

CHAPTER 147.

[H. F. No. 738.]

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A SUPERINTENDENT AND CORPS OF PHYSICIANS FOR THE THIRD MINNESOTA HOSPITAL FOR INSANE, LOCATED AT FERGUS FALLS.

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

SEC. 1 That the superintendent and corps of physicians appointed for the third hospital for the insane, located at Fergus Falls, shall be of the school of homoeopathy and the board of trustees of the hospital for the insane of Minnesota, are hereby directed to make appointments in accordance herewith, *as soon as such hospital is ready for patients.*

Third Minnesota hospital for insane.

SEC. 2. This act shall take effect and be in force from and after its passage.

When not to take effect.

Approved March 4, 1887.

CHAPTER 148.

[H. F. No. 850.]

AN ACT FOR THE RELIEF OF HONORABLE DISCHARGED INDIGENT EX-SOLDIERS, SAILORS AND MARINES, AND THE WIDOWS, MINOR ORPHANS, AND DEPENDENT PARENTS OF SUCH DECEASED SOLDIERS, SAILORS OR MARINES, AND FOR MAKING AN APPROPRIATION FOR THE PURCHASE OF LAND AND THE CONSTRUCTION OF THE NECESSARY BUILDING OR BUILDINGS THEREFOR, FOR A SOLDIERS' HOME, AND FOR MAINTENANCE THEREOF, AND PROVIDING A REVENUE THEREFOR.

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

SECTION 1. That there is hereby established in the state of Minnesota an institution under the name and style of the "Minnesota Soldiers' Home," which shall be under the supervision and management of a board of trustees hereinafter provided for.

Soldiers home.

SEC. 2. For the purchase of the site and the necessary land which shall include not more than one hundred and sixty

Appropriation
for same.

(160) acres, and for improving the same and for the construction of a building or buildings thereon for the Soldiers' Home, and to fit and furnish the said building or buildings for occupancy and use, there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of fifty thousand (50,000) dollars, or so much thereof as shall be necessary; *Provided*, That not more than ten thousand (10,000) dollars shall be paid during the fiscal year ending July thirty-first (31st) one thousand eight hundred and eighty-seven (1887), and the balance of said sum out of the tax levy of one thousand eight hundred and eighty-eight (1888).

Objects of
home.

SEC. 3. The object of the Soldiers' Home shall be to provide a home for all honorably discharged ex-soldiers, sailors and marines, who served in the army or navy of the United States during the war of the rebellion, or the Mexican war, who now are or may hereafter become citizens of the state of Minnesota, who, by reason of wounds, disease, old age or infirmities are unable to earn their living, and who have no adequate means of support. *Provided*, That no applicant shall be admitted to the Soldiers' Home who has not been a resident of the state of Minnesota for one (1) year next preceding the time of making his application, unless he served in a Minnesota regiment, or was accredited to the state of Minnesota. *Provided further*, That all persons who are otherwise entitled under the provisions of this section to admission to said Soldiers' Home, who actually served in any campaign against the Indians in Minnesota in one thousand eight hundred and sixty-two (1862) shall be entitled to admission to such Soldiers' Home notwithstanding such persons were not regularly enlisted, mustered into or discharged from the military service of the United States.

Provisos.

Trustees to be
appointed.

SEC. 4. Within thirty (30) days after the passage of this act, the governor, by and with the advice and consent of the Senate, shall appoint seven (7) trustees for said Soldiers' Home, not more than four (4) of whom shall be members of the same political organization, and who, with their successors, and all officers, officials, appointees, and employes who shall at any time be appointed or employed, by any one under the provisions of this act, shall be preferably, honorably discharged ex-United States soldiers, sailors, or marines. Said trustees so appointed shall hold their offices, three (3) for two (2) years, two (2) for four (4) years, and two (2) for six (6) years from the first (1st) Monday of January one thousand eight hundred and eighty-seven (1887) and until their successors shall have been duly appointed and qualified as hereinbefore provided. Said respective terms of office shall be designated in their several appointments, and the members of said

Terms of office

board thereafter appointed, shall hold their office for the term of six (6) years and until their successors are appointed and qualified.

SEC. 5. Said trustees shall be charged with the duty of selecting and locating the site of said Soldiers' Home. Said trustees shall take and file in the office of the secretary of state the following oath: "I do solemnly swear that I will support the constitution of the United States and of the state of Minnesota, and will faithfully discharge the duties of trustee of the 'Minnesota Soldiers' Home,' according to the best of my ability; that I have not received and will not knowingly and intentionally, directly or indirectly, receive any money or other consideration from any source whatever, for any vote or influence I may give or withhold, or for any other official act I may perform as such trustee."

Out of trustees.

On or before June first (1st) one thousand eight hundred and eighty-seven (1887), or as soon thereafter as practicable, said trustees shall select a site for said Soldiers' Home at such place as shall at the time be most economical to the state, and best adapted to the wants of the institution, having regard in the selection thereof, to elevation, sewerage, and drainage, and abundant supply of living water, facilities of access, the quantity of the soil, and the price asked for the land.

Selection of site.

SEC. 6. The said trustees and their successors shall perform the duties imposed upon them by the provisions of this act, without any compensation for their services; but their actual necessary expenses, incident to the location of said Home and their duties as trustees of the funds hereinafter provided, shall be paid from said appropriations herein provided for.

No compensation for services.

SEC. 7. The said trustees are hereby authorized and empowered to receive in behalf of the state, any donations of money, personal property or real estate, offered for the purpose of aiding in the establishment of such Home; but such donations shall not alone determine the location of such Home at any particular place.

Donations for home.

SEC. 8. The said trustees are directed and required to cause to be prepared suitable plans and specifications by a competent architect, who shall be selected after due competition, but no plan shall be adopted by the trustees which shall not first have been approved by the governor. Said plans shall be accompanied by specifications and by a detailed estimate of the amount, quality, and description of all material and labor required for the erection and full completion of the building or buildings according to said plans.

Competitive plans.

SEC. 9. Whenever the said plans and specifications shall have been approved and adopted, the trustees shall

Sealed bids for construction to be advertised for.

cause to be duly published an advertisement or advertisements for sealed bids for the construction of the building or buildings herein authorized, and shall furnish a printed copy of this act and of the specifications to all parties applying therefor, and all parties interested who may desire it, shall have free access to the plans with the privilege of taking notes and making memoranda.

Bids—when
and how
opened.

SEC. 10. Not less than thirty (30) days after the publication of said proposals for bids, on the day and hour to be named in said advertisement at the place where the said institution shall be located, in the presence of the bidders or so many of them as may be present, the bids shall be opened for the first time and the contract for the building shall be let to the lowest and best bidder. *Provided*, That no contract shall be made, and no expense incurred for any building or buildings requiring for the completion of the same a greater expense than is provided for in the appropriation made in this act; nor before the appropriations therefor are available; and, *provided further*, That no bid shall be accepted which is not accompanied by a good and sufficient bond in the penal sum of five thousand (5,000) dollars, signed by at least three (3) good and sufficient sureties, conditioned as a guarantee for the responsibility and good faith of the bidder, and that he will enter into contract and give bond as provided in this act in case his bid is accepted.

Contract let to
lowest bidder.

Bond to
accompany
bids.

Provisions of
contract.

SEC. 11. The contract to be made with the successful bidder shall be accompanied by a good and sufficient bond, to be approved by the governor before accepted, conditioned for the faithful performance of his contract; shall provide for the appointment of a superintendent of construction who shall receive not more than five (5) dollars per day for his services and be paid by the state, and who shall carefully and accurately measure the work done, and the materials upon the grounds, at least once a month, and for the payment of the contractor on the aforesaid measurement, and for the withholding of fifteen (15) per centum of the value of the work done and materials on hand until the completion of the building or buildings, and for the forfeiture of a stipulated sum per diem for every day that the completion of the work shall be delayed after the time specified for the completion in the contract, and for the full protection of all persons who may furnish labor or materials, by withholding payment from the contractor and by paying the parties to whom any moneys are due for services or materials as aforesaid directly, for all work done or materials furnished by them, in case the notice given to the trustees that any such party apprehends or fears that he will not receive all money due, and for the settlement of all disputed questions as to the value of alter-

ations and extras, by arbitration at the time of the final settlement, as follows: One (1) arbitrator to be chosen by the trustees, one (1) by the contractor, and one (1) by the governor of the state, all three (3) of said arbitrators to be practical mechanics and builders and for the power and privilege of the trustees under the contract to order changes in the plans at their discretion, and to refuse to accept any work which may be done not fully in accordance with the letter and spirit of the plans and specifications; and all work not accepted shall be replaced at the expense of the contractor; and for a deduction from the current price of all alterations ordered by the trustees which may and do diminish the cost of all buildings. They may also make such other provisions and conditions in said contract, notherin above specified, as may seem to them necessary or expedient; *provided*, that no conditions shall be inserted contrary to the letter and spirit of this act, and that in no event shall the state be liable for a greater amount of money than is appropriated for such building or buildings and its appurtenances, nor prior to the time when by the provisions of this act the appropriations thereto are subject to auditor's warrants.

Arbitrators.

SEC. 12. The said contract shall be signed by the president of the board of trustees, on behalf of the board, after a vote authorizing him to so sign, shall have been entered upon the minutes of the board, and it shall be attested by the signature of the secretary of the board. It shall be drawn in triplicate and one copy of the same shall be deposited in the office of the state auditor.

Contract—by whom signed.

SEC. 13. All bids shall show the estimated cost of the work to be done of each description in detail, and the trustees shall have the right and power at their discretion to accept bids for particular portions of the work, if for the advantage of the state, and all measurements and accounts as the work progresses shall show in detail the amount and character of the work for which payment is made.

Bids.

SEC. 14. The cost to the state of the site for said "Soldiers' Home" shall be paid out of the appropriation herein made, but shall not exceed the sum of ten thousand (10,000) dollars.

Cost of home.]

SEC. 15. The moneys herein appropriated for purchasing the site and constructing said Soldiers' Home, shall be paid to the parties to whom they may become due and payable, directly from the treasury of the state, on the warrant of the state auditor, and the state auditor is hereby authorized and required to draw the said warrants for money due under this act, upon the order of the board of trustees or their executive committee, accompanied by vouchers therefor.

How moneys to be paid.

SEC. 16. No trustee or officer of the said institution

Trustee or officer shall not be interested in any contract.

shall be in any way interested in any contracts for the erection of said building or buildings, or furnishing any materials for said building or buildings, or supplies for said Home; and if any trustee or officer shall at any time be so interested, he shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine in any sum not exceeding five thousand (5,000) dollars.

Abstract of site to be furnished

SEC. 17. Before making payments for the lands, for the purchase of which provision is herein made, the seller shall furnish to the trustees an abstract of title which shall be submitted by the trustees to the attorney general for examination, and to the governor for his approval, and no money shall be paid for the said lands without a perfect conveyance of title in fee simple to the state by warranty deed. Any deeds of conveyance for the same shall be placed in and remain in control of the state treasurer.

Government of home.

SEC. 18. The said board of trustees shall have the general supervision over and shall prescribe rules for the government and management of said Soldiers' Home. They shall make, subject to the approval of the governor, all needful by-laws and regulations governing the admission, maintenance, and discharge of the inmates of said Home, which shall not be inconsistent with the spirit and provisions of this act. They shall appoint a commandant for said Soldiers' Home. Said commandant shall nominate for the action of said board of trustees all necessary subordinate officials and employes, who may be suspended by said commandant for inefficiency or misconduct, but in the case of the suspension of such subordinate official, a statement of the case shall be reported by the commandant to the board of trustees, who shall offer such suspended official a hearing, and whose action thereon shall be final. The board shall fix the salary of the commandant and of all subordinate officials and employes. *Provided*, The amount so paid shall not exceed such reasonable compensation as is paid for the like service in similar institutions.

Officers of board.

SEC. 19. Said board of trustees shall appoint a secretary, and from their number a president and an executive committee, to serve for such period, and to perform their duties under such regulations and restrictions, as may be prescribed in the by-laws of said board not inconsistent with the provisions of this act. The treasurer of the state shall be *ex-officio* the treasurer of the board.

Duties of secretary.

The secretary shall keep a faithful record of all transactions of the board of trustees, and the books, records and accounts pertaining to said Soldiers' Home, and to the administration of the Soldiers' Home Fund and the Soldiers' Relief Fund hereinafter provided for, under rules and regulations to be established by said board of trustees, and shall receive such salary as said board of trustees may determine.

The president of the board shall have the power at any time to call extra meetings of the board, and shall call such extra meetings on receiving a written request to make such call from not less than two (2) members of said board.

Powers of president.

The executive committee shall regularly meet at least once in each month, and shall be authorized to draw such warrants upon the funds which may be, from time to time, appropriated for the maintenance of "Soldiers' Home," or for soldiers' relief, as may be directed by the board of trustees. *Provided*, That all warrants so drawn shall be countersigned by the president of said board of trustees, and attested by the secretary of said board, and such warrants shall designate upon their face the purpose for which the same may be drawn.

Executive committee.

SEC. 20. Said board of trustees shall meet annually on the second (2d) Tuesday in August, which meeting shall be styled the annual meeting; and they shall also meet annually on the second (2) Tuesday in February, which shall be styled the "semi-annual" meeting.

Meetings of board.

At each of these regular meetings they shall examine into the condition of all soldiers, sailors or marines in the care of the state, and at their annual meeting they shall make a full report to the governor of all their proceedings under this act, which report shall be published, as are the reports of other state institutions.

Report to governor.

SEC. 21. Said board of trustees are hereby authorized and empowered to receive in behalf of the state any grant or devise of real estate, and any donations or bequests of money or other personal property to be applied to the fulfilling the purposes of this act.

Empowered to receive grants and bequests.

SEC. 22. Each trustee shall, before entering upon the duties of his office, file in the office of the secretary of state his bond, with two (2) sufficient sureties, to be approved by the governor, for the sum of five thousand (5,000) dollars, conditioned for the faithful discharge of his duties under this act, and for the economical expenditure of any money that may be appropriated for the Soldiers' Home, or for the Soldiers' Relief Funds.

Bond of trustees.

SEC. 23. It shall be the duty of said board of trustees to report to the next and each succeeding Legislature such information as they may be able to procure as to the number of indigent soldiers, sailors or marines, and their dependent widows, orphans, and parents residing in this state, and such other recommendations in regard thereto as to them may seem advisable.

Trustees to report certain matters.

SEC. 24. There is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the support and maintenance of said Soldiers' Home and of the ex-soldiers, sailors, and marines admitted to the said Soldiers' Home, the sum of ten thousand (10,000) dollars,

Appropriations.

or so much thereof as may be needed, for the fiscal year ending July thirty-first (31st) one thousand eight hundred and eighty-eight (1888), and the sum of twenty thousand (20,000) dollars annually thereafter, which appropriation and fund shall be known as the Soldiers' Home Fund, and shall be kept separate and distinct from the Soldiers' Relief Fund hereinafter provided for.

Tax levy for support.

SEC. 25. The state auditor shall annually hereafter add to the tax levy of the state, one-tenth ($\frac{1}{10}$) of one (1) mill on each dollar of the valuation of said state, both real and personal, the proceeds of such additional tax levy when collected to be held in the state treasury, and constitute a Soldiers' Relief Fund.

Disbursement of funds.

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SEC. 26. The said fund shall be under the control of, and be disbursed in manner as provided for disbursing Soldiers' Home Fund, by the trustees herein provided for, for the relief, outside of the Soldiers' Home, and at their own homes, of honorably discharged indigent ex-soldiers; sailors, or marines, who served in the army or navy of the United States in the war of the rebellion, the Mexican war, or any campaigns against the Indians in the state of Minnesota; and the widows, minor orphans, and dependent parents of such deceased soldiers, sailors, and marines. *Provided*, That all ex-soldiers, sailors or marines entitled to any part of this relief fund shall be such as would, under the provisions of section three (3) of this act, be entitled to admission at the Minnesota state Soldiers' Home, did they choose to apply for such admission.

And *provided further*, That in case such soldiers, sailors, or marines have no parents, wife or children dependent upon them, the trustees aforesaid may, in their discretion, require that such soldiers, sailors, or marines become inmates of the Soldiers' Home, as a condition upon which they shall share in the benefits of this act.

SEC. 27. This fund shall be administered and applied by said board of trustees for the purposes indicated, and in accordance with such rules and regulations as may hereafter be made and provided by said board of trustees. *Provided*, That no salary shall be paid any person for aid or assistance in disbursing and applying this Soldiers' Relief Fund for the relief intended; and *provided further*, that when and wherever found necessary, the county auditors of any county in this state shall aid and assist in their respective counties in applying this fund for the relief intended, and without compensation for such special service, and *provided further*, that at least one person shall in each county in this state, be designated by said board of trustees as a person to whom applications for relief shall be made, and who shall be the direct medium of communication between the recipient of this relief and the trustees of this fund.

SEC. 28. The principal office of said trustees, and place of holding all regular meetings, shall at all times, after the erection thereof, be located at the Soldiers' Home.

Office of 148-28
trustees. 112 . . . 03

SEC. 29. For the purposes of this relief fund herein provided for, and to provide for relief which is now required or which may be needed before the tax levy hereby authorized can be made available, there shall be, and hereby is appropriated out of any funds in the state treasury not otherwise appropriated, the sum of twenty thousand (20,000) dollars, or so much thereof as may be required before said tax levy becomes available.

Appropriation.

SEC. 30. The board of trustees are authorized and directed, at close of any fiscal year, to transfer any surplus funds from the Soldiers' Relief Fund to the Soldiers' Home Fund, and such transfer may be made during any fiscal year, when in their judgment such transfer will better enable said trustees to enforce the spirit of this act, and any amounts so transferred shall operate to reduce the amount used of the annual appropriation for support and maintenance of the Soldiers' Home for the current year.

Soldiers relief
fund.

SEC. 31. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved March 2d, 1887.

CHAPTER 149.

[S. F. No. 9.]

AN ACT GIVING PREFERENCE IN APPOINTMENT AND EMPLOYMENT TO HONORABLY DISCHARGED UNION SOLDIERS AND SAILORS.

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

SECTION 1. That in every public department, and upon all the public works of the State of Minnesota, and the counties, towns, cities and villages, thereof, honorably discharged union soldiers and sailors, who are properly qualified, shall be preferred for appointment and employment. Age, loss of limb, or other physical impairment, which does not in fact incapacitate, shall not be deemed to disqualify them; *provided* they possess the other requisite qualifications for the proper discharge of the duties of the position sought.

Preference to
be given to
honorably
discharged
soldiers and
sailors.

SEC. 2. This act shall take effect immediately after its passage.

When act to
take effect.

Approved February 26th, 1887.