

**“THE COUNTY JAILS, 1892-1894”  
(1895)**

**BY**

**HASTINGS H. HART  
Secretary,  
State Board of Corrections and Charities**

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**FOREWORD**

**BY**

**Douglas A. Hedin  
Editor, MLHP**

**On Tuesday, April 11, 1893, a bill designated “Senate File 473” was passed by the Minnesota Senate without dissent, 37 to 0. The following Monday, April 17, 1893, it came before the House of Representatives for a final vote, and passed over token opposition, 59 to 3.<sup>1</sup> It went into effect two days later.<sup>2</sup>**

**This law had been on the drafting table for ten years. Its origins lay in an 1885 report by Hastings Hart in which he advocated “complete abolition” of the current county jail system, and the establishment of “district houses of correction” for adult convicts not sent to the state prison.<sup>3</sup> In that report and in those that followed, Hart highlighted the dangers of overcrowding, fires and bad ventilation, and the con-**

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<sup>1</sup> Journal of the House of Representatives, Monday, April 17, 1893, at p. 848; Journal of the Senate, Tuesday, April 11, 1893, at p. 764.

<sup>2</sup> Laws 1893, ch. 157, at pp. 293-301; Stat., ch. 120, §§7417-7448, at pp. 1933-1939 (1894). It is posted in Appendix A, at 35-45.

<sup>3</sup> Hastings H. Hart, “The Jail System of Minnesota” 20 (MLHP, 2012) (first published, 1885)(“The only remedy consists in the complete abolition of the present county jail system, making our county jails simply houses of detention, in which imprisonment of convicts is forbidden, and establishing district houses of correction in different parts of the State, to which all sentenced prisoners not sent to the reform school or state prison are sent, and made to earn their way.”).

sequences of not separating accused prisoners from the convicted, juveniles from adults, men from women, and much more. Many of his concerns were addressed in the 1893 reform legislation. that shifted control over the county jail from the county board to the state, though he may have viewed it as transferring responsibility not as usurping local power.

The passage of the reform act fell midway in the period covered by the Board of Corrections and Charities' Sixth Biennial report to the legislature, issued in 1895. It included Hart's report on the conditions of each of the 55 county jails he had inspected in 1892-1894, and the effects of the new law.<sup>4</sup>

Because sheriff's offices had been chronically underfunded by county commissioners, section 11 of the reform act established a fee schedule which required them to pay the sheriff per diem fees based on the average number of prisoners housed per month (though the last proviso excluded Hennepin, Ramsey and St. Louis Counties because they were governed by special laws). In addition, section 15 required the county board to pay for necessary clothing, bedding and medical aid for the prisoners. With an adequate budget assured, the jail keeper was required by section 16 to keep the facility in a "cleanly and healthful condition, and that strict attention is constantly paid to the personal cleanliness of all the prisoners in his custody..." Section 20 established penalties for violations by a sheriff of sections 15, 16 and other provisions regarding liquor, the availability of religious instructions, and "humane" treatment of minors.

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<sup>4</sup> The 1895 *Minnesota Legislative Manual*, at 561, contains the following biographical sketch of him:

HASTINGS HORNELL HART was born in Brookfield, Ohio, Dec. 14, 1851. He graduated from a Cleveland military school in 1867, from Oberlin College in 1875, and Andover Theological Seminary in 1880. He spent two years in business, two years in the United States Indian service in Dakota, and three years preaching at Worthington, Minn., from which place he was appointed secretary of the state board of corrections and charities in July, 1883. In 1892 he was elected president of the Twentieth National Conference of Corrections and Charities, which met at Chicago in June, 1893.

The members, officers, staff and committees of the Board listed in its Sixth Biennial Report to the Legislature are posted in Appendix C, at 48-9.

Several provisions would be so highly controversial a century later, they could not pass. Section 18, a rehabilitative measure, required the county to buy copies of the "bible and new testament" for individual prisoners. Section 9 inserted the district court judge to an unusual degree in the daily administration of a county facility. It empowered him to approve the sheriff's hiring of a "night watchman and assistant jailer" when the number of inmates exceeded certain levels, and to set their compensation; those employees held office "at the pleasure of the sheriff or the district judge."

Hart surely found satisfaction in section 25 which held that any contract over \$200 to construct or repair a county jail was valid only if it was first submitted to the Board for "suggestions and criticism." He admired the jails of Blue Earth and Nobles Counties, built after the passage of section 25, and even reproduced their blueprints in his report. In an ironical footnote, the county attorney of Nobles County, whose new jail Hart praised as "one of the best small jails in the united States," requested an official attorney general's opinion on the constitutionality of the new law. General Henry C. Childs held that it passed muster.<sup>5</sup>

But Hart's report also reveals the limits of the Board's authority, the intransigence of elected local officials and perhaps their susceptibility to other influences. Section 25 did not compel county commissioners to accept the Board's advice, a process many must have found humiliating. In reality the Board's recommendations were Hart's. And when county officials disregarded his "suggestions," he was quick to note the consequences. Carver County, for example, ignored his advice against laying "solid sheet" cement floors and "within sixty days these floors began to scale off." Ditto Yellow Medicine County's which broke and cracked within three months. The construction company that bid on and won the contract to build a new jail may have influenced the county board's decision to reject Hart's suggestions.

Section 29 gave the Board authority to designate a "district jail" for use by multiple counties, something Hart had advocated in his initial report in 1885. Pursuant to this authority, it designated the Goodhue County facility as a "district jail."

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<sup>5</sup> Opinion of Attorney General Childs, September 13, 1893, posted in Appendix B, at 45-48.

**Section 31 empowered a district judge to condemn a dilapidated and unsafe county jail on his own motion or the recommendation of a grand jury or the Board. It may have influenced Hart's assessment of certain jails. He had never shied from pointing out design deficiencies and management failures, but in this report he declared that the jails of Lyon, Wilkin and Wright Counties should be "condemned." This may have alarmed the commissioners of those counties because section 31 permitted the district court judge to condemn a jail on the motion of the Board. By labeling a particular jail unfit for use, Hart was pressuring the county board to erect a new jail before being forced to act by a judge's condemnation order.**

**Echoes of Section 31 were heard in the last three decades of the twentieth century when a flurry of litigation in federal courts challenged conditions in certain state prisons on constitutional grounds. Those conditions included overcrowding, filth, diseases and inadequate medical care — features of many county jails that Hart had identified and criticized in his biennial reports. Both section 31 and the prison reform litigation a century later placed great trust in the judgment of the judiciary, sentiments clearly not shared by all county or state officials.<sup>6</sup>**

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**Hart's exasperation with poorly designed and constructed county jails had smoldered since he first toured them in 1883-**

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<sup>6</sup> The late twentieth century prison reform litigation has produced a growing body of literature, including Malcolm M. Feeley & Edward L. Rubin, *Judicial Policy Making and the Modern State: How the Courts Reformed America's Prisons*, Cambridge Univ. Press (1998), reviewed by Margo Schlanger, "Beyond the Hero Judge: Institutional Reform Litigation as Litigation," 97 Mich. L. Rev. 1994 (1999)(SSRN Paper No. 987592); John Jacobi, "Prison Health, Public Health: Obligations and Opportunities," (SSRN Paper No. 789007, 2005); Margo Schlanger, "Civil Rights Injunctions Over Time: A Case Study of Jail and Prison Court Orders," 81 N. Y. Univ. L. Rev. 550 (2006)(SSRN Paper No. 859164); and Richard T. Boylan & H. Naci Mocan, "Intended and Unintended Consequences of Prison reform" (SSRN Paper No. 1510525, 2009).

The sheer amount of litigation provoked passage of the Prison Litigation Reform Act, Public Law 104-134 (April 26, 1996), 110 Stat. at Large, Title VIII, at pp. 1321-66 (1996), discussed in Margo Schlanger & Giovanna Shay, "Preserving the Rule of Law in America's Jails and Prisons: The Case for Amending the Prison Litigation Reform Act," 11 Univ. of Pa. J. of Con. Law 139 (2008)(SSRN Paper No. 1975508).

**1884. He was, however, a patient reformer. Ten years would pass before the state jail system was transformed by the sweeping reform act of 1893, an episode in this state's legal history that is long forgotten. But when it is retold, a pragmatic reformer emerges who warrants admiration and remembrance —Hastings H. Hart.**

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**Hart's report follows. It appeared first on pages 675-698 of Volume 4, *Executive Documents of the State of Minnesota* published in 1895. It has been reformatted. Statistical tables referenced in it are omitted; otherwise it is complete. The original spelling and punctuation are unchanged, but the title of the report has been altered by the MLHP to identify the period covered by it.**

**The complete 1893 reform law is posted in Appendix A, pages 35-45.**

**Attorney General Henry Child's opinion on the constitutionality of the law is posted in Appendix B, pages 45-48.**

**The members, officers, staff and committees of the Board listed in its Sixth Biennial Report to the Legislature are posted in Appendix C, pages 48-49.**

**Hart's report on the conditions on Minnesota jails in 1892-1894 is the last of three reports by him posted on the MLHP. The first is "The Jail System of Minnesota" (MLHP, 2012) (first published, 1885); and the second is "The County Jails, 1888-1890" (MLHP, 2012) (first published, 1891). To appreciate his accomplishments and understand the transformation of the county jail system that occurred between 1883 and 1894, they should be read in chronological order. Δ**

SIXTH BIENNIAL REPORT  
OF THE  
STATE BOARD  
OF  
CORRECTIONS AND CHARITIES  
TO THE  
LEGISLATURE OF MINNESOTA.

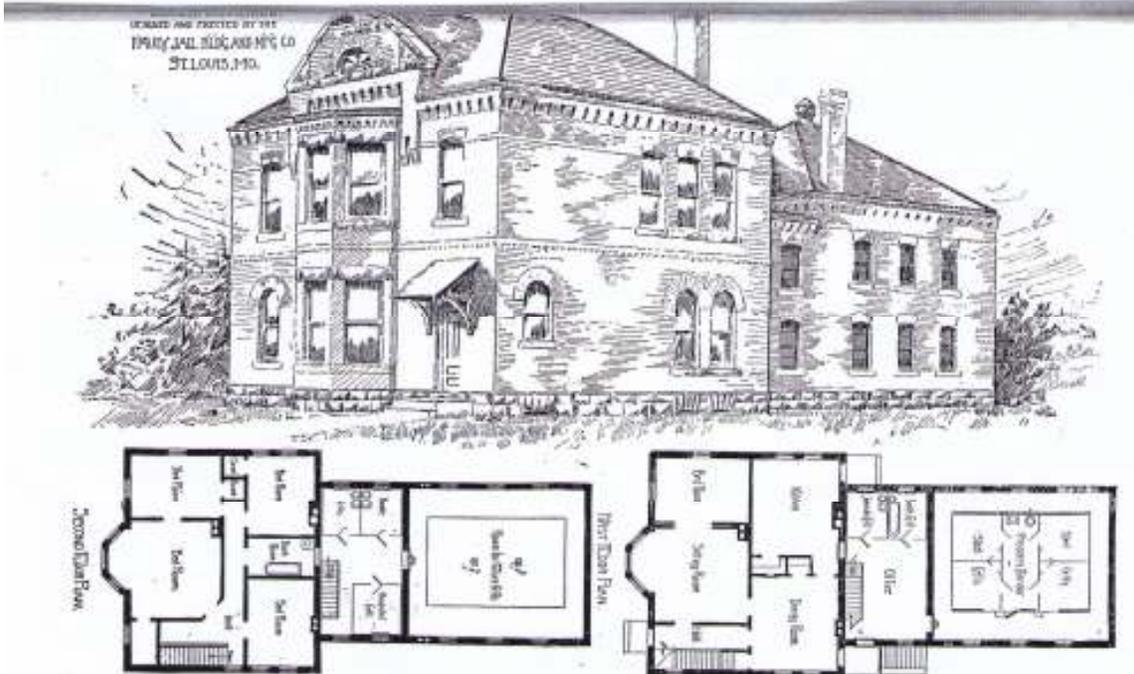
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FOR THE BIENNIAL PERIOD ENDING JULY 31, 1894.

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ST. PAUL  
FISHERS PRESS COMPANY  
STATE PRINTERS.  
1894.



**Nobles County Jail**

**BOARD OF CORRECTIONS AND CHARITIES**  
**BIENNIAL REPORT - COUNTY JAILS.**

During the biennial period new jails have been completed in Blue Earth, Carver, Nobles, Polk and Redwood counties, and plans have been adopted for jails in Big Stone and Itasca counties. The new jails are nearly all of them a great improvement upon the jails which were formerly built in the state. The Nobles county jail, which was built at a cost of \$10,300, is a model jail of its class, and is calculated to answer the needs of a county having a population near 20,000. (See frontispiece)

The Blue Earth county jail is a first-class jail for counties from 20,000 to 30,000 inhabitants and was built at a cost of about \$24,000.

The new law passed by the legislature of 1893 has worked very satisfactorily. Under its operation a uniform jail register has been adopted and is in use in nearly all of the jails in the state. The separate plan of confining prisoners has been adopted in those jails which are so constructed as to permit of prisoners being so kept, and the invariable testimony of officers who have complied with the law in good faith is, that this plan is in every way preferable to the old plan of allowing prisoners to run together.

**COST OF MAINTAINING PRISONERS.**

The legislature of 1893 passed a new law regulating the board of prisoners. This law does not affect Hennepin, Ramsey and St. Louis counties. Leaving out those counties the cost of keeping prisoners has been as follows: In 1892, for an average of 124 prisoners the sheriffs received \$25,294, or \$211 per prisoner, or \$4.05 per week. In 1893, for an average of 150 prisoners, the sheriffs received \$28,021, or \$157 per prisoner, or \$3.58 per week, making a saving under the new law of about \$3,600 dollars the first year. This saving will increase as the prisoners increase.

Jail matrons have been appointed for twenty-one of the larger jails under the new law. As a rule, the matrons receive pay only when there are female prisoners. The plan works admirably.

The total number of prisoners for the years named was as follows: 1886, 3,310; 1887, 2,678; 1888, 3,253; 1889, 3,781; 1890, 3,748; 1891, 4,270; 1892, 4,735; 1893, 5,200. Omitting Hennepin, Ramsey and St. Louis Counties the numbers for the years named were as follows: 1890, 2,214; 1891, 1,660; 1892, 1,952; 1893, 2,142.

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## **THE COUNTY JAILS.**

### **ALPHABETICALLY BY COUNTIES**

**Aitkin County Jail was visited March 23, 1894.**

There were five prisoners in two cells. The jail was not very clean, but the cells and the bedding were reasonably clean. The water closet froze up a year ago and was rudely repaired. The sewer gas penetrated the jail.

There should be an additional window placed opposite the cells. Then the jail would be well lighted. This window should have hinged grates, in order to remove prisoners in case of fire. City water should be put in and connections made with the jail and court house. Prisoners reported the following bill of fare: Breakfast, coffee, bread and butter, fried potatoes, sometimes ham; dinner, potatoes, bread and butter, tea, meat, cookies or cake; supper, bread and butter, tea, cookies, etc. Food sufficient and well cooked. On the whole, the jail was probably as well kept as could be expected under the circumstances.

The following communication was addressed to the board of county commissioners:

**St. Paul, Minn., March 28, 1894**

**To the Honorable Board of County Commissioners of Aitkin County,**

**Gentlemen: I Inspected the Aitkin county jail March 23d. I desire to respectfully call your attention to the need of providing suitable water supply for the court house and jail. No public institution needs a more abundant supply of water than is needed for a jail, and I understand that the water could be introduced at a comparatively small expense.**

I desire to call your attention, also, to the need of an additional window to be placed opposite the east cell. At present that cell is dark and it could be well lighted by a suitable window. I would suggest that when window is put in the cell grating be put on hinges, in order that the prisoners might be taken from the jail in case of fire. Several prisoners have been roasted to death in this state, and it seems desirable to take such action as will render that kind of accident impossible.

Yours respectfully,  
H. H. HART, Secretary

Becker County Jail was visited March 22, 1894.

There was but one prisoner, but the jail has frequently had five or S prisoners, and in some cases as many as eight or ten, although there a only two cells. The jail was not clean. Dirty clothing was scattered about and a large number of pieces of broken bread were found. The bed was not very clean. The sheriff's attention was called to the condition of the jail, and he said it was not its ordinary condition, but was due to neglect of the jailer. The new jail register was found to be admirably kept, the record being complete in every case.

#### BLUE EARTH COUNTY JAIL.

The Blue Earth county commissioners transmitted to the State Board of Corrections and Charities the following communication, which was considered at the meeting of the State Board of Corrections and Charities in July 1893.

To the Hon. State Board of Corrections end Charities of the State of Minnesota, St. Paul, Minn.,

Gentlemen: Please to take notice that the board of county commissioners of the county of Blue Earth, at a regular session of said board held at the court house in the city of Mankato on the 5th day of May. A.D. 1893, voted to construct a new county jail for the said county of Blue Earth.

Dated at Mankato, this 2nd day of June, A. D. 1893.

J. MAHOWALD.

Chairman of Board of County Commissioners of Blue Earth County.

The county commissioners made a careful study of the subject, visiting a number of jails of the state, and submitted to the

state board plans of a new county jail, Nov. 11, 1893, when the following communication was addressed to them:

To the Honorable Board of Commissioners of Blue Earth County,

Gentlemen: I have the honor to inform you that the proposed plans of the Blue Earth county jail were submitted yesterday to the State Board of Corrections and Charities, and the board voted to approve of the said plans, with the following suggestions:

First—That there should be a bath-room connected with the women's department.

Second—That the specifications of the iron work be so amended as to require a separate lever lock for each cell. This is a matter of special importance.

Third—That the brick arches over the cells of the first story be dispensed with and the floor be laid in the iron I beams like the stone floors in the Rochester jail. This will make a better and cheaper job.

Fourth—That the specifications describe the ventilation system more accurately. There should be a separate ventilation flue from each cell leading to the top of the building.

Fifth—That the specifications be so amended as to show the sewerage of the building and the location of bath cells and drain sinks.

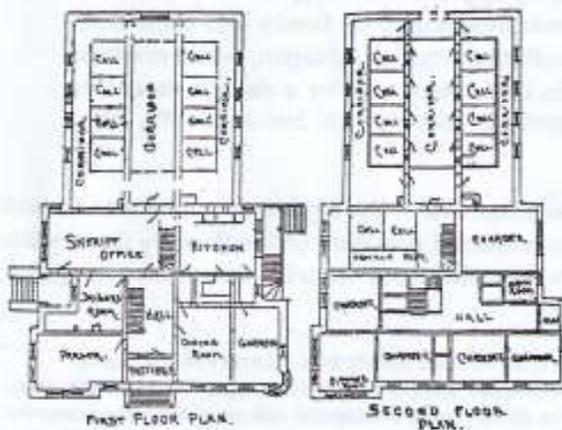
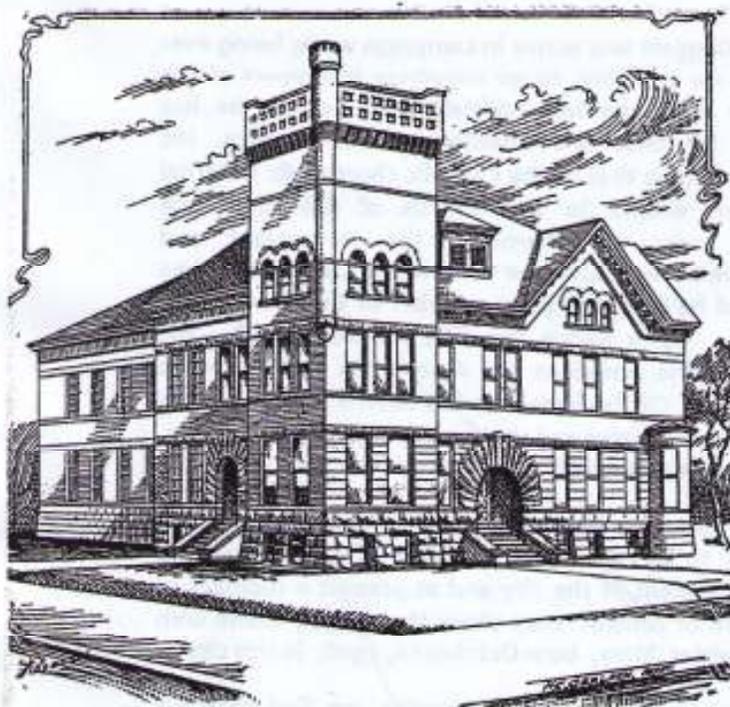
The specifications say "outside of all partition walls of all cells will be three-eighths thick chrome steel plates," and further down on the same page they say, "partitions between cells to be one-quarter thick jail plates." The first of these paragraphs should be corrected.

The specifications of iron work, page 2, speak of cell, floor plates. We understand that the cell floors are to be of stone; therefore, do not understand the reference to cell floor plates.

The specifications speak of cesspools. The Board of Corrections and Charities hopes that the building will be connected with the city sewer system, as cesspools are always a source of danger to the public health.

Yours respectfully,

H. H. HART, Secretary.



THE BLUE EARTH COUNTY JAIL.

The new Blue Earth county jail is one of the best jails in the state. It differs in its architectural conception from most of them. The others have generally endeavored to give the jail the appearance of an ordinary residence, so that its actual character would not be noticeable to a passer-by, but the Blue Earth county jail was given designedly the appearance of a

prison, having in front a heavy tower with battlements, suggesting the purpose of the building. The cost of the jail, including heating plant, grading, etc., was \$27,600.

Brown County Jail was visited June 4, 1894, at 9:40 p. m. There were nine prisoners, of whom six were from Redwood county. The largest number at one time during the past year was eleven. The jail was very clean, and in a wholesome condition. The prisoners sleep on iron bedsteads, with excelsior mattresses. The blankets were reasonably clean and the pillows had clean pillow cases. The whitewashed walls were free from pencil marks—a sign of good discipline. The following rules were posted on the walls:

**"No spitting on the floor."  
"Keep clean and don't growl."**

Over the entrance door was an illuminated motto, "God Bless and Keep Thee."

This jail is very defective and insecure. Only two of the eight cells have direct light. The others have small windows opening into the inner corridor. In four of the eight cells prisoners might be kept separate with humanity but not in the others. The privy vault under the jail continues to poison the atmosphere. A prisoner reported the following bill of fare: Breakfast, bread and butter, sausage, coffee, syrup; dinner, meat, potatoes, gravy, tea; supper, bread and butter, sausage, tea, "sometimes a little extra." The sheriff's new register is carefully kept. On the whole, the jail was in as good condition as the circumstances would admit.

Carlton County Jail was visited Dec. 15, 1893, March 2, 1894, and June 1894.

At the time of the last visit there were six prisoners, of whom five were from Itasca county. Two prisoners were planting potatoes in front of the court house, in the court house square. At each visit the jail was found clean. The blankets were clean, but the pillows were in a filthy condition. Pillow cases should be provided. In the jail is a wash tub and boiler and washboard. Prisoners wash their own towels and underclothing. The jailer said, "We boil 'em for 'em whenever they want 'em boiled." The jailer notified that prisoners could not be required to do their own washing, must do it voluntarily if at all. Prisoners reported the following bill of Breakfast, bread and butter, coffee; dinner,

bread and butter, meat, potatoes, extra vegetables two or three times a week; supper, bread and butter, sauce and tea.

On the whole, this jail is well kept, but has been frequently overcrowded.

#### **CARVER COUNTY JAIL.**

The Carver county commissioners having given notice of their intention to erect a new jail, as required by law, the following communication was addressed to them:

**April 3, 1894.**

To the Hon. Board of Commissioners of Carver County,

Gentlemen: At the quarterly meeting of the State Board of Corrections Charities held today, I informed the board that I had received notice from your honorable board that they were considering the question of build a county jail, and I was instructed to advise you that, in the judgment the State Board of Corrections and Charities, it would be wise for you to construct a jail with a residence equal in capacity to that of the residences of the Yellow Medicine and Nobles county jails, and to have about twelve cells, the cell house to be divided into four distinct rooms.

Very truly, your obedient servant,

**H. H. HART,**  
Secretary.

The following communication was received from the board of county commissioners, and the plans were duly submitted and the following report of committee on jails was adopted by the State Board of Corrections and Charities.

**Auditors Office, Carver County, Minn.**  
**Chaska, May 24, 1894.**

Resolved, That the location of the new jail be upon that portion of the court house square lying north of the court house building, at a sufficient distance from the court house building to admit a proper access of light and air, and to be constructed fronting towards Pine street, and sufficiently removed from said Pine street to admit of the erection of a sheriff's residence to be built against the west end of said jail, and that plans conform such location.

This board having duly examined and considered the several

plans and estimates of the cost of county jails submitted to it, pursuant to its resolution adopted on the 30<sup>th</sup> day of March last, and being satisfied that the plan with accompanying specifications, submitted by the Pauly Jail Building and Manufacturing Co., is the most suitable and desirable for the needs of the county;

Resolved, That such plan and accompanying specifications in accordance with which such jail shall be constructed, subject to the suggestions and criticism of the State Board of Correction and Charities, before final adoption by this board.

Attest:

ANDREW F. SCHULTZ,  
Chairman of County Board.

The Committee on Jails submitted the following report, which was adopted:

To the State Board of Corrections and Charities of the State of Minnesota,

Gentlemen. Your committee on jails have carefully examined the plans for a county jail submitted by the commissioners of Carver county, and respectfully recommend that they be returned with the following suggestions:

First—Height of Stories.— While an eight-foot story is not positively objectionable, we think that a nine-foot story, on the first floor at least, will be preferable;

Second—Number of Cells.—The plans submitted call for five cells besides the bath cell, which will not be available for prisoners. The four steel cells are to be arranged for four prisoners each, while the cell adjoining the sheriff's office will be used for children, women and insane persons. In our judgment the number of cells thus provided for will not be sufficient for the needs of Carver county. The laws of Minnesota require that each prisoner shall be kept in his own cell if practicable, and in our opinion this provision of law is exceedingly important. The State Board of Corrections and Charities object emphatically to provision for four prisoners in a cell, and while it may be necessary at times to place two prisoners in a cell, it should be done as infrequently as possible. We respectfully recommend, therefore, that provision be made for putting in four additional cells in the upper cell-room. If necessary, these four cells may be made of iron instead of steel, like the upper cells in the Goodhue county jail. These iron cells can be used for prisoners serving sentence and prisoners accused of light offenses who are not likely to attempt to escape.

**Third—Cell Floors.—**This board objects decidedly to steel cell floors unless they are overlaid with asphalt or granitoid. Steel floors are cold, noisy, and unless they are carefully cared for, soon become rusty. We should prefer either a stone floor carefully protected underneath, or a steel floor, overlaid, as above suggested.

**Fourth—Location, of Windows.—**We would suggest that the windows in the cell-room be placed directly opposite the cell openings. Two of the windows are not so placed.

**Fifth—Partition Doors—**We would suggest that the partition door in the jailer's corridor swing away from the entrance door, in order to prevent interfering between the doors; also, that a door be placed in the partition at the rear of the jail for convenience in passing, around the cells.

**Sixth—Ventilation.—**We would respectfully suggest that there be no ventilation flues in the outside walls, but that all ventilation be carried through the cells. This is desirable, partly to prevent back draft from the bucket closets and partly to facilitate a proper heating of the cells. In the Nobles county jail the smoke flues consist of six-inch iron sewer pipes placed in the jailers' corridor next the cells and carried out at the peak of the roof with the ventilation. This seems a good plan, because the ventilation is assisted by the heat of the smoke flues.

**Seventh—Bath Cells.—**The Board of Corrections and Charities objects decidedly to the location of the bath cell outside the cell-room. The bath should either be in the jailer's corridor or in the prisoner's corridor. If in the prisoners' corridor, the tub should set low in order not to interfere with the light. In practice we find, that, when the bath cell is located in connection with the jailers' office, the prisoners do not get the use of it, for the reason that the sheriff does not like to take the trouble and risk involved in taking prisoners out of the cell-room for that purpose. In the Yellow Medicine county jail, which is built on this plan, the water closets and water pipes were frozen up during the past winter, which would not have occurred had they been located in the cell-room.

In the Minnesota state prison, the state reformatory and other state institutions, and in several of the county jails of the State of Ohio, spray baths have been substituted for bath tubs, with very satisfactory results. We would suggest that the advisability of substituting a spray bath for a tub bath be considered.

**Eighth—Cement Floors.—**The Board of Corrections and Charities have objected to the use of cement floors in county

jails, for the reason that our observation has been that such floors almost invariably prove defective. We understand, however, that this plan contemplates the use of "granitoid floors," which are said to be free from the objections which we have found to ordinary cement. In the North Side police station of the city of Minneapolis the floors are of "gramolithic stone," which we understand to be a material similar to "granitoid." These floors have proven' durable and are entirely satisfactory. We would suggest, however, that the contractor be required to give a five-year guarantee of the durability of the "granitoid floors."

**Ninth—Inclosure.** —We understand that it is the intention of the board of commissioners to inclose the jail with a fence similar to that which now closes the Carver county jail. We consider such a fence a matter of importance.

With the adoption of these suggestions we are of the opinion that the jail will prove satisfactory.

The new jail was built in accordance with the plans adopted. Cement floors were laid contrary to the advice of the State Board of Corrections and Charities, and within sixty days these floors began to show serious cracks and the surface of the cement began to scale off in some portions of the jail. Great care was taken by the commissioners to secure a satisfactory job, and the experience in this case confirms the opinion already formed, that cement floors laid in solid sheets will not give satisfaction in county jails.

The jail includes only the cells and the jailer's office. A residence is to be built in the future. The cost of the jail was \$5,720.

**Chippewa County Jail was visited Feb. 17, 1894.**

The jail was empty, swept and garnished. This jail is unfit for use. The cell-room, twenty-two by twenty-four by fourteen feet, must be heated even for a single prisoner. The cement floor has been repaired, but was still in bad condition. The water closet is an unmitigated nuisance. The jail appeared to be as well kept as the circumstances would admit.

**Crow Wing County Jail was visited March 22, 1894.**

There were four prisoners. The largest number during the last winter was nine. The jail was clean. The prisoners had clean blankets and pillow cases, but no sheets. The sheriff is anxious to have a bath tub placed in the jailers' corridor, which

ought by all means to be done. The grand jury has recommended putting in iron bedsteads. This is necessary, as part of the prisoners' beds were on the iron floor. The jail and sheriff's residence are small and inconvenient, but the jail was in as good condition as circumstances would admit.

Dakota County Jail was visited Feb. 15, 1894, and at sundry times. The jail was found clean and reasonably well kept; but it is very insecure and cannot be put in sanitary condition. The construction of the jail is such that the light is obstructed on three sides, and the only way to make it a satisfactory building would be to build an entirely new cell building.

Douglas County Jail is located in the cellar of the sheriff's residence. It is insecure and is one of the worst jails in the state from a sanitary point of view. A privy vault poisons the atmosphere, and there is no means of proper ventilation. The jail is damp and unwholesome. The county authorities are considering the question of building a new jail, and it is probable that this will be done before very long.

Faribault County Jail was visited Nov. 7, 1893.

There were four prisoners, two of whom were awaiting trial for murder. The jail was reasonably clean. The beds were supplied with clean blankets and pillow cases. The windows were open, but there was an unwholesome smell from the jail buckets. The jailer was cautioned against the practice of opening the jail without an assistant to close the outer door.

This jail was unfit for use, for the reason that the cells are unventilated except by the doors, which are two by six feet. There were two cells, each six by eight by seven feet, which sometimes contain four men each. The jail was very insecure; escapes would not be difficult and were to [be] expected at any time. A prisoner reported the bill of fare as follows: Breakfast, bread, coffee (without sugar or milk), potatoes, and sometimes meat; dinner, potatoes, gravy, bread, meat, sometimes soup, sometimes beans; supper, tea, bread, potatoes, sometimes meat, sometimes butter; Sundays, sometimes pie.

The county commissioners have proposed removing and reconstructing the jail. A new jail is greatly needed, but in my opinion it would be wiser tear down the old jail and use the

material in constructing a new one on the new plan. The commissioners might follow the plan of the board of commissioners in another state, who passed the following resolutions: "Resolved, first, that we build a new jail; second, that we build the new jail out of the material of the old one; third, that we use the old jail until the new one is done."

Since the above was written the sheriff's brick residence has been removed to a new site; the cell house has been torn down and plans for a new jail have been adopted and approved by the State Board of Corrections and Charities.

**Fillmore County Jail was visited July 31, 1894.**

There was but one prisoner. The jail was clean and well kept. The beds had clean blankets, sheets and pillow cases. The register was imperfectly kept, village prisoners not being entered on the jail register and the records of different months not being separate. With this exception the jail was apparently as well kept as the circumstances would admit.

This jail is unfit for use. It is very insecure. There is no provision for bathing and no suitable ventilation. A privy vault with open seats poisons the air. The cells in the corridors are very dark and the jail is exposed to danger from fire, as its inner walls are of oak, unprotected.

**Freeborn County Jail was visited July 31, 1894.**

There were two prisoners, who were eating breakfast composed of fresh meat, eggs, bread and coffee. The jail was clean and well kept. The beds were supplied with sheets and pillow cases. The iron floor in the cage is rusty and the cement floor in the corridor produces a constant supply of dust, which is very annoying. Freeborn County needs a new jail.

**Goodhue County Jail was visited Feb. 22, 1894, and at sundry times.**

The Jail was invariably in excellent condition, clean, well kept, and well ordered, except that on one or two occasions the separation required by law was not strictly maintained.

Goodhue county jail has been designated as a "district jail" under the provisions of the law of 1893, and this designation has been accepted by the board of county commissioners.

**Hennepin County Jail was visited March 13, 1894, and at sundry times.**

**There were twenty-four prisoners. The jail was found clean and in good condition. Three ventilators had been put in the windows about twelve feet from the floor. These ventilators had improved the condition of the atmosphere, but this kind of ventilators is expensive. A more economical method would have been to put in galvanized iron pipes extending through the roof and having an outlet near the jail floor. The present method takes warm air out of the room.**

**It is proposed to locate the new Hennepin county jail in the attic of the new court house. This plan is, in my judgment, entirely practicable, the building being entirely fireproof. It can be executed economically, and will afford opportunity for caring for prisoners safely and conveniently,**

**Houston County Jail was visited Aug. 1, 1894.**

**There were two prisoners, who were running loose in the jailer's corridor. The jailer opened the door without hesitation while the prisoners were close at hand. His attention was called to the fact that this practice, if continued; will result in escapes. There did not appear to be any sufficient reason for allowing the. Prisoners the privilege of the outer corridor, as the prisoners corridor is well lighted. The jail was clean and well kept. The beds were clean and were supplied with sheets and pillow cases. The prisoners were clean and well behaved. Prisoners reported the bill of fare as follows: Breakfast, bread and butter, eggs, coffee with milk, sometimes sauce; dinner, meat, potatoes, occasionally other vegetables, pie, cake, sauce, tea; supper, usually meat and. Potatoes. The new register was well kept. No matron has yet been appointed.**

**The water closets were broken and the sewer pipe burst. There is no way of flushing closets except by carrying water. The plumbing should be repaired and city water put in. I would renew my former suggestion, that one-fourth of the cell-room be partitioned off, to avoid the necessity of heating the whole jail. The cell-room is about thirty-two by forty by eighteen feet, and the whole must be heated in winter, even for one prisoner.**

**Itasca County Jail was visited June 28, 1894. This Is a brick building, sixteen by eighteen feet outside, and fourteen by**

sixteen feet inside, with a twelve-inch hollow wall, plastered on the brick. It is divided into two equal parts by a three-inch wooden partition tinned on both sides. It has two wooden cells, each five by seven feet. This would make a good lockup for a small village if it had suitable iron cells, but it is useless as a county jail.

The county commissioners have adopted plans for a new county jail, which have been approved by the State Board of Corrections and Charities.

Kandiyohi County Jail was visited March 9, 1894. There were no prisoners. The jail was very clean; the bedding was clean; the floor of cement tile gives good satisfaction. The water closet has been abandoned as a nuisance. The insane cell was found clean and ready for use. There have been eight prisoners in the three cells. The sheriff had a new register. No matron had been appointed. The condition of the jail was satisfactory.

Le Sueur County Jail was visited Aug. 2, 1894. There were three prisoners. The jail was reasonably clean. The prisoners appeared clean. The beds consisted of iron bunks, hay mattresses, blankets, quilts and pillows; the bedding was reasonably clean except the pillows, which were dirty. Water for the jail is furnished by two overhead tanks. In warm weather the prisoners bathe in one of these tanks. The following bill of fare was reported: Breakfast, potatoes, bread and butter, coffee with milk, sometimes meat; dinner, about the same (tea instead of coffee); supper, about the same. There is a cell for women in the jailer's office. It is in use as a sleeping room for the jailer. The cells are very dark, and three prisoners were found loose in the jailer's corridor, where escapes would be comparatively easy. The new register was neatly kept

Lyon County Jail was visited Aug. 16, 1894. There was one prisoner. The jail was in disorder and was not very clean. The bedding was reasonably clean. The reading matter was of a mixed character, some of it good and some of it bad. One cell was decorated with lewd pictures. No matron has been appointed. The new register was being kept in proper form.

This jail is located in the basement of the court house. It consists of three steel cells, very dark and unventilated. The

**jailer's corridor floor is of cement and is disintegrating. This is a bad jail, insecure and unfit for use. It should be condemned.**

**Martin County Jail was visited Aug. 1, 1893. The jail was moderately clean. The beds were supplied with blankets, not very clean. There were two prisoners loose in the jailer's corridor. The commissioners had not yet provided jail suits.**

**The jail was revisited March 16, 1894. There were three prisoners. Sheets and pillow cases had been provided, and the condition of the jail had improved decidedly since the last visit. The sheriff's residence is inadequate. It consists of an office, eleven by sixteen feet, a kitchen, nine and a half by sixteen feet, and a hall eight by twenty feet. On the second door there is a bedroom eleven by sixteen feet, and a bedroom nine and a half by sixteen feet, a cell seven by seven feet, a jury room twelve by eighteen feet, used by the family, and a hall six by fourteen feet. These accommodations are insufficient**

**Meeker County Jail was visited Aug. 14, 1894. There were no prisoners. There had been only two prisoners since January; one for ten days and one for eight days. The jail was clean; the beds were supplied with clean sheets, pillow cases and blankets. The cells were supplied with peculiar bunks, consisting of an oak frame covered with canvas, secured by strips tacked every inch. It makes a good bed, better than a hammock. The interior of the jail had been neatly painted in patriotic colors, red, white and blue; the cement floor of this jail has been renewed twice in ten years and is badly worn; it should give place to a stone floor. The water closet is supplied with water from a tank. Connection should be made with the city waterworks.**

**The jail is surrounded by a woven wire fence eight feet high, at a distance of sixteen feet. This fence cost the county about eighteen dollars, and serves the purpose of keeping people away from the building.**

**Morrison County Jail was visited March 22, 1894. There were four prisoners, of whom two were destined to the state reform school. There were only three cells, each five by seven feet, and there have been as many as nine prisoners at one time. Beds were provided for part of the prisoners in the jailer's corridor, but this endangers escapes.**

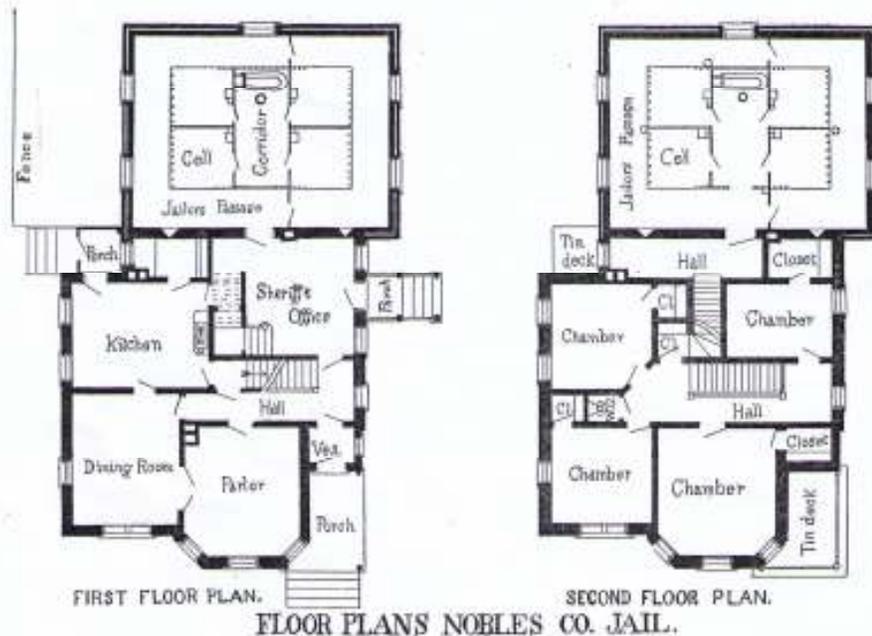
The jail was clean and in good condition. The beds had clean gingham pillows. No sheets were used. The blankets needed washing. The walls were decorated with pictures from the Police Gazette. The sheriff's attention was called to the fact that this was unlawful.

Mower County Jail was visited July 31, 1894. There were six prisoners. The prisoners were running loose, the cell doors being open into the middle corridor. The jail was very clean and well kept, the beds were supplied with blankets and clean sheets. The condition of the jail was satisfactory, except the fact that the prisoners were allowed to run together, as above stated. A residence has been built for the sheriff, containing an office, kitchen, dining-room, parlor and hall on the first floor and five rooms on the second floor. The residence cost about \$3,500, and is in every way commodious. The sheriff's wife has been appointed matron, and her compensation has been fixed at one dollar per day.

Nicollet County Jail was visited Aug. 22, 1894. There were three prisoners. The largest number at one time during the past year was eleven. The jail was very clean. The beds and bedding were perfectly clean. A little boy, twelve years old, had been kept four weeks in the jail, but was kept apart from the other prisoners, except at meal time. Women are sometimes kept in the upper corridor, contrary to the law, because there is no other place for them.

#### NOBLES COUNTY JAIL

The new Nobles county jail (see frontispiece) was visited July 2, 1894, and at sundry times. Great pains were taken in the preparation of the plans of this jail, and it is believed to be a model small jail. The jail cost complete, including grading, fence, etc., about \$10,300. It is built of brick, with chrome steel cells. The sheriff's residence contains eight commodious rooms, with a bath room, and is heated by steam. The jail contains eight cells, and is divisible into four separate rooms, with two cells in each. The steel cage is raised upon a solid pier of masonry ten feet deep and projecting about a foot beyond the cells. The cell floors and corridor floors, as well as the ceiling of the second story are composed of sawed Kasota limestone flagging. The ceiling of the second story is anchored to the



steel cage in order to prevent the possibility of escapes by wedging or prying off the stone. Some question has been raised as to the security of this form of construction; but careful inquiry indicates that it is sufficiently secure for all practical purposes. A large new jail at Columbus, Ohio, is constructed on this plan, as well as the cells of the Detroit house of correction,

the Wisconsin state prison and the Minnesota state reformatory. A prisoner in the Detroit house of correction, after several months labor, nearly succeeded in making a hole through the ceiling of his cell by drilling holes in a circle. He was discovered and investigation showed that similar attempts had been made in twenty cells, but without success in any case. A prisoner in the Wisconsin state prison, after several months intense labor, succeeded in cutting a hole through the stone ceiling of his cell by the use of a fret saw, but was unsuccessful in his efforts to escape. It believed that with any reasonable vigilance on the part of the sheriff there no danger of escapes through the stone ceiling of the Nobles county jail.

Accommodations for women and insane persons are provided in the jail proper. The upper story being isolated from the lower story, there is no need of separate apartments in the sheriff's residence.

The jail as completed differs somewhat from the original specifications. Water closets, seats and wash sinks were substituted for the slop sinks, contrary to the advice of the State Board of Corrections and Charities. The flag stones in the jailer's corridor do not run crossways, but lengthways, leaving a crevice one foot from the cell fronts. The outside walls are solid brick without air space. The flagstones do not fit tightly together on the floor. The cellar under the jailer's corridor has been excavated; it should have been solid.

On the whole, this jail does honor to Nobles county, and is, in fact, one the best small jails in the United States.

Olmsted County Jail was visited at sundry times. On two occasions the prisoners were found associating together, contrary to the rules of the jail and contrary to law. The sheriff's attention was called to the danger of this practice. In November, 1893, three prisoners escaped in consequence of this practice; but at recent visits each prisoner has been found in his own cell, as provided by law, and the discipline of the jail has shown corresponding improvement. The jail was found clean, wholesome and well kept

Otter Tail County Jail was visited Oct. 3, 1893, and at sundry times. The jail was found well kept. In the last visit it was found that prisoners are being kept in separate cells, as

required by law, and the jailer found this plan much more satisfactory than the plan of allowing them to run together.

Polk County Jail was visited July 15, 1893. This is a new jail. The general plan is similar to that of the jail of Otter Tail county and Olmsted county. The jail is to contain ultimately sixteen cells, but only eight cells have as yet been built. This jail serves as a district jail for two or three adjoining counties and the remaining cells ought to be put in without delay. Iron cells would answer as well as chrome steel cells and could be put in at a cost of \$1,000.

Ramsey County Jail was visited at sundry times. The jail was found all kept and good discipline was maintained. The woman's department has been transferred into more convenient quarters in the department formerly occupied by boys, which is a decided improvement. The jail matron is especially efficient and faithful in the performance of her duties.

#### **REDWOOD COUNTY JAIL**

The Redwood county jail is a new jail which has not yet been inspected. At the request of the county commissioners of Redwood county they were met by the secretary of the board, June 5, 1894. Plans were submitted by several architects and advice was given with reference to the jail.

Amended plans were made and submitted to the State Board of Corrections and Charities, and the following letter was transmitted to them:

**Aug. 6, 1894.**

The State Board of Corrections and Charities has carefully considered the plans for the county jail submitted by the commissioners of Redwood county and have approved the same, subject to the following suggestions:

First—in view of the fact that the sheriff's office is not of fireproof construction, we recommend that the window gratings of one of the cell-room windows on the first floor and one on the second floor be hinged and secured padlocks, in order to be able to remove prisoners in case of fire in the sheriff's office or residence.

Second—We are unable to discover from the plans how the ventilation pipes terminate in the attic above the cells. We

recommend, however, that ventilation pipes of each cell be carried independently to the attic, and that the ventilation pipes in the attic be brought together in a single pipe going through the roof, as indicated on the plan. We recommend, also, that ventilation flues in the brick walls between the cell-room and the sheriff's office be not opened into the cell-room, for the reason that we believe that better results will be secured if all ventilation goes through the cells. The opening into the ventilation pipes should be at the bottom of each cell, and should so arranged as to be constantly open so as to admit a constant current air. With the adoption of these suggestions we believe that this will make an excellent and satisfactory jail, and will meet the needs of Redwood county.

Rice County Jail was visited May 10, 1894. There were six prisoners. The greatest number at one time during the preceding year had been nine. The beds were supplied with gingham sheets. The beds and bedding were very clean. Prisoners reported the bill of fare as follows: Breakfast, oatmeal, molasses, bread and tea; dinner, potatoes, bread, fresh meat, sometimes onions, occasionally fruit; supper, bread and soup. The jail was in first-class condition. The new register was well kept. The matron's salary had been fixed at fifty cents per day when there are female prisoners.

The steel cells on the upper tier are very dark, because the windows are too small and set too low.

Rock County Jail was visited March 5, 1894. There was but one prisoner. The largest number at one time during the past winter had been seven. Four prisoners escaped Feb. 27, 1893, by working the lever with a wire and breaking through the window guards. The prisoners were not locked in their cells and the padlock had been left off the corridor door. The cells were reasonably clean. The hammocks were supplied with blankets without pillows. The blankets were reasonably clean. The steam heat is insufficient. The ventilation to the chimney is fairly good. The cells are dark. The cement floor is in bad condition. This jail cannot be made satisfactory. The sheriff's new register was found carefully kept

St. Louis County Jail was visited June 28, 1894, and at sundry times. There were twenty-four prisoners, three held for trial and twenty-one serving sentence, an unusually small number.

The jail was in its usual excellent condition. It had been found necessary to paint the lower windows which seriously interferes with the lighting of the cells.

Scott County Jail was visited Jan. 5, 1894. There were no prisoners. The beds were supplied with clean sheets and pillow cases. The beds and bedding were clean. The floors were moderately clean. This whole jail has to be heated for a single prisoner. This is one of the best of the older jails. The city of Shakopee has no lockup, and the county jail is used for city prisoners, which is a very bad plan. The new register was found properly kept

Sibley County Jail was visited May 3, 1894. There were no prisoners and had been none for a year. The jail was in a reasonably clean condition. The beds were supplied with clean bedding. This is one of the poorest jails in the state. It is a brick building lined with wood, with wooden cells. It is entirely insecure. Prisoners have escaped. There is a primitive water closet but it is unfit for use and produces an insupportable stench. This jail is a public nuisance and should be condemned as such. The sheriff had not yet opened his new register, as he had but one prisoner since Jan. 1, 1894.

Stearns County Jail was visited October, 1893, and at sundry times. The jail was always found overcrowded. At the date named there were seventeen prisoners, and there had recently been twenty-nine prisoners at one time. The jail was always found clean and as well kept as the circumstances would permit; but it was impossible to keep the prison free from vermin, for the reason that there was no suitable provision for a supply of hot water. This jail inflicts much misery upon its inmates in consequence of overcrowding. The evil is much aggravated by the fact that the jail is used for city prisoners, there being no city lockup in St. Cloud. Stearns county needs a new jail and St. Cloud needs a city lockup.

Steele County Jail was visited April 25, 1894. There were two prisoners. The sheriff was absent with the key, and the jail could not be inspected. The jail was visited, also, Aug. 2, 1893. It was found clean and well kept. The cage is very dark and has but four cells, so that prisoners cannot be kept separate.

**Stevens County Jail was visited March 9, 1894. There were five prisoners in two cells. The cell-room was reasonably clean, but the cells and the prisoners' corridor were in a disgustingly filthy condition. The floors were covered with saliva and dirty rags were strewn about. In the sink was a quantity of butter. The jailer reported that the prisoners had been admonished and had been threatened, but without effect.**

**The jailer opened the cage without first locking the prisoners in their cells. This is a dangerous practice, and he was warned against the danger of an assault**

**Swift County Jail was visited March 9, 1894. There were no prisoners. There had not been more than one prisoner at a time since January. Three prisoners escaped Oct. 18, 1894, by assaulting the jailer. After severely beating him they tied and gagged him and then made their escape, taking his revolver, pocketbook and key, and left him rocked in the cage. These escapes would not have occurred had the prisoners been kept locked in their cells. The water closets have given a good deal of trouble, especially in winter. The cement floors are badly cracked. The jail was clean and well kept**

**Wabasha County Jail was visited Aug. 8, 1893, and June 27, 1894. At the last visit there was only one prisoner. The largest number at one time during the preceding winter had been four. The beds and bedding were clean and the jail was very clean. The new jail register was found carefully kept.**

**Waseca County Jail was visited July 30, 1894. There was but one prisoner, a boy sixteen years old, serving a year's sentence. The jail was infested with rats, and the boy had the staircase barricaded to keep them out of the upper tier of cells. The jail was not very clean and the cells were in a disorderly condition. The interior of the jail had been newly painted.**

**Washington County Jail was visited Feb. 16, 1894. The jail was clean and well kept. The beds were supplied with sheets. The sheriff's register was not very carefully kept. This jail is badly ventilated and insecure. Nearly half of the prisoners confined were from Pine and Chisago counties.**

**Wilkin County Jail was visited Oct. 3, 1893, by Mr. Amundson, Mr. Rich, Dr. Smith and the secretary. The jail was thoroughly**

inspected, and conference was had with the sheriff and with Messrs. Truax and Kenaston, members of a committee appointed by the county commissioners, to act with reference to the condition of the jail.

The jail was subsequently revisited by Mr. Maginnis with the secretary. Some superficial repairs had been made. The cement floor had been patched up. Mr. Maginnis concurred in the opinion of the other members of the board that the Wilkin county jail should be condemned.

Winona County Jail was visited June 27, 1894. There were six prisoners, of whom one was a boy twelve years old. The boy was being kept in the sheriff's residence. The jail was very clean and well kept. It is not possible to keep prisoners serving sentence separate from those held for trial. The cells were supplied with clean sheets and pillow cases. The new jail register was found well kept.

Wright County Jail was visited Aug. 10, 1894. The jail consists of one iron cell eleven and a half by seven by seven feet. Two sides of the cells are of open lattice work. The cell-room is nineteen by twenty-three feet, located in the basement of the court house. It is lighted by three windows, each three by six feet, protected by iron bars. The floor and ceiling are of wood, and the partition walls are simply stud partitions, offering no protection against escapes. The cells contain four iron bunks, supplied with blankets and quilts reasonably clean. This cell was built in 1890.

This jail is entirely insecure and is used only for the temporary detention of prisoners when court is in session. It is exposed to great danger from fire, and is liable to burn the court house. The jail should be condemned.

#### **YELLOW MEDICINE JAIL**

The Yellow Medicine county jail was visited Feb. 19, 1894.

This is a new jail erected in 1893.

The jail cost \$10,500, including well and cesspool. The cell work and steel girders cost about \$4,300. Adamant plaster and one door increased the cost \$190, but rebates brought it down a little.

The plans of the jail were made by the Pauly Jail Company of St Louis. The jail and sheriff's office are entirely fireproof, having cement floors and ceilings consisting of iron beams with corrugated iron arches, filled in with cement. The jail proper consists of two stories. The lower story contains four cells, two on each side, separated by a middle corridor. The cells are six and one-half by eight feet and the corridor is about six feet wide. The cell-room is about twenty-eight by twenty-three by nine feet. The side of each cell towards the windows and both ends of the middle corridor are of open lattice work consisting of flat chrome steel partitions turned with edges toward the light, admitting light and air freely. In the center corridor is a water closet and two fixed wash bowls supplied with water from a tank in the second story. The cells are supplied with canvas hammocks. A jailer's corridor three to five feet wide surrounds the cage. In this corridor are two large heating stoves. The cells are plastered on the brick. The second story is intended to contain four cells similar to those in the first story, but is empty at present. Adjoining the sheriff's office are two cells, one of them fitted up with a bath tub. In the second story are three additional cells and each of these five cells is supplied with a water closet. These five cells are lined with iron and are placed against the outer wall. They are not intended to be secure against experienced jail breakers, but are intended for women, children, insane persons, etc.

The sheriff's residence is a commodious eight-room house, well arranged. The wood-work is of inferior quality. The doors are badly fitted, admitting the cold air.

The plans for this jail were duly submitted to the State Board of Corrections and Charities as required by law, and the following letter was addressed to the county commissioners:

To the Honorable Board of County Commissioners of Yellow Medicine County,

Gentleman: The undersigned, members of the committee on jails of the State Board of Corrections and Charities, have examined the plans and specifications of a proposed jail for Yellow Medicine county. We shall recommend to the State Board of Corrections and Charities that these plans be approved, subject to the suggestions which follow:

The residence plan is in our judgment suitable and adequate for its intended purpose. The rooms seem to be conveniently arranged.

No water closet is provided for in the family bath-room. If plumbing is to be provided with a sufficient water supply, a water closet is desirable.

It would be desirable to have a clothes closet adjoining the bedroom on the first floor. Such a closet might be taken from the kitchen.

The arrangement of the office, juvenile cells, female cells and hospital cells is objectionable. We would respectfully suggest, however, that all of the office section, except the office and the stairway, can be dispensed with to advantage; anti the necessary provision for women, children and insane persons can be made in the second story of the jail proper. The plan contemplates four cells on the first floor, with room for four more cells on the second floor, to be put in at some future time. If the cells in the office section are omitted, the amount saved will be more than sufficient to put in a cage of four iron cells in the second story. This second story should be divided into two distinct rooms by a fireproof partition, and will then provide all needed accommodations for the classes of prisoners named. This plan was adopted in the Olmsted county jail, and has given entire satisfaction.

We object decidedly to the location of the bath cell in the office section, for the reason that it involves too much risk of escapes to bring prisoners through the office to the bath-room. The bath-room should be located in the cell-room.

If the cells in the office section are omitted, it would not be necessary to make the office fireproof, but one window in each story of the cell-house should have its window guards hinged and secured by padlocks, so that prisoners could be taken out in case of fire.

The arrangement of the cells in the main cell-room is satisfactory. It would be equally so if the cell-room were turned half way round, so that the entrance of the cage would be on the side next the residence.

We respectfully recommend that there be a fireproof partition through the jail, cutting off eleven feet at the rear end of the cell-room and including two cells. Two advantages will be gained from this arrangement: First, an opportunity to classify the prisoners by having two separate rooms; second, economy in fuel, for the reason that it will not be necessary to heat the whole room for one or two prisoners. If this recom-

mendation is adopted, it will be necessary to remove one of the chimneys in order that the heat may be readily supplied to the rear room. If necessary, the doors in this partition for the jailer's corridor can be glazed in order to give the jailer a view of the rear end of the corridor.

We respectfully recommend that the water closet in the prisoners' corridor is omitted and that there be substituted either a water closet in each cell or a bucket system. Our objection to the plan as proposed is, that it contemplates the promiscuous use of the corridor by the prisoners, whereas the jail is designed for the separate confinement of prisoners. Our observation proves that the promiscuous association of prisoners produces moral contamination and exposes the officers to constant danger from the combined attacks of prisoners.

Our observation of the working of water closets in jails has been very unsatisfactory. Almost without exception they work badly. This is especially true in the smaller towns where competent plumbers are not found. The specifications call for a force pump and a water tank to be placed on top of the cells. We had understood that Granite Falls had a system of waterworks, in which case this provision would be unnecessary; but if there are no city waterworks we should be strongly opposed to the introduction of any waterworks whatever into the jail.

In this connection we wish to call attention to the importance of having all sewerage and cesspools safely below the frost line.

We respectfully recommend that there be a separate lever for the operation of each cell door, instead of a single lever for two doors, in order to facilitate the handling of prisoners individually.

The specifications call for Portland cement floors in the jailer's corridor and the jailer's office. Our experience with floors of Portland cement, laid solid in jails, has been universally unsatisfactory, and we have found either a floor of sawed stone flagging or one of first quality cement tile, well laid more satisfactory.

We are unable to understand what system of heating it is intended to use. The ground plans show a "furnace room;" the specifications speak of a "boiler room," and the section plans show pipe-holes. Our observation proves that it is impossible to heat a cell-room by a hot air furnace located under the other part of the jail building. Steam or hot water is satisfactory, but much more expensive than stoves, which can be disused when the jail is unoccupied.

The ventilation of the cell-rooms should be entirely through the ventilation pipes of the cells, each pair of cells to have a separate pipe to the roof, as shown on the plan.

We respectfully recommend that provision be made for a fence of steel wire netting, at least eight feet high, to surround the cell building at as great a distance as convenient, say twelve to twenty feet. This fence should be substantially built, with good posts. Its use is to keep the public away from the jail and to make it more difficult to aid prisoners to escape. Such a fence is more useful, in our opinion, than a wall, because it offers no hidingplace for persons trying to aid escapes.

We note an apparent error in the specification of steel and iron work on page 2. The specification appears to call for two tiers of cells, whereas it appears from the plans that there is to be only one tier.

On page 3 of this specification it would appear that the cell doors are to be made of open lattice work; but from other parts of the plans we understand that they are to be of solid iron plate. We should object decidedly to lattice work cell doors. The lattice work in the cells on the window side will afford sufficient light and air.

With the adoption of the foregoing suggestions, we believe that this will prove to be a good and satisfactory jail.

Adopted by the state board April 3, 1893.

The letter on file in the county auditor's office has the following indorsement:

"Acted upon by the board April 12, 1893. No change made except to have the window guards hinged and padlocked upon one window in each story of jail proper.

"MAIR POINTON

"County Auditor."

The state board recommended the substitution of cement or stone blocks for the solid cement doors in the jailer's office and cell-room. The cement floors, after three months' use, are already badly broken and cracked, and must be renewed at an early day.

The state board recommended that the bath tub be placed in the cell-room, instead of being placed in a cell adjoining the sheriff's office. The water pipes connected with the bath tub were frozen up at the time of the visit.

The state board recommended that the cell-room be partitioned, in order to save fuel. At the time of the visit two large coal stoves were running to warm one prisoner, who occupied the cell-room twenty-two by thirty feet.

The sheriff had not been complying with the law requiring the separation of prisoners, but promised to do so in the future.

On the whole, this is a good and satisfactory jail and does credit to the county. Δ

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## APPENDIX

### A.

The jail reform law passed the Senate on April 11, 1893, 37 to 0, and received only token opposition when passed the House on April 17th, 59 to 3. It repealed Stat., ch. 120, Title I, §§1-24, at 968-970 (1878), the law on county jails that had been in effect for fifteen years. A copy of that law is posted in the Appendices to two earlier reports of Hastings Hart posted on the MLHP: "The Jail System of Minnesota" 23-31 (first published, 1885), and "The County Jails, 1888-1890" 33-37 (first published, 1891). The reform act was effective April 19, 1893.

***An act to regulate the construction  
and management of county jails.***

Laws 1893, chapter 157, at pp. 293-301.  
Stat., ch. 120, §§7417-7448, at pp. 1933-1939 (1894).

**Be it enacted by the Legislature of the state of Minnesota:**

**SECTION 1. County commissioners authorized to maintain a jail.— The county commissioners in every county shall have authority to maintain at the expense of the county a jail for the safe keeping of prisoners.**

**SEC. 2. Fugitives from justice to be kept in any jail—Compensation.—Any county jail may be used for the safe keeping of any fugitive from justice in this state, in accordance with the provisions of any act of congress, and the sheriff shall be entitled to receive in behalf of the county fifty-seven cents per day for the board of such fugitive from the officer having him in custody, and the sheriff shall be entitled to the further sum of one dollar, as fees for the commitment of such fugitive, from the officer having him in custody.**

**SEC. 3. United States prisoners, how kept, liability of sheriffs, etc., for misconduct, etc.—All sheriffs and jailers to whom any person is sent or committed by virtue of legal process issued by or under the authority of the United States shall be and they are required to receive such person into custody, and to keep him safely until discharged by due course of law; and all such sheriffs and jailers offending in the premises shall be liable to the same pains and penalties, and the parties aggrieved shall be entitled to the same remedies against them or any of them as if such prisoners have been committed to their custody by virtue of legal process issued under the authority of this state.**

**SEC. 4. The United States liable for support of such prisoners.—The United States shall be liable to pay to the sheriff in behalf of the county for tie board, washing and keeping of such prisoners the sum of fifty-seven cents per day for each prisoner so kept.**

**SEC. 5. Sheriffs shall preserve orders of commitment, etc.—All instruments of every kind, or attested copies thereof, by which a prisoner is committed or liberated shall be regularly indorsed and filed and safely kept in a suitable box by such sheriff or by his deputy acting as a jailer. Such box with its contents shall be delivered to the successor of the office having charge of the jail.**

**SEC. 6. Copy of process to be kept by sheriff—Effect as evidence.—When a prisoner is confined by virtue of any process directed to the sheriff, and which requires to be jetinned to the court whence it issued, such sheriff shall keep a copy, duly certified by each sheriff, shall be prima facie evidence of his right to retain such prisoner in custody.**

**SEC. 7. Calendar of prisoners—Contents.—The sheriffs of the respective counties shall keep a true and exact calendar or register of all prisoners committed, to any jail under their care, in such form as the state board of corrections and charities may prescribe, and the same shall be kept in a book to be provided by the county; said register shall contain, with other facts, the names of all persons committed to the jail, the place of abode, the time of their commitment, the authority that committed them, and, if they are committed for criminal offenses, shall contain a description of their persons; and when any prisoner is liberated said calendar shall state the time when and the authority by which such liberation took place, and if any prisoner escapes shall also state particularly as to the time and manner of said escape.**

**SEC. 8. Same—Copy to be returned at each term of court.—At the opening of each session of the district court within his county, the sheriff shall return a copy of said calendar, under his hand, to the judge holding said court; and if any sheriff neglects or refuses to do so he shall be punished by fine not exceeding three hundred dollars.**

**SEC. 9. Sheriff to appoint jailer and matron.—The sheriff of each county maintaining a county jail shall have authority, with the consent and approval of the judges of the district court for each county, to appoint a matron, either the wife of the sheriff or jailer or some other discreet and competent woman, who shall have exclusive charge, under direction of the sheriff, of all female prisoners, and shall receive such compensation as the district judge shall from time to time determine, not less than fifty cents for each day there are female prisoners confined in the jail. He shall also have authority, with the consent and approval of the judge of the district court for said county, to appoint a jailer at such compensation as the judge of the district court may from time to time determine, not less than one dollar for each day when there are male prisoners confined in the jail. Whenever the average number of prisoners in any county jail for the six months preceding shall have been ten or more the sheriff shall have authority, with the consent and approval of the judge of the district court, to appoint a night watchman, and whenever the average number of prisoners for the six months preceding shall have been twenty or more, an assistant jailer; such night watchman and assistant jailer to receive such compensation as the judge of the district court**

may from time to time determine, not less than eighty-three cents each per day; provided, that such night watchman or assistant jailer shall be discharged whenever the average number of prisoners for the preceding six months shall have fallen below the number above prescribed. The said officers shall be sober, responsible persons, able to read and write the English language intelligently, shall hold office subject to the pleasure of the sheriff or the district judge, and their compensation shall be paid monthly out of the county treasury upon the warrant of the county auditor.

**SEC. 10. Labor of prisoners.**—County commissioners are hereby authorized to provide regular labor for prisoners in county jails whenever and however they may deem it practicable. This labor shall be compulsory for prisoners serving sentence, and may be allowed as a privilege to prisoners held for trial; provided, that this action shall not be deemed to authorize the working of prisoners outside the jail yard. The expense of tools and materials for such labor shall be defrayed by the county, and the county shall be entitled to the earnings of the prisoners.

**SEC. 11. Compensation of the sheriff for boarding prisoner.**—The sheriff in charge of each county jail shall be entitled to and shall receive compensation from the county for the board and washing of each and every prisoner confined in such jail. On the last day of each month the sheriff shall render to the board of county commissioners a verified statement showing the name of each prisoner boarded and the number of days' board furnished each. The average number of prisoners for the month shall be ascertained by adding together the number of days' board for the several prisoners and dividing by the number of days in the month. If the average number of prisoners for the month shall have been not more than five the sheriff shall receive at the rate of fifty-seven cents per day for each prisoner boarded. If the average number of prisoners shall have been more than five and not more than ten he shall receive at the rate of fifty cents per day for each prisoner boarded. If the average number of prisoners shall have been more than ten and not more than fifteen he shall receive forty-six cents per day for each prisoner boarded. If the average number of prisoners shall have been fifteen or more he shall receive forty-three cents per day for each prisoner boarded. Provided, that in no case shall the sheriff be required to accept

a less amount for boarding a larger number of prisoners than he would be entitled to receive for five, ten or fifteen prisoners under this section; but he shall be entitled to charge and receive for such larger number of prisoners at least as much as he would have been entitled to for such smaller number; and provided, further, that in every county where the compensation of sheriff for the board of prisoners is now governed by special law, the rate of such compensation shall continue to be governed by such special law unless the board of county commissioners, by unanimous vote, shall elect to come under the general law, after which time the compensation of the sheriff for boarding prisoners shall be fixed in accordance with this section.

**SEC. 12. Sheriffs to collect bills for board of prisoners.**—In case any fugitive from justice, any United States prisoner, any prisoner committed from another county, or any prisoner committed by virtue of any ordinance of any city or village, shall have been confined in any county jail, it shall be the duty of the sheriff at the close of each month to render to the county auditor a statement showing the name of each prisoner so boarded and the amount due to county on his account and from whom. Also a statement of all amounts due for the board of prisoners for preceding months and from whom. It shall be the duty of the sheriff to make out and collect in the name of the county all bills for the board of prisoners against the United States, other counties, cities, villages or officers of the law, and to pay the amounts so collected promptly into the county treasury; and in case any such bills shall fail to be so collected and paid into the county treasury as aforesaid, through the negligence of the sheriff, then he shall be liable on his bond for such amounts.

**SEC. 13. Keeping prisoners from other counties and city or village prisoners.**—Whenever any prisoner, by the proper authority, is directed to be confined in any county other than that in which the offense was committed, the sheriff of the county in which such prisoner is to be confined shall keep said prisoner at the expense of the county in which the offense was committed, and shall be authorized to collect, in behalf of the county in which said jail is located, to reimburse said county for the use of said jail with its furnishings, and for the cost of fuel, jailer and board of prisoners, the sum of seventy-one cents per day for each prisoner so boarded in any jail which, shall be

designated as a district jail, as provided in section twenty-nine, and the sum of fifty-seven cents per day for each prisoner so boarded in any jail not designated as a district jail. The board of county commissioners of the county from which said prisoner was sent, at their first session after the commitment of such prisoner, shall authorize the auditor of their county to issue to the sheriff of the county to which such prisoner was sent for confinement, orders upon their county treasurer for the maintaining of such prisoner from the time of his commitment until the expiration of his sentence or until the said prisoner shall receive his trial or be otherwise released by due process of law.

**SEC. 14. Jail—How to be kept.—**The sheriff of the county himself or by deputy shall keep the jail and be responsible for the manner in which the same is kept. No female prisoner shall be kept in the same room with any male prisoner. No insane prisoner shall be kept in the same room with any other prisoner, unless such prisoner shall be detailed as a nurse; and no child under the age of sixteen years shall be kept in the same room with any other prisoner. Whenever the construction of the jail will permit, strict separation of prisoners, by keeping each prisoner in his own cell, shall be maintained at all times, and no prisoner awaiting trial shall be allowed to remain in the same cell or room with any other prisoner.

**SEC. 15. Clothing, bedding, etc., to be furnished at expense of county.—**It shall be the duty of the county commissioners to provide a supply of jail suits of coarse material, but without any distinctive marks, together with a sufficient supply of suitable underclothing in each jail, and whenever, in the judgment of the sheriff, it is necessary, in order to promote the cleanliness and health of prisoners, he may require any prisoner to wear such jail clothing during his confinement; but in such cases the prisoner's own clothing shall be carefully preserved and restored to him upon his discharge. No prisoner shall be required to wear a jail suit which has been previously worn by another prisoner until it has been thoroughly cleansed with soap and water or super-heated steam in the meantime. The county commissioners shall provide also necessary bedding, towels and medical aid for all prisoners who are in custody, and fuel for the jail and sheriff's residence, unless the same are otherwise furnished, and such payments shall not be deducted from the sum which the sheriff is entitled to receive for the board of the prisoners as provided by law.

**SEC. 16. Food of prisoners, cleanliness, etc.—The keeper of such jail shall see that the same is constantly kept in a cleanly and healthful condition, and that strict attention is constantly paid to the personal cleanliness of all the prisoners in his custody, as far as may be, and shall cause the shirt of each prisoner to be washed at least once in each week; and prisoners shall not be required to do their own washing; each prisoner shall be furnished daily with as much clean water as he shall have occasion for, either for drink or for the purpose of personal cleanliness, and with a clean towel once a week, and shall be served three times each day with wholesome food, which shall be well cooked and in sufficient quantity. Provided, that in case the construction of the jail is such as to allow prisoners held for trial to be kept separate from prisoners serving sentence, a difference shall be made in the diet of the two classes of prisoners. Prisoners serving sentence shall receive sufficient supply of wholesome food, and shall receive meat once each day; but they shall not receive butter, sugar, pastry, tobacco or other luxuries, except on Sundays and holidays.**

**SEC. 17. Furnishing liquors to convicts forbidden—Exception.—No sheriff, jailor or keeper of any jail shall, under any pretense, give, sell or deliver to any person committed to any prison for any cause whatever, any spirituous liquor, or any mixed liquor, part of which is spirituous, or any wine, cider or strong beer, unless a physician certifies in writing that the health of such prisoner requires it; in which, case he may be allowed the quantity prescribed, and no more.**

**SEC. 18. Prisoners to have bibles—Religious instructions.—The keeper of each jail shall provide, at the expense of the county, for each prisoner under his charge who may be able and desirous to read, a copy of the bible or new testament; and any minister of the gospel disposed to aid in reforming the prisoners and instructing them in their moral and religious duties, shall have access to them at seasonable and proper times. All immoral books and papers and papers composed largely of accounts of crime shall be strictly excluded from the jail.**

**SEC. 19. Treatment of juvenile prisoners.—Juvenile prisoners shall be treated with humanity and in a manner calculated to promote their reformation. Strict care shall be taken to prevent**

their communication with hardened criminals. Good reading matter shall be provided for them, and the visits of parents or guardians and friends who desire to exert a moral influence over them shall, at all reasonable times, be permitted.

**SEC. 20. Penalties for violation of requirements.**—If any sheriff, jailer or keeper of any jail shall violate the provisions of sections fifteen, sixteen, seventeen, eighteen or nineteen he shall in each case forfeit and pay, for the first offense, the sum of twenty-five dollars; and such officer shall, on a second conviction, be further sentenced to be incapable of holding the office of sheriff, deputy sheriff, jailer or keeper of any jail, for the term of five years.

**SEC. 21. Solitary confinement.**—Whenever any person committed to jail for any cause whatever, is unruly, or disobeys any of the regulations established for the management of jails, the sheriff or keeper may order such prisoner to be kept in solitary confinement, and fed on bread and water only, for a period not exceeding twenty days for each offense.

**SEC. 22. Escaping from jail, how punished.**—If any person who may be in jail under sentence of imprisonment in the state prison shall break jail and escape, he shall be punished by imprisonment in the state prison for the term of one year, in addition to the unexpired term for which he was originally sentenced. If any person under sentence of imprisonment in the county jail, or any person committed for the purpose of detaining him for trial, for any offense not capital, shall break jail and escape, he shall be imprisoned in the county jail for the term of six months. If any person committed to jail for the purpose of detaining him for trial for a capital offense shall break jail and escape, he shall be imprisoned in the state prison for the term of two years.

**SEC. 23. In case of fire, prisoners may be removed.**—If any jail or building thereto attached takes fire, and the prisoners are exposed to danger by such fire, the keeper may remove them to a place of safety, and there confine them so long as may be necessary to avoid such danger; and such removal and confinement shall not be deemed an escape of such prisoners.

**SEC. 24. County commissioners to consult the state board of corrections and charities.—Whenever the county commissioners of any county in Minnesota shall vote to consider the question of erecting a county jail, it shall be the duty of said county commissioners to communicate that fact to the state board of corrections and charities. It shall be the duty of said board of corrections and charities within three months after the receipt of such communication to offer to the said board of county commissioners such advice in the premises as they shall deem proper.**

**SEC. 25. Plans and estimates to be submitted.—If, after receiving the advice of the board of corrections and charities, not less than three members of the board of county commissioners shall vote in favor of the erection of a county jail, or if at any time they desire to make repairs on the county jail costing more than two hundred dollars, they shall proceed to procure plans and estimates of the cost of such county jail, or such repairs, and the said plans and estimates shall be submitted to the state board of corrections and charities for suggestion and criticism before final adoption by the said commissioners. No contract for the erection, in whole or in part, of any county jail, or for repairs costing more than two hundred dollars, shall be valid or binding, and it shall be unlawful for the county auditor to draw any warrant in payment for labor or material for the construction of such jail, unless the suggestions and criticism of the state board of corrections and charities in writing shall be on file in the office of the county auditor.**

**SEC. 26. Funds, how provided.—Before making any contract for the erection of any county jail, it shall be the duty of the county commissioners to take steps to provide the necessary funds, either by levying a sufficient tax for that purpose upon the taxable property in the country or by issuing the bonds of the county for such sum as may be necessary herefore; provided, that no bonded indebtedness shall be created under this act in excess of such limit as has been or may hereafter been established by law.**

**SEC. 27. Issue of bonds.—The said bonds shall be issued in sums not less than one hundred dollars nor more than one thousand dollars each, and may bear interest at any rate not exceeding six per cent per annum, payable semi-annually, and the principal shall be payable at such time or times, not more**

than twenty years after the date of said bonds, as said board of county commissioners may by resolution determine.

**SEC. 28. Payment of bonds and interest thereon.—**The said county commissioners are hereby authorized, and empowered, and it is hereby made their duty, to levy a tax from time to time upon the taxable property of said county, sufficient to meet the interest coupons and the principal of said bonds as they shall become due, and until the payment of interest and principal of said bonds is fully provided for.

**SEC. 29. District jails may be designated.—**The state board of corrections and charities is hereby authorized and empowered, with the consent of the board of county commissioners, to designate any suitable county jail in the state as a district jail, to be used for the detention of prisoners from other counties in addition to those of the county in which, said jail is located. No jail shall be designated as a district jail unless, in the judgment of the state board of corrections and charities, it has a fireproof cell room, suitable bathing facilities; a separate ventilating flue for each cell; a well-lighted cell for each prisoner, at least four and one-half by six and one-half feet in size; separate departments for prisoners held for trial and prisoners serving sentence; and also for women and children; and whenever, in the judgment of said board, the building, management, or discipline of any district jail is not such as is proper, they may rescind their order designating such county jail as a district jail.

**SEC. 30. Where prisoners shall be kept when there is no sufficient jail.—**When there is no sufficient county jail in any county wherein any criminal offense has been committed, or when the county jail in such county shall have been condemned in accordance with section thirty-one of this act, the examining magistrate, upon his own motion, or the district judge, upon application of the sheriff, may order any person charged with a criminal offense, and directed to be committed to prison, to be sent to the jail of some other county having a jail. Provided, that if there be a district jail in the judicial district to which the said county belongs, he shall be sent thereto, or to some nearer district jail, as the committing magistrate or the district judge shall designate; and the sheriff of such other county shall, on exhibit of such magistrate's or judge's order, receive and keep in custody, in the jail of his county, the prisoner ordered to be

committed as aforesaid; and the sheriff shall, upon the order of the district court or a judge thereof, redeliver such prisoner when in demand.

**SEC. 31. Condemnation of jails.**—Whenever the jail of any county is insecure or otherwise unfit for use, the judge of the judicial district, on the recommendation of the grand jury or of his own motion, may issue his written order condemning such jail; or whenever, in the judgment of the state board of corrections and charities, the jail of any county is insecure or otherwise unfit for use, the said board, by and with the consent of the judge of the judicial district in which said jail is located, may issue a written order condemning said jail; and after being so condemned such jail shall not be used for the detention of any prisoner for more than twenty-four hours at one time, except pending preliminary examination, or while the court is in session, until such order is rescinded.

**SEC. 32. Repealing clause.**—Title one of chapter one hundred and twenty of the general statutes of 1878, and all acts or parts of acts inconsistent with this act, except as specified in section eleven, are hereby repealed.

**SEC. 33. When to take effect.**—This act shall take effect and be in force from and after its passage.

Approved April 19, 1893. Δ

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**B.**

**OPINION OF ATTORNEY GENERAL HENRY R. CHILDS  
THAT THE 1893 JAIL REFORM LEGISLATION IS  
CONSTITUTIONAL  
(1893)**

Following passage of the jail reform act, Orrin W, Freeman, the County Attorney of Nobles County, asked General Childs for an

opinion on its constitutionality.<sup>7</sup> In particular, Freeman questioned whether one section of the legislation violated §27 of Article 4 of the Constitution that provided, "No law shall embrace more than one subject, which shall be expressed in its title." In an opinion dated September 18, 1893, Childs held that it did not.

Interestingly the jail of Nobles County was lauded by Hastings Hart as "a model jail of its class" that "does honor to Nobles county, and is, in fact, one of the best small jails in the United States." Freeman's inquiry may have originated when the county board decided to issue bonds for the construction of the new jail. Objections by local taxpayers triggered Freeman's inquiry to General Childs, who pointedly noted that "a brief has been filed with me in the interest of these opposed to the issuance thereof and assailing the law because of its alleged repugnance to the constitutional provision above named." This implies that Freeman himself did not object.

The official opinion can be found on pages 84-5 of the Biennial Report of the Attorney General to the Governor for the period ending July 31, 1894. It was published in 1895.

**JAILS—Chapter 157, Gen. Laws 1893, providing for the construction of county Jails, is valid.**

**Attorney General's Office.**

**O. W. Freeman, Esq., County Attorney,**

**Dear Sir: Calling attention to the provisions of section 26, chapter 157, General Laws 1893, you inquire, in effect, whether in my opinion it violates section 27 of article 4 of the constitution of this state.**

**The act is entitled "An act to regulate the construction and**

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<sup>7</sup> The following biographical sketch of Freeman appears in Warren Upham & Rose Barteau Dunlap, *Minnesota Biographies, 1655-1912* 239 (14 Collections of the Minnesota Historical Society) (Minn. Hist. Soc., 1912):

**FREEMAN, ORRIN W., Lawyer, b. in Milo, Maine, July 28, 1850; was graduated at Maine Wesleyan Seminary, and in law at the University of Michigan; was admitted to the bar in 1878; settled in Adrian, Nobles County, Minn., in 1887.**

management of county jails." The section in question is as follows:

**"Funds, how provided—Before making any contract for the erection of any county jail, it shall be the duty of the county commissioners to take steps to provide the necessary funds, either by levying sufficient tax for that purpose upon the taxable property in the county or by issuing the bonds of the county for such sum as may be necessary therefor; provided, that no bonded indebtedness shall be created under this act in excess of such limit as has been or may hereafter be established by law."**

The validity of the section has been called in question in the matter of the issuance of bonds by your county, and a brief has been filed with me in the interest of these opposed to the issuance thereof and assailing the law because of its alleged repugnance to the constitutional provision above named.

It has been suggested that the statute may not contemplate authority in the board of county commissioners to issue bonds without authorization therefor by the electors at the polls. I cannot subscribe to such view. Sections 24, 25, 26, 27 and 28, of the statute, taken in their entirety, convince me that it is the intent of the law to leave the question to the determination of the board.

If the statute is invalid for the reason assigned, it is so because the authority so conferred upon the board of county commissioners is not germane to the subjects of the act.

In view of the decisions of our supreme court, the objection cannot prevail. The title of the act clearly contemplates the power of the board to act in the manner provided by said section 26. The terms "to regulate the construction," are exceedingly comprehensive and embrace all matters naturally incidental thereto. The regulation of the construction of county jails had necessarily to be left to some authority. Why not to the board of county commissioners? The mere fact, if it be a fact, that previous to the passage of the act the board enjoyed no such power, does not in my mind affect the question. It was of course clearly within the power of the legislature to invest that body with this additional duty. The subject of the statute implied, as already suggested, the placing of the authority somewhere. The legislature placed it very naturally with the

board of county commissioners. Generally, and with rare exceptions, bonds were issued by counties prior to the passage of the law of 1893, pursuant to special acts of the legislature which almost invariably prescribed the manner of their issuance, seldom omitting the submission to the electors of the question of their issuance. But that was merely a question of policy, and presents no reason why the legislature was not authorized to pursue a different course at any time. The constitution is not violated when the legislature "is fairly apprised of the general character of an enactment by the subject as expressed in its title, and all its provisions have a just and proper reference thereto, and are such as by the nature of the subject so indicated are manifestly appropriate in that connection and as might reasonably be looked for in a measure of such character." *State vs. Cassidy*, 22 Minn. 324. In my view the above rule was fully observed in the enactment of chapter 157. The constitution must receive in this respect a liberal construction. *Atkinson vs. Duffy*, 16 Minn. 45. In view of the very liberal rule adopted by the court in *State vs. Gallagher*, 42 Minn. 449, I have no doubt as to the validity of the act in question.

H. W. CHILDS, Attorney General.

Sept. 18, 1893.

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C.

The following are the members, officers, staff and committees of the Board listed in its Sixth Biennial Report to the Legislature.

**STATE BOARD OF CORRECTIONS AND CHARITIES.**

**OFFICE AT THE STATE CAPITOL.**

GOV. DAVID M. CLOUGH, *ex officio*.

CHRISTOPHER AMUNDSON St. Peter.....Term expires January, 1895.  
 JOHN H. RICH, Red Wing.....Term expires January, 1895.  
 EDMUND S. DURMENT St. Paul.....Term expires January, 1896.  
 GEORGE A. BRACKETT, Minneapolis.....Term expires January 1896.  
 CHARLES P. MAGINNIS.....Term expires January, 1897.  
 J. B. WAKEFIELD.....Term expires January, 1897.

## OFFICERS

**GOV. DAVID M. CLOUGH.....President**  
**HASTINGS H. HART.....Secretary**  
**GEORGE G. COWIE.....Clerk**  
**ZILLAH KNOX.....Stenographer**

## COMMITTEES.

**ON HOSPITALS FOR INSANE—Messrs. Wakefield Amundson  
 and Durment.**  
**ON INSTITUTE FOR DEFECTIVES—Messrs. Brackett, Wakefield  
 and Durment.**  
**ON REFORM SCHOOL AND SCHOOL FOR DEPENDENT CHILDREN—  
 Messrs. Rich, Maginnis and Amundson.**  
**ON STATE PRISON AND REFORMATORY—Messrs. Maginnis, Rich  
 and Brackett.**  
**ON JAILS, LOCKUPS AND POORHOUSES—Messrs. Amundson,  
 Rich and Maginnis.**  
**ON SOLDIERS' HOME—Messrs. Durment, Brackett and Wakefield.**  
**AUDITING COMMITTEE—Messrs. Durment, Maginnis  
 and Amundson. ■**

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