

**Takes effect.**

SEC. 201. This act shall take effect and be in force from and after the first day of June, eighteen hundred and ninety-three.

Approved April 21, 1893.

S. F. No. 466.

## CHAPTER 5.

**Hospitals for Insane.**

*An Act to confirm the location and establishment of the Minnesota Hospitals for the Insane, to provide for commitment thereto, the management and supervision thereof, and the licensing and supervision of all other hospitals for the insane.*

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

**Present locations.**

SECTION 1. The location and establishment of the three present hospitals for the insane, at St. Peter, Rochester and Fergus Falls, and all conveyances and transfers of land, buildings, property and funds heretofore made to, or for either of said hospitals, is hereby ratified and confirmed, and continued in force under a board of trustees consisting of five members, of whom at least two shall not be of the same political party as the governor, to be appointed as hereinafter provided, and the superintendent and corps of physicians at the Fergus Falls hospital shall continue to be of the school of homeopathy.

**Designated names.**

SEC. 2. The hospital at St. Peter shall be known and designated as the St. Peter state hospital; the hospital at Rochester shall be known and designated as the Rochester state hospital; and the hospital at Fergus Falls shall be known and designated as the Fergus Falls state hospital.

**Board of trustees.**

SEC. 3. These hospitals shall be under the charge and supervision of five trustees, three of whom shall constitute a quorum for the transaction of business; such trustees shall be appointed by the governor, by and with the advice and consent of the senate, as follows: Two for the term of one year; two for the term of two years and one for the term of three years, and at the expiration of their respective terms of office their successors shall be appointed by the governor, by and with the advice and consent of the senate, for the full term of three years. Vacancies occurring at any time shall be filled by the governor for the unexpired term. The governor may remove any or all of such trustees for good cause shown.

**Appropriations.**

SEC. 4. All appropriations made in any act which have heretofore or shall hereafter be passed for the benefit, care or treatment of the insane of this state, for the purchase of land, or for the erection, purchase or lease of any buildings for their accommodation, shall be placed under the charge of the board of trustees, and shall be drawn from the state treasury by the treasurer of the hospital in accordance with the provisions of chapter two hundred and sixty-nine. General Laws of one thousand eight hundred and eighty-nine.

SEC. 5. The trustees, before entering upon the duties of their office, shall take and subscribe an oath or affirmation to support the constitution of the United States and that of this state, and to faithfully discharge the duties required of them by law. They shall be paid their necessary expenses during the time they are actually engaged in the discharge of their official duties, out of any money appropriated for the support of the insane. They shall hold an annual meeting on the second Wednesday in August of each year, at one of the state hospitals, and such other regular or special meetings as they shall provide in their by-laws. At the annual meeting they shall choose one of their number president and another secretary, and shall elect a treasurer for each hospital, who shall hold their offices for one year and until their successors are elected and qualified. No member of the board of trustees or any other officer or employe of said hospitals or either of them, shall be interested directly or indirectly in any contract, purchase or sale, for or on account of said hospitals or either of them, with which he is connected, and any such trustee or other officer or employe offending against the provisions of this section in relation to such contracts, purchases or sales, shall be deemed guilty of a misdemeanor, and upon conviction thereof, in addition to the other penalties prescribed by law, shall be thereafter disqualified from holding any office or position in or connected with any state hospital mentioned herein.

Duties of trustees.

SEC. 6. The said trustees shall have the general control of these hospitals, and such others as hereafter may be placed under their charge. They shall have power to make all by-laws necessary for the government of the same, not inconsistent with the constitution and laws of the state of Minnesota, and to conduct the affairs of these institutions in accordance with the laws and by-laws regulating the same. They shall appoint for each hospital a medical superintendent and an assistant medical superintendent, who shall be well educated and regular physicians; a steward or accounting officer; such assistant physicians as in their judgment are necessary, and such other officers as they may deem necessary for the welfare of the hospitals. All officers so appointed by the board of trustees shall be governed by, and subject to, all the laws and by-laws established for the government of the hospitals.

Further duties of trustees.

The board of trustees shall fix all salaries not otherwise determined by law, and may, at their pleasure, remove all officers appointed by them, save and except the superintendent, who shall only be removed for good cause shown, and then only with the approval of the governor.

SEC. 7. The board of trustees may take and hold in trust for any one of the hospitals, any lands conveyed or devised, and any money or other personal property

Property in trust.

given or bequeathed, to be applied in any way for the benefit of any hospital or the welfare of the inmates thereof.

Biennial report  
for legislature.

SEC. 8. The trustees shall report to the governor after their annual meeting in August of each alternate year, and before the meeting of the legislature, and as much oftener as the governor may require, or they may deem necessary, the condition and wants of the hospitals under their charge. The biennial reports shall be accompanied by the reports of the superintendents, stewards and treasurers. They shall account for the disbursements of the biennial period just ended, and submit an estimate of the current expenses of the hospitals for the ensuing biennial period, and an estimate of the appropriations needed for building, repairing and other purposes.

Distribution of  
patients from  
counties.

SEC. 9. The board of trustees are authorized to district the state between the several state hospitals, determining from what counties patients shall be committed to each, and to change the same from time to time as they may deem advisable; but they shall keep the probate judge of each county advised as to the hospital to which patients are to be sent from his county. They shall furnish to all probate judges in the state any new by-laws adopted by them, and shall notify such judges of the time when any institution or department will be open for the reception of patients. They shall report to the board of fuel commissioners on or before the nineteenth day of June in each year an estimate of the amount of coal necessary for each institution under their charge for the fiscal year next ensuing, as provided in chapter one hundred and eighteen, General Laws of one thousand eight hundred and eighty-three.

Annual inven-  
tory of property.

SEC. 10. The board of trustees shall cause an annual inventory to be taken of all property of the state belonging to the institutions under their charge on the last day of each fiscal year.

Contracts, ad-  
vertising and  
letting.

In such inventories, lands and buildings shall be listed at their actual cost to the state, as nearly as known. Movable property shall be listed at its actual estimated value when the inventory is taken. Said inventories shall be kept on file with the records of such trustees, and an abstract of the same published in their biennial reports. They shall see that the buildings under their charge are insured in accordance with the provisions of the law relating to such institutions.

SEC. 11. The said board of trustees, before letting any contract for the erection of any new building, or the enlarging or improving of any building, where the expense of the building or improvement shall exceed two thousand dollars, shall advertise for proposals for four consecutive weeks prior to said letting in a newspaper published at the place where said building is to be erected or improved, and also for the same length of time in some newspaper having a general circulation, published at the

capital of the state, stating the time and place when said proposals will be received and opened, and said contract so advertised for shall be let to the lowest responsible bidder.

SEC. 12. The superintendent of each state hospital shall, before entering upon the duties of his office, take and subscribe an oath or affirmation to support the constitution of the United States and of this state, and to faithfully and diligently discharge the duties required of him by law and the by-laws regulating the institution. He shall have the control and management of the hospital, and may employ and discharge all attendants, servants and employes at his pleasure, and may, at his pleasure, suspend any subordinate officer until an examination is had before the board of trustees, and immediately upon such suspension he shall report the fact to said board. He shall have the care and custody of any funds of inmates which may come into his hands, as provided in section four, chapter two hundred and sixty-nine, General Laws of eighteen hundred and eighty-nine. He shall report to the board of trustees from time to time, as shall be provided in the by-laws.

Superintend-  
ents of hos-  
pitals.

SEC. 13. The superintendent of each state hospital shall give immediate notice to the next of kin of each patient under his charge of the death, serious illness or any special change in the condition of such patient, and answer promptly and fully all letters of inquiry received from the relatives of any patient in said hospital. He shall forthwith after the decease of any person dying in said hospital furnish for registration to the proper clerk or health officer, and to the judge of probate of the county from which he was committed, a certificate of the duration of the last illness, the name of the deceased, his age, the disease of which he died and the date of his death. The expense of all coroner's inquests held at the various state hospitals upon the bodies of inmates dying therein or while under commitment thereto, shall be paid from the current expense fund of such hospitals.

Notice of death  
of patients.

SEC. 14. The accounting officer and treasurer of each state hospital shall report to the board of trustees from time to time, as shall be provided for in the by-laws. They shall, in the performance of their official duties, follow the system of accounting provided for such officials in chapter two hundred and sixty-nine, General Laws of eighteen hundred and eighty-nine.

Accounting  
officer and  
treasurer.

SEC. 15. Every insane person who is a legal resident of this state, and who is recommended for commitment under the provisions of section seventeen of this act, may be admitted to one of the state hospitals for the insane and maintained at the public expense, free of charge to his or her relatives or friends, and upon equal terms with every other insane person. Every person adjudged to be insane under the provisions of this act, who is not an actual legal resident of this state, shall, by order of the

Admissions to  
hospitals.

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probate court, duly made and entered, be taken by the sheriff of the county where such person is adjudged insane to the state where such person has a legal residence and delivered either to the friends or relatives of such person, or to the sheriff of the county where such person has a legal residence.

"Insane"  
defined.

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SEC. 16. The term "insane" as used in this act includes every species of insanity, but does not include idiocy or imbecility.

Restraint of  
liberty.

SEC. 17. No person shall be deprived of his liberty in this state by being committed to custody as insane, unless his insanity be established in manner and form as prescribed in this act, and his commitment to custody be recommended either because (1) he has perpetrated acts dangerous to himself or to others, or to property; or (2) it is reasonably certain, by his threats or otherwise, that he has dangerous tendencies or uncontrollable propensities towards crime; or (3) he wanders about and is exposed to want of food or shelter, or to accidents; or (4) he is ill-treated or neglected by relatives or friends; or (5) his disease is of such a nature, or in such a stage, as to require, for his recovery, care and treatment while under legal restraint.

Examining  
physicians.

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SEC. 18. After the first day of January, A. D. 1894, it shall not be lawful for any physician to certify to the insanity of any person for the purpose of securing his commitment to custody unless said physician be of reputable character, a graduate of some incorporated medical college, a permanent resident of the state, and shall have been in the actual practice of his profession for at least one year next preceding the making of such certificate, and shall at the time of making such certificate be registered as licensed by the state board of medical examiners. The possession of such qualifications shall be certified to by the judge of probate of the county in which such examiner resides, according to form "A" appended to this act, and such certificate shall constitute said physician an examiner in lunacy for the purpose of this act. A copy of said certificate shall be filed in the office of the judge of probate of the county in which such physician resides.

But it shall be unlawful for any examiner in lunacy to certify to the insanity of any person for the purpose of committing him to a hospital or institution devoted to the custody, care and treatment of the insane, of which said examiner is either the superintendent, proprietor, an officer or regular medical attendant, or when said examiner is a near relative of the alleged insane person.

Action of pro-  
bate judge.

SEC. 19. Whenever the probate judge, or in his absence the court commissioner of any county, shall receive information in writing that there is an insane person in his county needing care and treatment (form "B"), the said judge or court commissioner shall, by an order in writing (form "C"), direct two examiners in lunacy to

examine the alleged insane person, and certify to him within one day after their respective examinations (form "D") the result of such examination, with their recommendation as to the special action necessary to be taken in the case. If the examiners certify that the person so examined is not insane, the judge or court commissioner shall dismiss the case. If they disagree, he shall call other examiners, or take further testimony. But if they certify that he is insane and a proper subject for commitment for any of the reasons specified in section seventeen of this act, said judge or court commissioner shall visit the alleged insane person, or require him to be brought into court, but he shall cause him to be fully informed of the proceedings being taken against him. He may, if he deem it advisable, take further testimony or call other examiners; but in all cases before issuing a warrant of commitment the judge of probate or court commissioner shall notify the county attorney, who shall appear on behalf of the alleged insane person, and take such action as he may deem necessary to protect the rights of such person. If satisfied that the person is insane and that the reason for his commitment is sufficient under the provisions of this act, he shall approve the certificate of the examiners and issue a duplicate order and warrant (form "E"), committing said person to the custody of the superintendent of the proper state hospital for the insane, or to the superintendent or keeper of any private licensed institution for the care of the insane, and shall place said order and warrant, together with a certified copy of the certificate of the examiners in lunacy, in the hands of the sheriff, or some other suitable person whom he shall authorize to convey said insane person to the hospital; provided, that in case said insane person is a female, she shall be accompanied, while being conveyed to the hospital, by her husband, father, mother, brother or son, daughter, or by a woman designated by the judge of probate or court commissioner. Said order and warrant shall be issued within two days after the date of the last medical certificate, or, if any further hearing is had by the court, within two days after the completion of said examination, which shall in no case be more than ten days after the filing of the information of insanity, in the office of the judge of probate, and said sheriff, or authorized person, shall forthwith execute said warrant after its reception by him. The duplicate warrant and certified copy of examiners' certificate shall be filed in the office of the superintendent, and the original, with the superintendent's indorsement thereon, shall be returned to the judge of probate and filed in his office; provided, that until the first day of January, A. D. 1894, the judge of probate or court commissioner, with whom such information of insanity is filed, shall appoint as examiners, in each case, two physicians who, in his judgment, have the necessary qualifications.

Examiners in  
lunacy.

Certificate of  
insanity.

SEC. 20. Each certificate of insanity must contain, in addition to other information, answers to the following inquiries as far as they can be obtained:

Inquiries were made and answers obtained as follows:

What is the patient's name and age? Single, married or widowed? If children, how many? If a mother, age of youngest child? 2. Where was the patient born? Where was the patient's father born? Where was the patient's mother born?

3. Where is his or her place of residence? (Legal settlement.)

4. What has been the patient's occupation? If a woman, husband's or father's occupation?

5. Is the patient a church member? If so, what church?

6. Is the patient educated? If so, to what extent?

7. Were the patient's parents or grandparents related, and if so, in what degree?

8. Is this the first attack? If not, when did others occur, and what were their duration? If sent to a hospital, state where, and result of treatment?

9. When were the first symptoms of this attack manifested, and in what way?

10. Does the disease appear to be increasing, decreasing or stationary?

11. Is the disease variable, and are there rational intervals? If so, do they occur at regular intervals? (Avoid definitions, but describe conditions.)

12. On what subject, or in what way, is derangement now manifested? State fully.

13. Has the patient shown any disposition to injure others?

14. Has suicide ever been attempted? If so, in what way? Is the propensity now active?

15. Is there a disposition to filthy habits, destruction of clothing, furniture, etc.?

16. Has the patient's father or mother or any relative, on either side, been insane?

17. Did the patient manifest any peculiarities of temper, habits, disposition or pursuits before the accession of the disease; any predominant passions, religious impressions, etc.?

18. Was the patient, or were either of his parents, ever addicted to intemperance in any form, or the habitual use of any narcotic?

19. Has the patient been subject to any severe disease, to epilepsy, to convulsions in any form, or had any injury of the head?

20. Has any constraint or confinement been employed? If so, of what kind and how long?

21. What is supposed to be the cause of the disease?

22. What treatment has been pursued for the relief of the patient? (Mention particulars and the effects.)

23. Facts learned on personal examination. (Mention every appearance or condition of the patient bearing on the question of existing insanity.)

Recommendations. (Give the special reasons for recommending commitment, according to section seventeen.)

Name and address of family physician, if any.

SEC. 21. The examiners in lunacy may jointly execute the certificate provided for in section nineteen of this act, or each one may execute a separate certificate. In either case the certificate shall be duly sworn to or affirmed before the judge of probate or court commissioner issuing the commission, who shall, when he approves the certificate, certify to the genuineness of the signature, and to the fact that the signers are duly qualified examiners in lunacy.

Examiners in lunacy.

SEC. 22. Whenever the superintendent of any state hospital shall require, for the better understanding and treatment of a patient, more medical information than is contained in the certificate accompanying the order of commitment, he shall prepare a blank, containing such additional questions as he deems necessary to secure the requisite information, concisely and categorically arranged, and forward the same to the judge of probate of the county from which the patient was committed, with the request that these additional questions be answered as fully as possible. The judge of probate, on receipt of such blank, shall immediately employ the family physician of such patient, or in case he had none, some qualified examiner in lunacy, to prepare, with the aid of the family and relatives of such patient, as full and responsive answers as can be obtained, which shall be properly verified.

Additional information as to patients.

SEC. 23. Whosoever for any corrupt consideration or advantage to himself, or through malice, shall make, or join in, or advise the making of any certificate aforesaid, or shall knowingly or willfully make any false representation for the purpose of causing any such certificate to be made, whereby any person is declared to be insane, and committed to, or held in, any institution for the custody, care and treatment of the insane, shall be deemed guilty of a felony.

False certificates or representations.

SEC. 24. No alleged insane person shall be arrested and committed to jail unless he has committed some crime, or is dangerous or disorderly, or there are reasonable grounds to believe that he will do injury to himself or others, or to property, and when arrested and committed to jail for any of the reasons herein enumerated, it shall not be lawful to confine him in the same room with any charged with or convicted of any crime.

Arrests of insane persons.

SEC. 25. When any person indicted for any offense is, on trial, acquitted by the jury by reason of insanity, the jury in giving their verdict of not guilty shall state that it was given for such cause; and thereupon, if the discharge or going at large of such insane person is considered by the court manifestly dangerous to the peace

Jury trials of insane persons.



and safety of the community, the court may order him to be committed to any of the state hospitals for the insane for safekeeping and treatment, or may order him to be committed to prison, or may give him into the care of his friends, if they shall give bonds with surety, to the satisfaction of the court, conditioned that he shall be well and securely kept. Otherwise he shall be discharged.

SEC. 26. Whenever any district judge shall be informed by the affidavit of any reputable affiant that any person indicted or held for hearing before the grand jury for any criminal offense is in such state of idiocy, imbecility, lunacy or insanity as to be incapable of understanding the proceedings or making his defense, said judge shall immediately proceed (whether it be term or vacation time) to determine the fact, either by testimony before himself, or by a jury, in his discretion; and if it shall be found on such hearing that said defendant is at the time incapable of understanding the proceeding in the case and making his defense therein, he shall order said defendant to be committed to the care and custody of the proper state hospital for the insane, to be there safely kept, cared for and treated, until he so far recovers his reason as to be capable of understanding the proceedings and making his defense in said case; and that when he so recovers his reason, the superintendent of the hospital to which he has been committed shall notify the sheriff of the county in which said defendant was indicted or held for examination. On the receipt of such notice said sheriff shall take charge of said defendant and commit him to the jail in said county until the further order of the district court.

SEC. 27. Any officer or authorized person who shall receive into his custody any person for the purpose of conveying him to any hospital for the insane in the state of Minnesota, under any of the provisions of this act, who shall not in due time deliver him into the lawful care and custody of the proper officer of such hospital, taking his receipt therefor, provided he be admitted, or who shall willfully leave, abandon, neglect or abuse such patient, either going to or returning from the hospital, shall be deemed guilty of a misdemeanor.

SEC. 28. It shall be the privilege of each and every inmate committed to any public or private hospital, or asylum for the insane in this state, on entering the institution, or at any time thereafter, to choose one individual not connected with the said institution as a correspondent with whom the said inmate shall be allowed to communicate freely in writing; and there shall be no censorship exercised or allowed by any of the officers or employes of such institution over letters written by inmates to such correspondents. Each inmate shall have the right to choose a new correspondent instead of the one previously chosen every three months if he or she desires so to do.

Inquiry by  
judge into al-  
leged insanity,  
etc., of criminal.  
mah.

Delivery of in-  
mate by officers.

Personal priv-  
ilege of insane  
in hospitals.

SEC. 29. It shall be the duty of the superintendent of each hospital or asylum for the insane to keep registered and posted in some public place at the institution the name and postoffice address of each individual chosen as correspondent under this act, and the name of the inmate choosing such correspondent. When any person is chosen as correspondent by any inmate, the superintendent shall notify the said correspondent within three days that he has been chosen, and inquire whether he will act as such correspondent. In case the correspondent shall decline to act, the superintendent shall notify the inmate without delay and give opportunity for a new choice.

May choose an outside correspondent.

SEC. 30. It shall be the duty of the superintendent of each hospital or asylum for insane to provide a register of correspondence.

Register of correspondence.

SEC. 31. It shall be the duty of each assistant physician, or the superintendent, if there be no assistant physicians, in any hospital or asylum for the insane, on the day when any inmate is committed to the institution, or at any time thereafter when the said inmate shall so request, to record correctly in the said register the name and postoffice address of said person chosen by said inmate as correspondent in accordance with this act. It shall be the duty of said assistant physicians on their daily rounds to receive the requests of any inmates who may desire to write to the correspondents so chosen, and forthwith furnish or cause to be furnished to the said inmates one or more sheets of writing paper, a stamped envelope and a postal card, addressed to the superintendent, and having printed on the reverse side a receipt in the following form:

Record of correspondents.

Receipt for letters.

"Received of the superintendent of the ..... state hospital, a letter written by ....., an inmate of the institution.

Signed, ....."

Provided, that the said assistant physician shall not be required to furnish stationery for this purpose to any one inmate oftener than once a week. The inmate shall inclose the said postal card with the letter in the stamped envelope, which shall be legibly addressed to the said correspondent, and shall deliver the same, sealed, to the said assistant physician, who shall deliver the said letter on the same day to the superintendent, taking his receipt therefor, on the register of correspondence. Whenever any letter or postal card from any correspondent chosen under this act shall be delivered to any assistant physician by the superintendent, he shall deliver the same to the inmate to whom it is addressed without unnecessary delay, taking the receipt of said inmate therefor.

SEC. 32. It shall be the duty of the superintendent, upon receipt of such letter from the assistant physician, if he shall find that the said letter is addressed to a correspondent duly chosen under this act, to place such letter or cause it to be placed in the United States mail without

Mailing letters of inmates.

opening or reading the same. It shall be the duty of the said superintendent to request the said correspondents to write their name on the outside of letters sent by them to inmates. The said superintendents shall deliver such letters to the assistant physicians, to be given to the inmates to whom they are addressed, unless, in the judgment of the said superintendents, the receipt of such letters would be injurious to such inmates, in which case they shall forthwith notify said correspondent that such letters are withheld, stating the reasons therefor, and record the facts in the register of correspondence. No letter written by a correspondent to an inmate shall be opened by any superintendent unless he has good reason to suspect that it contains such matter as ought not to be delivered to the said inmate, in which case he shall record the fact that such letter has been opened, and the reasons therefor, in the register of correspondence.

May communicate with governor and board of trustees.

SEC. 33. Each and every inmate of any hospital or asylum for insane in this state shall have the privilege of communicating in writing with the governor and the secretary of the board of trustees in the same manner and under the same regulations as with the correspondents chosen under this act.

Violations of personal rights.

SEC. 34. Any superintendent, assistant physician or employe of any hospital or asylum for the insane, or any person refusing or neglecting to comply with or willfully or knowingly violating any of the provisions of sections twenty-eight to thirty-six, both inclusive, of this act, shall be deemed guilty of a misdemeanor.

SEC. 35. It shall be the duty of the superintendent of each hospital or asylum for the insane in this state, and every trustee of such institution, to investigate any alleged violation of the provisions of this act which may be brought to their attention when visiting any asylum or hospital for insane in this state or otherwise.

Posting sections of this act in wards.

SEC. 36. A copy of sections twenty-eight to thirty-six, both inclusive, of this act, printed in pica type, shall be framed and posted in every ward of every insane hospital or asylum, public or private, in the state of Minnesota.

Relatives of inmates.

SEC. 37. The relatives of any person who shall be found insane under section nineteen of this act shall, in all cases where, in the opinion of the judge of probate or court commissioner by whom he is found insane, it is prudent and advisable, have the right to take charge of and keep said insane person, if they shall desire so to do; but the judge of probate or court commissioner may require a bond of such relatives, conditioned for the proper and safe keeping of such person; and if the relatives or friends of any patient, kept in any of the state hospitals, shall request his discharge, unless such patient stands charged with or convicted of some criminal offense, the superintendent of such hospital may, in his discretion, require a bond to be executed to the state of Minnesota, in such sum and with such sureties as he may

deem proper, conditioned for the safe keeping of such patient, and on receipt and approval by him of said bond he may discharge the patient.

SEC. 38. Whenever any person who now is, or hereafter becomes, a convict in the state prison or state reformatory, shall, in the opinion of the board of inspectors or managers thereof, have become insane, said board of inspectors or managers shall file with the judge of probate of the county in which said prison or reformatory is located information thereof in writing. Upon receiving such information from said board said judge of probate shall proceed to determine the question of insanity in the manner provided in section nineteen of this act, and, if satisfied that the convict is insane and a proper subject to be committed to a state hospital for care and treatment, he shall approve the certificate of the examiners, and issue his duplicate order and warrant committing said insane convict to the custody of the superintendent of the proper state hospital for the insane, and shall place such order and warrant, and the duplicate certificate of the examiners in lunacy, in the hands of the warden of the state prison, or the superintendent of the state reformatory (if the convict is in the reformatory.)

Convicts becoming insane.

SEC. 39. Upon the receipt of such duplicate warrant and certificate by said warden or superintendent, he shall cause said convict to be removed to the state hospital named in the warrant, and shall also cause the duplicate warrant and certified copy of examiners' certificate, and a certified copy of the prison records relating to such convict, to be filed in the office of the superintendent of the hospital, and the original, with the superintendent's indorsement thereon, to be returned to the judge of probate issuing the same.

Removal to state hospitals.

Said warden or superintendent shall cause the substantial facts contained in said warrant and certificate, including the dates thereof, to be entered upon the prison records. Said warrant and the superintendent's indorsement thereon shall each specify that the said insane person is a state prison or state reformatory convict.

SEC. 40. Whenever, in the opinion of the hospital superintendent, such convict has sufficiently recovered from the mental disability, on account of which such committal was made, his term of sentence not having expired, he shall notify the warden of the state prison, or superintendent of the state reformatory, and such warden or superintendent shall immediately cause such convict to be returned to said prison or reformatory.

Recovery of convicts.

SEC. 41. Whenever a state prison or state reformatory convict who has been committed to a state hospital for the insane shall escape therefrom or die therein, the superintendent of such hospital shall immediately notify the warden of the state prison or superintendent of the state reformatory (in case he was committed from the reformatory) of the fact.

Escape of convicts.

Fees of exam-  
iners.

SEC. 42. The fees of the examiners in lunacy, hereinafter provided, shall be certified by the judge of probate before whom the examination was had, to the warden of the state prison or superintendent of the state reformatory, and they, together with the other expenses incurred in committing a convict to a state hospital for the insane, shall be paid from the current expense fund of the institution from which he was committed.

Incurable in-  
sane.

SEC. 43. Whenever the superintendent of any state hospital shall report to the board of trustees that any insane person in the hospital under his charge is manifestly incurable, that his disease has become chronic and that he is not likely to be further benefited by treatment therein, and that he may safely and properly be taken care of in a private family, but whose own family are not able to support him, said board of trustees may authorize said superintendent to procure said person to be boarded and taken care of in some suitable private family, at an expense not to exceed three dollars per week, which shall be paid out of the current expense fund of said hospital. Said superintendent shall by himself or some one of the medical staff of such hospital, or some one delegated by him, cause such insane person to be visited as often as once in three months, and whenever, in the judgment of said superintendent, he is not properly cared for in the family where he has been placed, or for any reason he deems it best that he should be again cared for and treated in the hospital, he shall immediately cause his return thereto.

Insane absent  
on trial.

SEC. 44. Whenever in the judgment of the superintendent of any state hospital for the insane it will be beneficial to any patient therein, as part of the treatment, and that it is prudent so to do, or that it will be conducive to the recovery of any patient to return home or to his friends, or to be absent on trial, in case such patient has not been committed while under charge of any criminal offense, said superintendent may allow such patient to be absent on parole for such specified time as he may deem advisable, not exceeding six months. The order of commitment in such case shall remain in full force until the patient is discharged according to law, and his parole may be at any time revoked, in the discretion of the superintendent.

Discharge of in-  
sane from  
hospital.

SEC. 45. The superintendent of any state hospital for the insane shall discharge any patient certified by him to be recovered, unless such patient stands charged with or convicted of some criminal offense. In all other cases patients shall be discharged only by the board of trustees, and three trustees shall constitute a quorum to discharge a patient. When patients, improved or unimproved, are reported to the board of trustees and recommended for discharge by the superintendent, such recommendation shall in each case state the reason why a discharge is advised. Whenever a patient is discharged in any of the

ways herein provided, the superintendent of the hospital from which he has been discharged shall immediately mail to the judge of the probate court of the county in which the warrant of commitment was issued, and to the guardian or next of kin, a certificate signed by him, stating that such person has been discharged and the date thereof, which certificate, when received by such judge of probate, shall be filed in his office.

SEC. 46. It shall be the duty of the superintendent of any such state hospital to select from time to time from the patients of the hospital under his management such idiotic and feeble-minded children and youths as in his opinion are proper subjects for training and instruction, and to transfer the same to the directors or managers of the Minnesota institute for defectives at Faribault, provided there is room for the reception of such persons in said institute for defectives, subject to the approval of the board of trustees.

Idiotic and  
feeble-minded.

SEC. 47. Every person committed to a state hospital for the insane shall, while he remains in the hospital, be furnished with proper and suitable clothing at the expense of the state; and, when discharged, he shall be furnished by the accounting officer of the hospital, upon the order of the superintendent, with suitable clothing, and also a sum of money sufficient to defray his expenses home, or to his friends; all of which shall be paid out of the current expense fund of said hospital.

Personal wants  
of insane.

SEC. 48. There shall be printed by the state one thousand copies of each biennial report of the trustees of the state hospitals for the insane, of which 700 shall be at the disposal of the trustees and 300 at the disposal of the secretary of state.

Copies of biennial  
report.

SEC. 49. The judge of probate or court commissioner shall allow the following fees for services provided for in this act:

Fees for exami-  
ners.

To the examiners in lunacy, for every examination, five dollars each, and for every mile traveled by each of them in making such examination fifteen cents.

To the examiners jointly, or to the one answering the questions specified in section twenty of this act, five dollars.

To the family physician or examiner procuring answers to the questions specified in section twenty-two, five dollars.

To the person authorized to convey an insane person to a state hospital, or to the place of his legal residence, two dollars per day for the time necessarily employed, and all necessary disbursements for travel, and for the support of himself, the insane person and authorized assistants.

For conveying  
insane to hos-  
pitals.

Such amounts to be audited by the judge of probate or court commissioner, and judgment entered of record therefor, to be paid out of the county treasury by the county treasurer upon the written order of the judge of probate or court commissioner under seal of the court; and

upon the payment thereof, said judgment shall be satisfied of record by the judge of probate or court commissioner; provided, that the said written order shall be filed with the county auditor, who shall issue his warrant on the county treasurer in payment of said sums.

Private asylums  
to be licensed.

SEC. 50. No person or association shall establish or keep an institution for the care, custody or treatment of the insane or persons of unsound mind, for compensation or hire or otherwise, without first obtaining a license therefor from the board of trustees; provided that this section shall not apply to any state institution; and provided also that it shall not apply to cases where an insane person or persons of unsound mind is detained and treated at his own home or that of some relative.

Every application for such license shall be accompanied by a plan of the premises proposed to be occupied, describing the capacities of the buildings for the uses intended, the extent and location of grounds appurtenant thereto, and the number of patients of either sex proposed to be received therein, together with such additional information as the trustees may require; and it shall not be lawful for said board of trustees to grant any such license without first having caused an examination by at least three of its members of the premises proposed to be licensed, and being satisfied by such examination that they are as described, and are otherwise fit for and suitable for the purposes for which they are designed to be used.

To be under  
control of trust-  
ees.

It shall be the duty of the board of trustees at their first visit to each institution licensed in accordance with the laws of the state to have the care, custody or treatment of the insane or persons of unsound mind to examine the terms of the existing license, and determine how far the institution is conducted in compliance with said license; the board of trustees shall have power to continue, amend or revoke any existing license, as in their opinion the interests of the insane in the respective institutions demands.

Trustees may  
investigate  
alleged wrongs.

SEC. 51. In all cases where the board of trustees has reason to believe that any person is wrongfully deprived of his liberty, or is cruelly, negligently or improperly treated in any institution for the care and custody of the insane, or inadequate provision is made for the skillful medical care or proper supervision and safekeeping of the insane, it shall, in its discretion, order an investigation of the facts in the case by one or more of its members and the attorney general or his deputy.

The trustee or trustees conducting such inquiries are hereby empowered to issue compulsory process for the attendance of witnesses and the production of papers, to administer oaths, and to examine persons under oath, and to exercise the same general powers as belong to referees appointed by the courts of the state. Upon the completion of such investigation said trustee or trustees

shall make a concise statement of the facts found by him or them, with such suggestions and recommendations as to him or them seem advisable, and transmit a copy of the same, together with the whole or such portion of the testimony taken by him or them as they deem necessary to the governor. Upon the receipt by the governor of the report of such investigation he shall, if in his opinion the facts and conclusions warrant, order the attorney general to prosecute the superintendent, officers managers, servants or employes of such institution or any of them that have in any manner been guilty of any offense punishable by the laws of this state.

Whenever said board of trustees shall make investigation into the general management and administration of any institution for the custody and care of the insane, it shall give due notice thereof to the attorney general to appear at such investigation personally or by deputy, in behalf of the people, and examine all witnesses who may be in attendance thereat, and it shall also give due notice of the time and place of holding such investigation.

Attorney general to appear in investigations.

SEC. 52. The superintendent of every institution where insane are kept shall, on or before the first day of September in each and every year, report to the board of trustees the number of male and female insane, idiotic and epileptic in custody on the last day of July last passed, together with a statistical exhibit of the number of admissions, discharges and deaths that have occurred within the past year; the actual condition of those discharged, the causes of death of those dying in the institution, and such other facts and information as the board of trustees may require; and whoever shall neglect to report as above directed shall be guilty of a misdemeanor.

Statistics of population.

SEC. 53. Title three of chapter thirty-five of the General Statutes of one thousand eight hundred and seventy-eight, from paragraph eleven to paragraph forty-one, both inclusive, and all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

Repeal of previous laws.

SEC. 54. This act shall take effect and be in force from and after its passage.

## FORMS.

### A. JUDGE'S CERTIFICATE OF QUALIFICATION.

STATE OF MINNESOTA, }  
County of..... } ss.

I hereby certify as follows:

1. I am judge of probate within and for the county of ....., within the state of Minnesota, and reside at .....

2. That (from the evidence laid before me) ....., of ....., is a permanent resident of said state; that he is personally known to me; that he is a person of reputable



character; that he is a graduate of . . . . ., which is an incorporated medical college at . . . . ., in the state of . . . . .; that he graduated from said college on or about the . . . . . day of . . . . ., 18..; that he has been duly licensed to practice by the board of medical examiners of the state of Minnesota; and that he has been in the actual practice of his profession for at least three years last past, and he is on the . . . . . day of . . . . ., 18.., hereby duly constituted an examiner in lunacy.

#### B. INFORMATION OF INSANITY.

*To the Hon. . . . . Judge of Probate of the County of . . . . . state of Minnesota,*

SIR: Your informant respectfully represents that one . . . . ., residing at . . . . ., is insane, and a proper subject for custody and treatment in a hospital for the insane as he verily believes; and he therefore asks that the necessary steps be taken to investigate . . . . . condition, as provided by law in such cases.

#### C. COMMISSION TO PHYSICIANS.

STATE OF MINNESOTA, }  
County of . . . . . } ss.

#### OFFICE OF THE JUDGE OF PROBATE, OF SAID COUNTY.

*To . . . . . a legally qualified physician and examiner in lunacy, . . . . . county, state of Minnesota,*

Information in due form of law having been filed in my office, alleging that one . . . . ., residing at . . . . ., is insane, and a proper subject for custody and treatment in a hospital for the insane, you are hereby appointed to visit or see said person, and make a personal examination as to the truth of such allegations, and as to . . . . . actual condition. . . . . is the other examiner.

Accepting this appointment, you will proceed at once to make such examination and forthwith report thereon to me, as required by law, for which purpose the necessary blanks accompany this commission.

Witness my hand and official seal hereto attached this . . . . . day of . . . . . A. D. 189..

[SEAL.]

*Probate Judge.*

#### D. CERTIFICATE OF PHYSICIANS.

STATE OF MINNESOTA, }  
County of . . . . . } ss.

*To to Hon. . . . . Judge of Probate for the County of . . . . .,*

SIR: Pursuant to your commission to us, dated . . . . ., 189.., we did on the . . . . . day of . . . . ., 189.., personally examine . . . . ., a resident of . . . . ., in the state of Minnesota, the person named in said commission.



Therefore it is ordered that ..... be committed to the ..... state hospital, there to be detained until discharged according to law.

.....  
Judge of Probate.

#### WARRANT TO REMOVE TO HOSPITAL.

This order and warrant, with the custody of the said ..... is delivered to ..... for execution.

Given under my hand and official seal this ..... day of ..... 189...

.....  
Judge of Probate.

#### RETURN TO SUPERINTENDENT.

.....STATE HOSPITAL,  
..... 189...

I have this day received the within named patient, with a duplicate of this warrant, and a certified copy of certificate of the examiners in lunacy at the hands of ....., attended by .....

The patient is in ..... condition.

Witness my hand this ..... day of ..... 189...

.....  
Approved April 19, 1893.

### CHAPTER 6.

H. F. No. 426.

*An Act creating a Bureau of Labor, defining its duties, and appropriating money for its maintenance.*

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

**SECTION 1.** A commissioner of labor, appointed by the governor, and an assistant commissioner and a factory inspector, appointed by the commissioner, shall constitute a bureau of labor. The present commissioner of labor statistics shall act as commissioner of labor until the expiration of his term of office in January, 1895. At that time and thereafter biennially, on the first Monday in January, the governor, with the advice and consent of the senate, shall appoint a suitable person to act as commissioner of labor, with headquarters at the capitol, who shall hold his office until his successor has been appointed and qualified.

**SEC. 2.** It shall be the duty of the officers and employees of the said bureau to cause to be enforced all laws regulating the employment of children, minors and women; all laws established for the protection of the health, lives and limbs of operators in workshops and factories, on railroads and in other places, and all laws enacted for the protection of the working classes, including chapter