

the question whether or not such village corporation shall be dissolved; the form of the ballot shall be "For dissolution," or "Against dissolution;" said ballots shall be deposited in a separate box and such election shall be conducted, the votes thereat canvassed and a statement thereof made, filed and recorded as in other cases.

In case of dissolution, who to dispose of village property.

SEC. 57. If a majority of the ballots cast at such election, on such proposition, shall be for dissolution, such village shall at the expiration of six (6) months from the date of such election, cease to be an incorporated village. Within six (6) months the village council shall dispose of the village property, and settle, audit and allow all just claims against the village. They shall settle with the village treasurer and other officers of the village, and shall cause the assets of the village to be used in paying the debts thereof. If anything remain after paying the village debts, they may designate the manner in which the same shall be used. If they have not sufficiency of funds to pay the debts of the village, they may levy a tax to cover such deficiency, which shall be collected as other taxes and shall be paid out by the town treasurer in payment of the outstanding village orders or bonds.

Repeal of inconsistent acts.

SEC. 58. All acts or parts of acts inconsistent with this act are hereby repealed.

When act to take effect.

SEC. 59. This act shall take effect and be in force from and after its passage.

Approved March 10, 1885.

CHAPTER 146.

AN ACT TO PROVIDE FOR ESTABLISHING AND CONDUCTING A STATE PUBLIC SCHOOL.

Be it enacted by the Legislature of the State of Minnesota :

Commissioners to be appointed—for what purpose.

SECTION 1. The governor shall appoint five (5) commissioners for the purpose of selecting a suitable location and erecting thereon suitable buildings for a state school or temporary home for dependent and neglected children, such institution to be known as the state public school.

Power of commissioners—no compensation for services.

SEC. 2. The said commissioners shall have power to receive proposals for the donation of land to the state for such site, and to receive the same by gift, or they may purchase such site if no proper location shall be given for that

purpose; and they may receive donations of money or other securities in behalf of the state of Minnesota for the benefit of such school, and they may locate the same at such point as they shall deem for the best interests of this state. They shall receive no pay for their services under this act except their traveling and other official expenses. That the governor shall be *ex-officio* a member of such board.

SEC. 3. That the deeds for such site shall be duly executed to the state of Minnesota and delivered to the state auditor, and the state treasurer thereupon is hereby directed to pay on the warrant of the state auditor to such grantor of whom such site shall be purchased, in case of the purchase of the same, such sums of money as may be required to pay for the site; *Provided*, That not over one thousand (1000) dollars shall be paid for that purpose. The said commissioners shall, at their first meeting, appoint from their members a secretary and treasurer.

Purchase money limited—deed duly executed and deposited with state auditor.

SEC. 4. That the sum of ten thousand (10,000) dollars for the year one thousand eight hundred and eighty-six (1886), and ten thousand (10,000) dollars for the year one thousand eight hundred and eighty-seven (1887) is hereby appropriated from any money in the state treasury not otherwise appropriated for the purpose of carrying into effect the provisions of this act.

Amount appropriated to carry into effect provisions of this act.

SEC. 5. It shall be the duty of the secretary of said commissioners to render annually to the state auditor accounts current of all cash transactions and all moneys received, with the proper vouchers, and no money shall be drawn by said commissioners unless they shall have first filed with the state auditor an estimate and statement showing the purpose for which money is required.

Duty of secretary of commissioners.

SEC. 6. The said commissioners shall have the superintendence of the grounds and the design and construction of the necessary buildings with power to appoint an architect, superintendent and other necessary agents and assistants, and to fix the compensation for their services, subject to the approval of the governor; the principal building to have a capacity for not less than one hundred (100) children.

Who to have superintendence of the grounds—to appoint an architect.

SEC. 7. Said commissioners, before they enter upon the duties of their office, shall each take and subscribe on oath of office and file the same in the office of secretary of state, and the treasurer of said commissioners shall execute an official bond to the state of Minnesota in the penal sum of ten thousand (10,000) dollars with two (2) good and sufficient sureties approved by the governor, conditioned for the faithful performance of the duties required of him, and to properly account for all moneys received by him under this act.

To subscribe oath and give bond.

SEC. 8. When the state public school shall be finished, the said commissioners shall make under their hands a certificate thereof, which shall be transmitted to the gover-

To transmit certificate, upon completion, to governor—duty of governor.

nor, who shall thereupon give public notice that the same is ready for the reception of dependent and neglected children. That after the completion of the state public school building, and until the last day of the session of the legislature next succeeding such completion, said commissioners shall have the control and government of said public school with the same authority and duties as are given to the board named in section nine (9) of this act.

Supervision and government to be invested in a board of control, to be appointed by governor.

SEC. 9. The general supervision and government of said state public school shall be vested in a board of control, to consist of three (3) members, who shall be appointed by the governor, by and with the advice and consent of the senate, the members of which board shall hold their offices for the respective terms of two (2), four (4) and six (6) years from the last day of the session of the legislature next after the completion of the state public school building, and until their successors shall be appointed and qualified, said respective terms of office to be designated in their several appointments, and thereafter there shall be one (1) of the said board appointed every two (2) years whose term of office shall continue for six (6) years, or until his successor is appointed and qualified; the members of the said board shall constitute a body corporate, under the name and style of the board of control of the state public school, with the right of suing and being sued, of making and using a common seal and altering it at pleasure. That said board of control shall have the power of taking and holding by purchase, gift, donation, devise or bequest real or personal estate to be applied to the use of the institution.

Term of office.

Power of board.

How often board to meet— to elect officers.

SEC. 10. It shall be the duty of said board of control to meet once in three (3) months on its own adjournments, and oftener if necessary, that the said board shall elect from its own number a president and secretary; also, a treasurer, who may or may not be a member of the said board, each of whom shall hold his office during the pleasure of the said board; that the said treasurer shall give his bond to the people of this state, with two (2) or more sufficient sureties, to be approved by the said board and the governor, in the penal sum of at least ten thousand dollars (\$10,000), or in such additional penal sum as said board may require, conditioned for the faithful performance of the duties required of him by law, and to account for and pay over, as required by law, all moneys received by him as such treasurer, and when not a member of said board may be paid for his services as other employes of said institution. The said board of control shall establish a system of government for the institution, and shall make all necessary rules and regulations for enforcing discipline, imparting instruction, preserving health and for the proper physical, intellectual and moral training of children. The said board shall appoint a superintendent, a matron and such other officers, teachers and employes as shall be neces-

Treasurer to give bond.

To appoint superintendent, matron, teachers, etc., and fix salaries.

sary, who shall severally hold their offices or places during the pleasure of said board, and said board shall prescribe their duties and fix their salaries subject to the approval of the governor.

SEC. 11. There shall be received as pupils in said school those children who are declared dependent on the public for support, as provided in this act, who are over three (3) and under fourteen (14) years of age, and who are in suitable condition of body and mind to receive instruction. That said board is authorized, in admitting children, to give preference to those under twelve (12) years of age. That those admitted, unless sent from the institution as provided by this act, shall be retained until they are sixteen (16) years of age, and may be retained after that age in the option of said board, until a home is procured for them. That said board is authorized to return to the county sending it, any child when it shall become sixteen (16) years of age and no home has been procured, or whenever, after its admission, it shall be ascertained to the satisfaction of said board that the child was of unsound mind or unsound body at the time of its admission, or if for any other reason said board shall consider said child an improper inmate of said school; that, in the case of the return of any child, as herein provided, to the county sending it, the guardianship of this board shall cease and the child shall again become a charge on the county sending it. The said board of control shall report in writing to the county commissioners of the proper county the reason for returning the child.

What pupils to be received—between what ages—at what age to graduate.

Disposition of improper inmates.

SEC. 12. The children in such school shall be maintained and educated in the branches usually taught in common schools, and shall have proper physical and moral training.

How educated.

SEC. 13. It is declared to be the object of this act, to provide for such children a temporary home only in said school until homes can be procured for them in good families. The said board of control is hereby made the legal guardian of all children, who shall become inmates of the said school. It shall be the duty of said board of control to use special diligence in providing suitable homes for such children, and it is hereby authorized to place them in such families on a written contract during minority or until eighteen (18) years of age in the discretion of said board of control; providing for their education in the public schools where they may reside, for teaching them some useful occupation, for kind and proper treatment as members of the family where placed, and for the payment on the termination of such contract to said board of control for the use of the child any sum of money that may be provided for in said instrument.

Who to be legal guardian of the children.

Duties of, as such.

SEC. 14. That whenever there shall be sufficient room for the reception of the class of children described in this act, in such state public school, no such children shall here-

Who to have preference.

after be maintained in county poorhouses. That in receiving such children into such school, preference shall be given first to dependent and indigent orphans or half orphans of deceased soldiers of this state.

How number of children to be sent from each county to be ascertained.

SEC. 15. Whenever inquired of by the county commissioners of any county and whenever there is room for one or more children in said school from any county, it shall be the duty of the superintendent of said school to notify the county commissioners of such county how many children they can send to said school. That whenever there are more admissible children in the several counties that can be received in said school it shall be the duty of the superintendent of said school to divide such admissions *pro rata* among the counties according to the number of dependent children in each at the time of such admission, giving preference to counties of the same or larger population that have had less admitted into said school. That whenever the county commissioners of any county shall be informed by the superintendent of said school that any dependent children from their county can be admitted into said school, it shall be their duty to forward them to said school as provided in this act as soon as practicable. That the expense of transportation of children to said school pursuant to law and the expense of returning any of said children to their counties after their admission by said board of control as improper inmates of said school shall be audited by the board of state auditors and paid from the general fund.

When informed of the admission of an increased number, duty of county commissioners.

Improper inmates of said schools, expense of transportation how paid.

Judge of probate to examine children and report as to alleged dependence.

SEC. 16. Before the county commissioners shall send any child to said school, they shall cause him to be brought before the judge of probate in the county where the child belongs, for examination by the judge of probate as to his alleged dependence; and it shall be the duty of the county commissioners of each county in the case of children in the poorhouses or other children which shall be found in a state of want or suffering or being abandoned or improperly exposed, or children in any orphan asylum where the officers thereof desire to surrender them to the care of the state whenever there shall be a vacancy for their county in said school, to bring such children before the said judge of probate for said examination and it shall thereupon be the duty of the said judge of probate to investigate the facts in each case and ascertain whether such children are dependent, their ages, names, and residence of parents and in what county poorhouse or orphan asylum they have been kept, if any, and for how long a time; and said judge of probate shall have power to compel the attendance of witnesses and may in his discretion request the attendance of the prosecuting attorney for such examinations, and if so requested, it shall be the duty of such prosecuting attorney to attend in behalf of the county. The parents or any friend may appear in behalf of any child, and in his discretion the said judge of probate may request any county

May compel the attendance of witnesses.

commissioner to appear in behalf of any child, and if on such examination the said judge of probate shall find that any child is dependent and neglected he shall enter such finding by a proper order in the journal of the probate court in his office, and shall deliver to the county commissioners procuring such examination a certified copy of such order, which shall contain, besides said findings, a statement of the facts so far as ascertained as to the age of the child, names and residence of parents, and name of county poor-house or orphan asylum where the child has been maintained, and the length of time of such maintenance, and in the case of the examination of two or more children at the same time only one (1) order need be made, and said certified copy of said order shall be delivered with the child at said school to the superintendent thereof.

SEC. 17. It shall be the duty of said board of control to provide and keep in said institution a record in which shall be entered the names, residence and ages of the children received, the residence, business habits and character of the parents, if living and known, the date of reception in school, the date of indenture contract, and the name, occupation and residence of the person with whom the child is placed. A brief history of each child shall be maintained during its minority.

Board to keep a record—what to contain.

SEC. 18. The said board of control is authorized to designate some officer, teacher or other employe connected with said school to act as agent thereof, and who shall act in that capacity during the pleasure of said board of control, and shall be known as the agent of the state public school, and his duties as such agent shall be prescribed by said board, and shall include the visiting, as often and at such times as said board of control shall determine, any and all children placed in charge of any person by said board of control, to inquire into the condition of such children and make such investigation as may be necessary in relation thereto, and report the same to said board of control, to investigate all applications, to take such children, by adoption or otherwise, to such suitable persons who are willing to adopt, take charge of, or otherwise take and keep any children sent to said school, and to enter into a contract in writing, in behalf and under the instructions of said board of control with the persons taking such child, and all such contracts shall contain a clause reserving to said board of control the right to withdraw the child from any person having him, when, in the opinion of the board, the welfare of the child requires it. The said agent, while acting as such, shall be paid his necessary traveling expenses by the treasurer of said board of control, after being allowed and certified by said board of control.

To designate some person to act as agent—duty of.

Expenses, how paid.

SEC. 19. The said board of control shall biennially report to the governor, legislature, and superintendent of public instruction, presenting a detailed statement of the opera-

Board to report biennially—to whom—what report to contain.

tions of said institution for the two (2) fiscal years preceding the regular session of the legislature, which shall include the report of the treasurer of said board of control of all receipts and disbursements in his office for the same period, and the report of the superintendent for the same period, setting forth the condition of said school, the names of regular employes and the salary of each, the number of children who have received instruction, the average number during each year in the school, the discipline prescribed, the studies pursued, the books used, the expense *per capita* for average attendance, the expense *per capita*, estimating therein the expenses additional for those indentured, and such other information as he may deem important or the governor or superintendent of public instruction may request. The members of said board of control shall be allowed the expenses necessarily incurred by them in the discharge of their official duties, and three (3) dollars per day for their official services actually and necessarily performed, which shall be audited by the state auditor and paid from the general fund.

Board of control, how compensated.

How children to be brought before judge of probate for examination.

SEC. 20. That whenever the county commissioners of any county shall bring any child before the judge of probate for examination as to his alleged dependence, as provided in section sixteen (16) of this act, they shall present to said judge an application in writing, which shall be filed in his office for such examination, which shall be signed by at least two (2) of said commissioners, in which they shall certify that in their opinion the child named is dependent on the public for support, and that he has no parents against whom his support can be enforced.

May consent to the adoption of any child.

SEC. 21. That the superintendent, or agent, or board of control of the state public school, is hereby authorized to consent to the adoption of any child who has or shall become an inmate of said institution, by any person or persons, pursuant to the provisions of an act entitled "An Act to provide for changing the names of minor adopted children and of other persons," approved February twenty-sixth (26th), A. D. one thousand eight hundred and seventy-six (1876), and that on such adoption the said board of control shall cease to be the guardian of the child adopted.

Each child permitted to enter the school to be examined by a practicing physician—for what purpose.

SEC. 22. That whenever on the examination provided for in this act the judge of probate shall determine that the child is dependent on the public for support, or neglected, he shall cause it to be examined by the county physician, if there be one, and if not, then by a respectable practicing physician, and shall in no case enter the order in his journal, showing the child is admissible to this school, unless the physician making such examination shall certify in writing, under oath, filed in said court, that the child examined by him is in his opinion of sound mind, and has no chronic or contagious disease, and in his opinion has not been exposed to any contagious disease within fifteen (15) days previous to such

examination before the judge of probate. That a copy of such certificate shall be attached to the other papers provided by this act, to accompany each child to this school.

SEC. 23. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved March 9, 1885.

CHAPTER 147.

AN ACT TO REGULATE THE PRACTICE OF PHARMACY, THE LICENSING OF PERSONS TO CARRY ON SUCH PRACTICE, AND THE SALE OF POISONS IN THE STATE OF MINNESOTA.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That it shall hereafter be unlawful for any person other than a registered pharmacist, to retail, compound or dispense drugs, medicines or poisons, or to institute or conduct any pharmacy, store or shop for retailing, compounding or dispensing drugs, medicines or poisons, unless such person shall be a registered pharmacist, or shall employ and place in charge of said pharmacy, store or shop, a registered pharmacist, within the full meaning of this act, except as hereinafter provided.

Who authorized to retail or dispense drugs or poisons.

SEC. 2. In order to be registered within the full meaning of this act, all persons must be either graduates in pharmacy, graduates in medicine or shall, at the time this act takes effect, be engaged in the business of a dispensing pharmacist on their own account, in the state of Minnesota, in the preparation of physicians' prescriptions, and in the vending and compounding of drugs, medicines and poisons, or shall be licentiates in pharmacy.

Qualifications for registering.

SEC. 3. Graduates in pharmacy shall be considered to consist of such persons as have had four (4) years practical experience in drug stores where prescriptions of medicinal practitioners are compounded, and have obtained a diploma from such college or schools of pharmacy as shall be approved by the board of pharmacy as sufficient guarantee of their attainments and proficiency.

Definition of the term "graduates in pharmacy."

SEC. 4. Licentiates in pharmacy shall be such persons as have had three (3) years practical experience in drug stores wherein the prescriptions of medical practitioners are compounded, and have sustained a satisfactory examination before the state board of pharmacy, hereinafter mentioned.

Qualifications of licentiates in pharmacy.