and addresses of his parents and other relatives and of persons by whom he has been employed or is well known, his social and other affiliations, his past occupations and employments, his former places of residence and the period of time he has resided in each with the dates thereof, his citizenship, the number, dates, places and causes of prior arrests, and the event thereof, and in cases in which the convict pleads guilty his detailed account of the facts indicating his guilt; to which shall be attached, in all cases, the impressions of the trial judge as to the mental and physical condition of the convict, his general character, capacity, disposition, habits and special needs; which record, duly certified by such clerk under his official seal, may be used as evidence against such convict in any proceeding for release taken by habeas corpus. The synopsis above referred to shall be furnished by the stenographer acting on the trial, and, in case there is none, by the county attorney. The clerk shall also deliver to the sheriff or other officer or person conveying such convict to the state prison, state reformatory, or other place of confinement specified therein, a certified commitment directing him to deliver such convict and the aforesaid copy of record to the principal officer in charge of the prison or reformatory, and take his receipt therefor. (R. L. § 5436, amended '11 c. 228 § 1) [9298]

**10798. Same—Payment of stenographer**—When such synopsis of testimony is furnished by the stenographer acting on the trial he shall be paid therefor by the county on certificates duly certified to by the judge presiding at the trial, and filed with the county auditor, the same fee per folio provided by statute for transcripts of testimony furnished to parties ordering same in civil proceedings. ('11 c. 228 § 2) [9299]

**10799. United States convicts**—Every convict duly committed to said prison by authority of the United States shall be received, maintained, and disciplined in compliance with his sentence, in the same manner as other prisoners therein, upon payment made by the United States of forty cents per day, the cost of all discharge clothing furnished, the expense of every additional guard required, and one dollar per month for the use of the convict. (5437) [9300]

**10800. Discipline**—If any convict shall offer violence to any officer, guard, or any other person or convict, they may defend themselves in any manner and by any means which may appear to be necessary under the circumstances. If any such convict shall attempt to injure the buildings or appurtenances, or to resist the lawful authority of any officer or guard, or shall refuse to obey their reasonable demands, such officer or guard may enforce obedience and discipline in such manner as may appear necessary; and if, in so doing, any convict so resisting lawful authority shall be necessarily wounded or killed by such officer, guard, or assistants, they shall be held justified. (5438) [9301]

**10801. Separate cells**—Whenever there are cells sufficient, each convict shall be confined in a separate cell. (5439) [9302]

**10802. Intoxicating liquors**—No spirituous or fermented liquors shall be brought into or upon the

grounds of the prison, under any pretence whatever, except by direction of the prison physician. (5440) [9303]

**10803. Opium, intoxicating liquors, firearms and explosives not to be taken to the state prison—Penalties.**—Any person who brings, sends or in any manner causes to be introduced into the state prison or the state reformatory or any other state institution, or within or upon the grounds belonging to any such institution, any opium, morphine, cocaine, or other narcotic, or any intoxicating liquor of any kind whatever, or any firearms, weapons, or explosives of any kind, without the consent of the state board of control, shall be guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state prison for a term of not less than three years nor more than five years provided that the provisions of this act shall not apply to physicians carrying drugs into such institutions for use in the practice of their profession; nor to sheriffs or other peace officers carrying revolvers or fire arms as such officers in the discharge of their duties. ('13 c. 196 § 1, amended '15 c. 241 § 1; '23 c. 391 § 1) [9304]

**10804. Convicts may communicate with warden or board.**—Every convict may communicate, in writing, with the warden and board of control, under regulations prescribed by said board for that purpose. (5441) [9305]

**10805. Contagious disease—Removal of convicts.**—In case of an epidemic of any infectious or contagious disease in said prison, whereby the health or lives of the prisoners may be endangered, the warden, with the approval of the board of control, may cause the prisoners so affected to be removed to some other secure and suitable place or places for care and treatment; and, should said prison be destroyed, in whole or in part, by fire or other casualty so as to become unsuitable for proper detention and custody of the convicts, the warden, with the approval of said board, may remove them, or any number thereof, to such other safe and appropriate place as may be provided. (5442) [9306]

**10806. Reward for escaped convict.**—Upon the escape of a convict from the state prison or reformatory, the warden or superintendent, as the case may be, shall use all proper means for his apprehension and return, and for that purpose may offer a reward of not more than twenty-five dollars, and, with the approval of the board of control, a further sum not exceeding one hundred dollars, to be paid from the state treasury, provided that such warden or superintendent, as the case may be, shall himself pay such reward if the escape is due to his negligence or that of any officer under him. (5443) [9307]

**10807. Communication with convicts.**—No person, without the consent of the warden, shall bring into or carry out of the prison any writing or any information to or from any convict. Every violation of this provision shall be a misdemeanor and punished accordingly. On discovery such person may be arrested by any prison officer without warrant. (5444) [9308]

**10808. Diminution of sentence.**—Every convict sentenced for any term other than life, whether confined in the state prison, state reformatory, or state reformatory for women, or on parole therefrom, may diminish the term of his sentence as follows:

First. For each month, commencing on the day of his arrival, during which he has not violated any prison

rule or discipline, and has labored with diligence and fidelity, five days.

Second. After one year of such conduct, seven days for each month.

Third. After two years of such conduct, nine days for each month.

Fourth. After three years, ten days for each month for the entire time thereafter.

Said board, in view of the aggravated nature and frequency of offenses, may take away any or all of the good time previously gained, and, in consideration of mitigating circumstances or ignorance on the part of the convict, may afterwards restore him, in whole or in part, to the standing he possessed before such good time was taken away. Whenever a convict shall pass the entire period of his imprisonment without an unexcused violation of the rules or discipline, upon his discharge he shall be restored to his rights and privileges forfeited by conviction, and receive from the Governor a certificate, under the seal of the state, as evidence of such restoration. (R. L. '05, § 5445; amended '07, c. 206, § 1; '27, c. 232) [9309]

127-102, 148+896.

**10809. Vocation of convict—Examination by court.**—Every court, before imposing a state prison or reformatory sentence, shall ascertain by examination of the convict on oath, and such other evidence as can be obtained, the business, if any, followed by him before his arrest, whether he had learned and practiced any mechanical trade, and, if so, the nature thereof, and length of time followed. The clerk shall enter upon the minutes the facts so ascertained by the court, and deliver a certificate thereof to the sheriff of the county and other proper officer, who shall cause the same to be delivered to the warden, superintendent, or other chief officer of the state prison or reformatory at the time of the commitment. Every person committed to such institution shall be regularly employed at, and compelled to perform a reasonable amount of hard labor in, some industrial work, unless exempted on account of sickness or other disability. (5446) [9310]

Sentence should be to hard labor (68-465, 71+681).

**10810. No contract labor—Tools and machinery.**—No contracts for leasing the labor of prisoners confined in any such institution, at a certain rate per diem, giving the contractor full control of the labor of the prisoners, shall be made; but such prisoners shall be employed, under regulations established by said board of control, in such industries as shall from time to time be fixed upon by the officers in charge and said board, or in the manufacture of articles by the piece, under the so-called "piece price system," by contracts with persons furnishing the materials. The chief officer, under the direction of said board, shall purchase such tools, implements, and machinery as they shall deem necessary for the work. (5447) [9311]

**10811. Selling of labor of convicts prohibited.**—That after the passage and approval of this act it shall be unlawful for the state board of control, or the warden of the state prison, or any person exercising control of or supervision over any convict sentenced to and confined in said prison to enter into any contract or agreement, or any arrangement, whereby the labor or service of said convict is either sold or leased or otherwise disposed of for hire to any person or to any party. Provided, however, that nothing herein contained shall be either deemed or construed to either invalidate or validate any existing contract relating to the labor of

convicts confined in said prison. ('09 c. 481 § 1) [9312]

**10812. Sale of binding twine**—The price of binding twine manufactured at the state prison shall be fixed by the warden and the state board of control not later than March 1, each year. The state board of control, in its discretion, may agree to allow to purchasers of binding twine, a discount from the price so fixed, on condition payment for twine purchased is made by the purchaser at the time agreed upon for such payment, as follows: on a single purchase and shipment of not less than three thousand (3,000) pounds, one-eighth of one cent per pound; on a single purchase and shipment of not less than ten thousand (10,000) pounds, one-fourth of one cent per pound; on a single purchase and shipment of not less than a car load lot, one-half of one cent per pound. Such twine shall be sold to actual consumers in quantities needed for their use, and to dealers within the state under such rules and regulations as may be provided by said board, for cash or security, approved by the warden. Dealers desiring to purchase such twine shall enter into a written agreement with the state to sell only to actual consumers within the state for their own use. Such agreement shall also provide that when such twine is sold for cash it shall be at a price not greater than one cent per pound above the purchase price and freight from the prison to the station where such twine is sold, and when such twine is sold on time, at a price not greater than one and a half cents per pound above the purchase price and freight, as hereinbefore prescribed.

Reservation of 4,000,000 pounds. The board shall cause to be held in reserve at the prison until March 1 of each year four million pounds of twine for the purpose of filling club and cash orders received from consumers, and thereafter until July 1 of each year said board shall reduce such reserve to five hundred thousand pounds, after which date all twine shall be sold. The state shall retain a contingent interest in twine so sold, and if any dealer shall violate his said agreement, the state board of control may declare such twine forfeited to the state and retake possession thereof. Every dealer purchasing such twine shall keep it separate from other twine and also keep a correct record of all his sales, showing the date, amount, price and name and postoffice address of purchaser, which shall be open to the inspection of the warden, state board of control and the proper county attorney. Every dealer who shall violate the terms of said written agreement, and every person violating any provision of this section, shall be guilty of a gross misdemeanor.

Twine may be sold to dealers outside state. Provided, that whenever, in the opinion of the state board of control and the warden of the prison, the best interests of the state require such action, such binding twine may be sold to dealers or consumers without the state. (R. L. § 5448, amended '07 c. 74; '13 c. 334 § 1; '19 c. 201 § 1) [9313]

143-218, 173+408.

**10813. Sale of land acquired in collection of a debt for binding twine**—Whenever the State of Minnesota shall have heretofore or shall hereafter acquire title to any land in the course of legal proceedings for the collection of a debt arising out of the sale by the state of farm machinery, binding twine or other articles manufactured or improved at the state prison, the same may be sold by the governor to such persons

and for such price as shall be recommended by the warden of the state prison and the governor is hereby authorized to execute in the name of the state and in its behalf any deeds or conveyances necessary or desirable to convey the title and interest of the state to the purchaser and the proceeds of such sale shall be paid into the state treasury to the credit of the appropriate prison fund. ('17 c. 58 § 1)

**10814. Number employed in one industry**—The number of prisoners employed in a single industry at the same time, at any institution coming under the provisions of this act, shall not exceed 10 per cent of the total number of men engaged in such industry in this state unless a greater number is necessary to produce material or articles to be supplied to state and other municipal institutions, penal or charitable. The number employed in any such industry shall be determined by a commission of three (3) to consist of the labor commissioner, who shall be chairman, a member of the board of control, and a citizen of the state engaged or interested in some manufacturing industry, not connected with the state prison, or reformatory; the last two to be appointed by the governor. Provided, however, that this section shall not apply to the number of prisoners employed in the manufacture of binding twine in the state prison at Stillwater, nor shall it apply to the number of prisoners employed in the manufacture of brushes at the state reformatory now at St. Cloud, nor shall it apply to the number of prisoners hereafter employed in the manufacture of binders, mowers and rakes at the state prison at Stillwater, nor shall it apply to the number of prisoners hereafter employed at the state prison at Stillwater in any industry not now carried on in this state and which may be hereafter inaugurated at said state prison. (R. L. § 5449, amended '07 c. 71 § 1) [9314]

**10815. Factory for agricultural machinery**—Selling agencies—The State Board of Control is hereby authorized, empowered, and directed to establish, construct, equip, maintain and operate, at the state prison at Stillwater, a factory for the manufacture of hay rakes, hayloaders, mowers, grain harvesters and binders, corn harvesters and binders and corn cultivators, and the extra parts thereof, and for that purpose to employ, and make use of the labor of prisoners kept in said prison, at any time available therefor and as largely as may be, and such but only such skilled laborers as in the judgment of the said Board of Control and the warden of the state prison may be necessary for the feasible and successful and profitable employment of the said prisoners therein therefor, and for the purposes of, and to give full effect to, this act, said Board of Control may use all of, or any part of, not exceeding two hundred fifty thousand dollars of the existing state prison revolving fund created by and existing under Chapter 151 of the Laws of 1909 (Section 9291-9294, General Statutes 1913) 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, local selling agencies therefor, and to contract with such agencies to furnish thereto for the local

sale thereof, the said rakes, hayloaders, mowers, grain harvesters and binders, corn harvesters and binders and corn cultivators, 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. ('07, c. 49, § 1; amended '13, c. 141, § 1; '23, c. 294, § 1; '27, c. 172) [9315]

G. S. 1913, §§ 9291-9294, is §§ 10790-10793 herein.

**10816. Sale of machines**—Except as hereinabove provided otherwise, the said Board of Control shall cause the machines and extras manufactured at said factory to be sold under and pursuant to such rules and regulations as the Board of Control shall make from time to time for the sale thereof, and shall be sold for cash or security approved by the Warden. ('07 c. 49 § 2, amended '23 c. 294 § 2) [9316]

**10817. Habitual drinkers**—No person shall be appointed as an officer or employee of any state prison or state reformatory who is in the habit of using intoxicating liquors, and a single act of intoxication shall justify a removal or discharge. (5450) [9317]

**10818. Sentence on reformatory plan**—Whenever any person not less than seventeen nor more than thirty years old, who has never been sentenced to a state prison or reformatory, is convicted of an offense punishable by imprisonment in the state prison, the court, in its discretion, may sentence him to the state prison in like manner and on like conditions as are provided for sentence to the reformatory, designating the sentence to be upon the reformatory plan; and in such cases paroles and releases shall be granted upon the same terms and conditions as from the reformatory. (5451) [9318]

Cited (119-368, 138+315).

**10819. Parole of prisoners**—The state board of control may parole any prisoner: Provided,

1. No convict shall be paroled who has been previously convicted of a felony other than the one for which he is serving sentence, either in this state or elsewhere.

2. No convict serving a time sentence shall be paroled until he shall have served at least one-half of his full term, not reckoning good time.

3. No convict serving a life sentence shall be paroled until he has served thirty-five years, less the diminution which would have been allowed for good conduct had his sentence been for thirty-five years, and then only by unanimous consent, in writing, of the members of the board of pardons.

4. Such convicts while on parole shall remain in the legal custody and under control of the board of control, subject at any time to be returned to the prison or reformatory, and the written order of said board, certified by the warden, shall be a sufficient warrant to any officer to retake and return to actual custody any such convict. Geographical limits wholly within the state may be fixed in each case, and the same enlarged or reduced according to the conduct of the prisoners.

5. In considering applications for parole said board shall not entertain any petition, receive any written communication, or hear any argument from any attorney or other person not connected with said prison, in favor of the parole of any prisoner, but it may institute inquiries by correspondence or otherwise as to the previous history or character of such prisoner. (5452) [9319]

127-102, 148+896.

**10820. Prisoners in prison or reformatory—Compensation**—That the state board of control be and it is hereby authorized and empowered to provide for the payment to prisoners confined in the state prison or in the state reformatory of such pecuniary earnings and for the rendering of such assistance as it may deem proper, under such rules and regulations as it may prescribe. Such earnings shall be paid out of the fund provided for the carrying on of the work in which the prisoner is engaged when employed on state account, and by the contractor when the prisoner is employed under contract; and such assistance, when allowed, shall be paid out of the current expense fund of the institution ('09 c. 304 § 1) [9320]

Section 3 repeals inconsistent acts, etc.

**10821. Moneys, how used—Forfeiture**—Any money arising under section 1 [10820] of this act shall be and remain under the control of the state board of control, to be used for the benefit of the prisoner, his family or dependent relatives, under such regulations as to time, manner and amount of disbursements as the board may prescribe. But, should any such prisoner wilfully escape from the state reformatory or the state prison, or become a fugitive from justice, or commit any breach of discipline at either institution, the said board of control may in its discretion cause the forfeiture of all earnings remaining to the prisoner's credit, and the same shall be replaced in the fund from which it was originally taken. ('09 c. 304 § 2) [9321]

**10822. Pay of guards**—Guards employed at the Minnesota state prison at Stillwater and the state reformatory at St. Cloud shall not be required to work to exceed ten (10) hours per day, except in cases of extraordinary emergency or necessity. ('17 c. 422 § 1)

145-262, 177+341.

## STATE REFORMATORY

**10823—Location and management**—The state reformatory shall be continued at its present site, in Sherburne county, and be under the general management of the board of control. (5453) [9322]

**10824. Sentence—Term of imprisonment**—Any male person not less than sixteen nor more than thirty years of age, convicted of a crime punishable by imprisonment in the state prison, and 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. Whenever after sentence to the reformatory the term of confinement for such offense has been reduced by law, said board may release after service of such reduced term. (R. L. § 5454, amended '11 c. 251 § 1) [9323]

Under R. L. 1905 § 5454 [9323], authorizing the court to sentence to the reformatory any person not less than 16 nor more than 30 years of age, etc., and who has been convicted of a crime punishable by imprisonment in the state prison that a judgment on which defendant is sentenced to reformatory, fails to state age, does not render it subject to attack on habeas corpus (119-368, 138+315). 156-181, 194+942.

**10825. Transfer of prisoners**—The board of control may transfer from the reformatory to the state prison and from the state prison to the reformatory, whenever, in its judgment, such transfer will be advantageous to the person transferred, or to the institution from which such transfer is made. Said board shall make all *needful rules for the employment, discipline, instruction, removal, release, or return of inmates of said institution.* (R. L. '05 § 5455, amended '11 c. 61 § 1; '17 c. 237 § 1) [9324]

Not unconstitutional, as constituting legislative attempt to vest administrative officers with judicial functions (119-368, 138+315).

Under the present statutes a boy over twelve and under sixteen years of age, convicted of the crime of murder in the third degree, may be sentenced to the state prison. 156-181, 194+942.

**10826. Expenses of sheriff in conveying convicts**—The necessary expenses of sheriffs, and other officers incurred in conveying convicts to the state prison and state reformatory, including per diem and expenses of guards, shall be approved by the state auditor, and be paid out of the state treasury. Said auditor may allow for said expenses the following rates: The necessary expenses incurred by the sheriff or deputy in going to and returning from the state prison or reformatory; two dollars and fifty cents per day for each guard, and such sum as may be necessary for railroad fare and actual traveling expenses. No more than one guard shall be allowed for one prisoner, and one additional guard for every two additional prisoners; provided, that in all counties of the state wherein the compensation of the sheriff is upon a fee basis, such sheriff shall also receive a per diem of three dollars per day for each day necessarily consumed in conveying prisoners to the prison or reformatory. All bills shall be rendered in writing, fully itemized and verified by oath, and accompanied by the receipt of the warden of the prison or the superintendent of the reformatory, for the delivery of such convict or convicts, in form to be prescribed by the state auditor. ('09 c. 70 § 1) [9325]

**10827. Register of convicts**—Whenever any person is received into the reformatory upon direct sentence thereto, the superintendent shall cause to be entered in a register the date of his admission, his name, age, nativity, nationality, and such other facts as can be ascertained of his parentage, early social influences, and tendencies, and an estimate of his present condition and of the best probable plan of treatment. At least once every three months, minutes shall also be made thereon of observed improvement or deterioration of character, methods of treatment employed, orders or charges affecting the standing of such convict, the circumstances of his final release, and such facts of his subsequent history as may be ascertained. (5456) [9326]

**10828. Record of conduct—Release—Citizenship**—Each prisoner shall be credited for good personal demeanor, diligence in labor and study, and results accomplished, and be charged for derelictions, negligences, and offences, under such uniform system of marks or other method as shall be prescribed by the board of control; and he shall be informed of his standing under such system each month, and be permitted

during each month to converse with some member of the board. Whenever said board shall grant an absolute release, it shall certify the fact and the grounds therefor to the governor, who may, in his discretion, restore the person released to citizenship. But no application for such release shall be entertained by the board. (5457) [9327]

**10829. Instruction in trades—Contract system prohibited**—The board shall cause the inmates to be instructed in trades or employments for which they seem best fitted. Contract labor is hereby prohibited in the reformatory, and no inmate thereof shall be required to labor at stonework more than eight hours per day. (5458) [9328]

**10830. Crushing rock for roads**—The state board of control of the state of Minnesota is hereby authorized and directed to purchase such machinery and appliances as may be necessary in addition to those now belonging to the state of Minnesota at the Minnesota state reformatory, and promptly proceed to cause the spalls and waste rock now on the grounds of said reformatory, and such spalls and waste rock as shall hereafter accumulate at said reformatory, to be suitably crushed for road-making purposes. ('09 c. 229 § 1) [9329]

**10831. Excess crushed rock from reformatory to be sold**—Such crushed rock, in excess of the needs of said reformatory for construction of buildings of said reformatory, and for the making of roads upon the grounds thereof, shall be sold by the board of control to the several counties of this state for use upon state roads. The same shall be so sold at such price as shall be agreed upon and fixed by agreement of the board of control and the commissioner of highways. The amount received by the board of control shall be used for the maintenance and development of the rock crushing industry at said institution. ('09 c. 229 § 2, amended '19 c. 225 § 1) [9330]

**10832. Aid for prisoner or his family**—Said board may make provision for such pecuniary assistance of prisoners on their discharge, or for the support of their families while in confinement, as may seem proper, by the allowance of moderate wages, to be paid from the current expense fund of the institution. The sum arising therefrom shall, until the prisoner's final discharge, be under the control of the superintendent, to be used for the benefit of such prisoner and his family; but, should any such person wilfully escape from the reformatory, or become a fugitive from justice, he shall thereby forfeit all earnings remaining under the control of the superintendent, and the same shall be placed in the inmates' benefit fund. (5459) [9331]

**10833. Parole of prisoners**—The board of control may parole any inmate of the reformatory under such reasonable conditions as may be deemed expedient, but such prisoner while so on parole shall be and remain at all times within the legal custody of the board, and subject to be returned to the institution, either for breach of the conditions of his parole or otherwise. Said board shall have power to enforce the terms and conditions of such parole, and to retake and reimprison any such paroled prisoner; and its written order, certified by its secretary, shall be a sufficient warrant for all officers therein named, and they shall execute the same as ordinary criminal process. (5460) [9332]

**10834. Supervision of paroled or discharged convicts—State agents**—The state board of control, as far as possible, shall exercise supervision over paroled and

discharged convicts, and, when deemed necessary for that purpose, may appoint a state agent, fix his salary, and allow him 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 it may prescribe in behalf or in supervision of prisoners paroled or discharged from the state prison, the state reformatory, or other public prison in the state, including assistance in obtaining employment, and the return of paroled prisoners. Such agent and such persons shall hold office at the will of the 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) [9333]

#### FEMALE CONVICTS

10835. **Transfer of women convicts**—Any female who shall, after this act takes effect, be convicted of a crime committed subsequent to the taking effect of this act, which crime, under the statutes prescribing the punishment for such crime and in force at the time the crime was committed, is punishable by imprisonment in the state prison, shall not be sentenced to imprisonment in the state prison, but shall be sentenced to imprisonment in the state reformatory for women and shall be imprisoned therein for the same term and upon the same conditions as is provided by the statutes in force at the time the crime was committed with reference to imprisonment in the state prison. ('19 c. 106 § 1)

10836. **Sentences to be to state reformatory**—Whenever any female shall, after this act takes effect, be convicted of any crime committed prior to the taking effect of this act, which crime is, under the statutes in force at the time the crime was committed, punishable by imprisonment in the state prison, the court, in which such conviction is had, instead of sentencing such female to imprisonment in the state prison, shall sentence her to imprisonment in the state reformatory for women, and such female shall thereupon and thereafter be imprisoned in said state reformatory for women, for the term and upon the same conditions prescribed by the statutes in force at the time the crime was committed, with reference to imprisonment in the state prison. ('19 c. 106 § 2)

10837. **Board of control given authority to transfer**—The board of control is hereby authorized upon the taking effect of this act, to transfer any female prisoners then imprisoned in the state prison to the state reformatory for women and such females shall thereafter be imprisoned in said state reformatory for women during the then unexpired term and upon the conditions applicable to their several sentences and commitments to said state prison. Upon the transfer of any prisoner from the state prison to the said state reformatory for women the warden of the prison shall deliver to the superintendent of the state reformatory for women the commitment papers relating to any such prisoner. ('19 c. 106 § 3)

10838. **Discharge—Clothing—Money**—Upon the discharge of any inmate of the state reformatory, the superintendent, at the expense of the state, shall furnish each inmate released with one good, serviceable suit of clothing and underclothing, and, when released between October 1 and March 31 following, with a good, serviceable overcoat; and he shall pay to each

inmate, when released, twenty-five dollars in money drawn from the current expense fund. ('17 c. 159 § 1)

10839. **State reformatory for women**—There is hereby created and established a separate institution for the care, training and education of women, to be known as the State Reformatory for Women. Any woman over the age of eighteen years convicted of a felony or gross misdemeanor may be sentenced and committed to the State Reformatory for Women, 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 reformatory for males. Such imprisonment shall not exceed the maximum term fixed by law or by the court, if the court has fixed the maximum term in passing sentence and may be terminated by the board of parole at any time after the expiration of the minimum term provided by law for the crime. ('15 c. 324 § 1, amended '21 c. 29 § 1).

10840. **Bids**—As soon as practicable after the passage of this act, the Board of Control of this state shall invite in such form or manner as its members may deem best, proposals for a site for said State Reformatory for women hereby created and established of not less than one hundred and sixty (160) acres, situated in any county in this state, and in selecting such site said Board of Control shall consider, among other things, the healthfulness of the location, the character and quality of the soil, facilities for drainage, the quality of the water supply, the market value of the site offered, and its convenience to railroad transportation and to the needs of the state. ('15 c. 324 § 2)

10841. **Title**—When said Board of Control or a majority of its members has selected the site, in the way and manner provided in the preceding section hereof, said Board of Control shall, without unnecessary delay, proceed to acquire an unincumbered title in fee simple thereto in the name of this state, either by a gift or by grant or purchase, and if by grant or purchase shall pay therefor such sum as said Board of Control shall deem to be the reasonable market value thereof, which payment shall be made out of the money hereinafter appropriated, upon the execution and delivery of a deed therefor vesting in the state the title of said land in fee simple; but if no site is proposed or offered which meets with the approval of the said Board of Control (or a majority of its members), or if such a site is offered and agreed upon, but said Board of Control is unable to purchase the same at what said Board of Control deems to be its reasonable market value, then the said Board of Control shall forthwith invite further and additional proposals and shall so continue until a site has been proposed and offered which meets with the approval of the said Board of Control (or a majority of its members) and which can be purchased at what said Board of Control deems to be its reasonable market value, or less. ('15 c. 324 § 3)

10842. **Plans and estimates**—When a site for said state reformatory has been acquired by the state, it shall be the duty of the Board of Control of this state to cause to be prepared plans for and estimates of the cost of the necessary buildings and improvements for same, and it shall submit such plans and estimates to the legislature of 1917, with its recommendations thereon. The plans and estimates shall be based on what is known as the "cottage plan," in order that the inmates of said reformatory may be properly classified



1940 Supplement  
To  
**Mason's Minnesota Statutes**  
1927

(1927 to 1940)  
(Superseding Mason's 1931, 1934, 1936 and 1938  
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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. 298, §6; G. S. '13, §9273; Apr. 14, 1931, c. 161, §4; Apr. 5, 1935, c. 110, §2.)

Prisoner on medical reprieve is not entitled to hospital and medical services at expense of state. Op. Atty. Gen. (341j), Dec. 21, 1936.

**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 a felony 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.

**10773. Duty of board—Final discharge.**

Op. Atty. Gen., Apr. 7, 1933; note under §10772.

**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 per-

formed by them. Each shall be paid from the current expense fund of the institution or institutions for whose benefit he was appointed. ('11, c. 298, §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.

Where prisoner violated his parole on Dec. 16, 1933, and parole board did not convene until Jan. 25, 1934, when parole was rescinded and warrant issued, prisoner was entitled to have time between Dec. 16, and Jan. 25, credited on his sentence, in absence of any rule or regulation applicable to the circumstances set forth by board of parole. Op. Atty. Gen. (341l-1), Mar. 2, 1935.

**10778-1. Governor may enter into reciprocal agreement.**—The governor of the state of Minnesota is hereby authorized and empowered to enter into compacts 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. 257.)

**Preamble to act.**

Whereas, The Congress of the United States of America has, by law, given consent to any two or more states to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and in the enforcement of their respective criminal laws and policies;

Reciprocal and retaliatory legislation. 21MinnLawRev 371.

**BOARD OF PARDONS**

**10780. Pardons—Reprieves—Unanimous vote.**

Where a conditional pardon has been granted, burden of proof of performance of condition rests upon him who relies upon effectiveness of pardon. *State v. Barnett*, 193M336, 258NW508. See Dun. Dig. 2449, 4942, 7296a.

Where a prisoner is released on a conditional commutation of sentence, but is later returned on a commitment, board of pardons may not revoke original commutation so as to require prisoner to serve out remainder of original sentence, but prisoner should receive credit on original sentence for period of time up to breach of condition of commutation. Op. Atty. Gen. (341l-1), August 29, 1939.

**CHAPTER 105**

**State Prison and State Reformatory**

**STATE PRISON**

**10787. Location and management.**

State board of control abolished and functions and powers transferred to director of public institutions by Act Apr. 22, 1939, c. 431, Art. 6, §§3, 4, ante §§3199-103, 3199-104.

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.

Prisoner may use funds received from adjusted compensation certificates to purchase land if discipline of institution is not affected. Op. Atty. Gen. (342b), May 19, 1936.

**10796. Clothing and food—Money on discharge.**

Prisoner on medical reprieve is not entitled to hospital and medical services at expense of state. Op. Atty. Gen. (341j), Dec. 21, 1936.

A convict is entitled to items specified each time he is discharged or released. Op. Atty. Gen. (91c-1), April 6, 1939.

**10807. Communication with convicts.**

Communications which are withheld from inmate and retained in files must be delivered to him upon his discharge from institution. Op. Atty. Gen. (598a), Sept. 4, 1934.

**10808. Diminution of sentence.**

Laws 1933, c. 329, providing for termination of sentences between March and November does not prevent release at other times during year by reason of good conduct. Op. Atty. Gen., Aug. 25, 1933.

**10812. Sale of binding twine.**

Laws 1931, c. 340, fixes maximum price of machinery sold for 1931 and 1932.

**10815. State prison may manufacture machinery.**

—The State Board of Control is hereby authorized, empowered, and directed to establish, construct, equip, maintain and operate, at the State Prison, at Stillwater, a factory for the manufacture of hay rakes, hay loaders, mowers, grain harvesters and binders, corn harvesters and binders and corn cultivators, and the extra parts thereof and, if the board deems it advisable, cultivators of all kinds, culti-packers, manure spreaders, ploughs, rotary hoes, and the extra parts thereof and rope and ply goods of all kinds and for that purpose to employ, and make use of the labor of prisoners kept in said prison, at any time available therefor and as largely as may be, and such but only such skilled laborers as in the judgment of the said Board of Control and the Warden of the State Prison may be necessary for the feasible and successful and profitable employment of the said prisoners therein therefor, and for the purposes of, and to give full effect to, this act, said Board of Control may use all of, or any part of, not exceeding two hundred fifty thousand dollars of the existing state prison revolving fund created by and existing under Chapter 151 of the General Laws of 1909 (Section 9291-9294, General Statutes 1913, sections 10790-10793, Mason's Minn. Stat. 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. ('07, c. 49, §1; G. S. '13, §9315; '13, c. 141, §1; '23, c. 294, §1; '27, c. 172; Apr. 24, 1929, c. 348.)

Laws 1931, c. 340 and Laws 1933, c. 342, fixes the price of machinery and parts manufactured under this section for the years 1931 to 1934, inclusive.

**10816. Sale of machines.**

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

Machinery may be sold at higher prices outside of state than in state. Op. Atty. Gen., Feb. 8, 1934.

**10819. Parole of prisoners.**

A person paroled from a state penal institution and under supervision of state board of parole cannot gain a new settlement for poor relief purposes. Op. Atty. Gen. (339-1), Sept. 2, 1933.

**10821. Moneys, how used—Forfeiture.**

Prisoner may use funds received from adjusted compensation certificates to purchase 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. 431, 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, and 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. 383.)

Superintendent of reformatory has no right to refuse acceptance of prisoners sentenced to his institution contrary to law. Op. Atty. Gen., Feb. 6, 1933.

Where judge sentenced one to a year in prison but indicated that prisoner should be given credit for time spent in jail, superintendent of reformatory may give such credit. Op. Atty. Gen. (341k-10), Apr. 12, 1934.

**10825. Transfer of prisoners.**

Inmates of state prison serving life sentences imposed before passage of Laws 1935, c. 207, may be transferred to reformatory. Op. Atty. Gen. (341k-8), Apr. 7, 1938.

**10826. Expense of sheriff in conveying convicts.**

No provision is made for compensation when sheriff uses his own automobile in transporting prisoner to state prison or state reformatory, but sheriff is entitled to allowance of amount equivalent to railroad fare for himself, prisoner and guards. Op. Atty. Gen., July 6, 1932.

Where juvenile was bound over to district court by juvenile court of same county and was committed to state training school at Red Wing by district court, ex-

penses of transportation must be paid by county. Op. Atty. Gen. (345d), Apr. 16, 1937.

Expenses prior to conviction are to be paid by county, and expenses after conviction are to be paid by the state, including fees of the sheriff for returning and committing a prisoner from another state after sentence. Op. Atty. Gen. (390c-9), March 1, 1939.

**10827. Register of convicts.**

Any record concerning inmate other than those herein provided are subsequent to discretion of authority. Op. Atty. Gen. (342h), Apr. 4, 1935.

**10834-1. State reformatory employees to have same salary as other penal institutions.**—That the salaries of officers and employees at the Minnesota State Reformatory at St. Cloud, Minnesota, be increased so as to place them upon the same salary schedule and basis of pay as that of officers and employees at the Minnesota State Prison at Stillwater, Minnesota, and the State Board of Control is hereby authorized and directed so to do. (Act Apr. 15, 1935, c. 183, §2.)

Sec. 3 of Act Apr. 15, 1935, cited, provides that the act shall take effect from its passage.

**FEMALE CONVICTS**

**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. 431, 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 inmate 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 institution for the care, training and education of women, to be known as the State Reformatory for Women. Any woman over the age of eighteen years convicted of a felony may be sentenced and committed to the State Reformatory for Women, 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 reformatory for males. Such imprisonment shall not exceed the maximum term fixed by law or by the court, if the court has fixed the maximum term in passing sentence and may be terminated by the board of parole at any time after the expiration of the minimum term provided by law for the crime. (As amended Mar. 19, 1937, c. 75, §1.)

Prisoners may be sentenced for gross misdemeanors to term less than a year in state reformatory for women. Op. Atty. Gen. (341k-8), Mar. 20, 1936.

**STATE BOARD OF CRIMINAL CLASSIFICATION**

**10846-1 to 10846-9. [Repealed Mar. 18, 1939, c. 71.]**

This was the act of Apr. 17, 1935, c. 207, §§1 to 9.

**ANNOTATIONS UNDER REPEALED SECTIONS**

**10846-3. St. Cloud to be receiving depot.**

Prior to classification prisoners are not inmates of the St. Cloud reformatory in the strict sense of the word and separate record should be maintained until they are actually assigned. Op. Atty. Gen. (344b), June 14, 1935.

Where clerk of district court holds a commitment to state penal institution under sentence imposed after defendant had been sent to state prison by board of classification, it is duty of sheriff of county from which prisoner was committed to take custody when he is released from state prison and take him to St. Cloud reformatory where he will be reclassified. Op. Atty. Gen. (390a-16), Sept. 17, 1937.

**10846-4. Must be classified and assigned.**

All records of the board should be kept separate and become part of files of board and should not be kept in common with records of institution to which prisoner is transferred. Op. Atty. Gen. (344b), June 14, 1935.

Where one out on parole commits crime and receives sentence, and parole is suspended, new sentence should be added to old sentence as one continuous sentence, subject to classification of prisoner in due course at St. Cloud reformatory. Op. Atty. Gen. (341k-10), Aug. 11, 1937.

**10846-6. Reclassifications.**

Classification board only has jurisdiction over prisoners committed after passage of act. Op. Atty. Gen. (344b), June 14, 1935.

**10846-8. Expenses of board to be paid.**

Expenses for keeping prisoners prior to time they are classified, clerk hire, examination by physician and psychiatrists and other necessary expenditures should be paid from funds of state reformatory and state prison in such proportion as board of control shall determine. Op. Atty. Gen. (344b), June 14, 1935.

**EMPLOYMENT OF PRISONERS IN CONSERVATION WORK**

**10846-11. Convicts to do conservation work.**—The state board of control is hereby authorized within its discretion, to use selected convicts in 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.)

**10846-12. 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.)

**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. 23, 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