

In no county of over 75,000 inhabitants, except as herein provided.

inhabitants, shall there by any new structure or building for the purpose of a court house, county office or county jail, or for one or more of such purposes, erected or constructed or a site selected or acquired therefor, save and except in the manner provided.

SEC. 9. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 10. This act shall take effect and be in force from any after its passage.

Approved April 17, 1905.

S. F. No. 465.

CHAPTER 233.

State training school for boys and girls.

An act relating to the state training school for boys and girls, regulating commitments thereto and the management thereof, and repealing sections 2, 4, 5, and 6 of chapter 153, Laws of 1895, and chapter 156, Laws of 1899.

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

Age limit, exception.

SECTION 1. Who may be Committed.—Whenever any infant over the age of eight years and under the age of seventeen years shall hereafter be duly convicted in any of the courts of this state of any crime prescribed by any general law of this state, punishable by imprisonment, except the crime of murder, or when any such infant shall be found by any of said courts after due trial, as herein provided, to be incorrigibly vicious or to be an habitual tramp or vagrant, said court may thereupon commit such infant to the Minnesota State Training School for Boys and Girls. *Provided*, that no child shall be so committed who is a proper subject for commitment to the state public school at Owatonna.

Complaint signed and verified, contents, filing in court.

SEC. 2. Complaint.—No infant shall be committed to said training school as incorrigibly vicious or as an habitual tramp or vagrant unless upon formal complaint in writing, signed and verified by the person making the same, and filed in the court, setting forth the name, age and place of residence, if known, of said infant, the name and residence of its parent or guardian, and of the person in whose custody such infant may be, and stating the conduct and habits of the child, and particularly the facts constituting the ground of complaint.

SEC. 3. Proceedings.—Upon the filing of the complaint, as provided in the preceding section, the court shall, if said infant is not already in custody, cause him to be apprehended and brought before the court, for which purpose the court shall issue a warrant to the proper officer, and shall also thereupon cause a summons to be issued to the parent or guardian of said infant or to the person in whose custody he may be, requiring such parent, guardian, or person to appear before the court at a time and place to be fixed by the court and stated in said summons, and show cause, if any, why such infant should not be so committed, which summons shall be served on such parent, guardian or person having the custody of said infant, at least twenty-four hours before such hearing, and shall also forthwith notify the probation officer of the county, if any, of the time and place of hearing. Until the hearing the court shall provide for the care and custody of the accused infant, but no child under twelve years of age shall be committed to jail, and in cases where committed, the child shall be subject to bail.

Proceedings
in court, ar-
rest, wit-
nesses, etc.

Probation
officer.

Care and
custody of
accused.

SEC. 4. Guardian ad Litem.—If such infant has no parent, or guardian, or person having his custody, living at the place, or if such parent, guardian or person, being so summoned, fails or neglects to appear at the hearing and act on behalf of the child, the court shall appoint some suitable person to appear at said hearing and protect the interests of the infant, and the person so appointed shall be given an opportunity to investigate the facts and show cause why such child should not be committed. *Provided*, that if the probation officer of the county is present, it shall be his duty to investigate the facts and defend the interest of said child at the hearing. All hearings under this act shall take place separate and apart from the trial of criminal cases.

When ac-
cused has no
parent or
guardian.

Probation
officer to in-
vestigate
case.

Separate
from crimi-
nal cases.

SEC. 5. Evidence.—The same presumption of innocence and the same rules of evidence shall prevail at the hearing in behalf of such infant as in the trial of criminal causes, and no infant shall be so committed unless the charges alleged in the complaint are proven by the testimony of at least two disinterested witnesses, and the name, age and place of residence of all witnesses shall be given. All evidence shall be reduced to writing and a finding made thereon and entered in the record of the court.

Presumption
of inno-
cence.

Charges must
be proven
by two
witnesses.

Hearing in justice court, or municipal court, evidence to be transmitted; findings to be approved or disapproved by district court.

In case of hearings before justices of the peace or municipal courts the record and all the evidence shall be forthwith transmitted, together with the complaint, to the judge of the district court of the county in which such hearing is had, who shall thereupon examine the same, and approve or disapprove the findings in writing thereon, and return the same to the justice of the peace or municipal court from whom received, and no commitment shall be made by said justice of the peace or municipal court until the proceedings have been so examined and approved by such district judge.

With commitment a copy of record must be transmitted.

SEC. 6. Commitment.—With the commitment the court or justice shall transmit by the officer executing the same to the superintendent of the training school a copy of the record of the case, including all the evidence, and a written statement of such other particulars concerning the child as can be ascertained. Sentence of commitment may be stayed by the court, and the infant placed on probation in the discretion of the court.

Stay of proceedings.

Board of control, duties, etc.

SEC. 7. Duties of the Board.—It shall be the duty of the board of control of state institutions to receive, clothe, maintain and instruct, at the expense of the state, all infants duly committed, as herein provided, to said training school, and keep them in their custody until their arrival at the age of twenty-one (21) years, unless sooner discharged, apprenticed, paroled, or transferred, and said board may, in its discretion, place any of said children, until their arrival at eighteen (18) years of age, in suitable homes, or bind them out as apprentices to such persons at such places, and to learn such trades or employment as in the judgment of the board will be most conducive to their reformation and amendment, and will tend to the future benefit and advantage of said infants.

Separate institutions for girls.

Provided, however, that whenever a similar separate institution for girls shall be established and opened by the state, girls between the ages aforesaid may be committed to and detained therein in like manner and upon the same conditions as herein provided. The board may discharge any child so committed, or may recall to the school at any time any child placed out, apprenticed, paroled or transferred, and upon such recall may resume the care and control thereof. The discharge of a child by the board shall be a complete release from all penalties and disabilities created by reason of the commitment or sentence.

Discharge and recall.

SEC. 8. Transfer of Inmates.—Said board may transfer to the state reformatory inmates whose presence is deemed detrimental to the interests of the school, and who are proper subjects for the discipline of the reformatory; and it may transfer to the state public school any inmate whose interests, in its judgment, would be better subserved thereby.

Transfer to reformatory, or state public school.

SEC. 9. Sections 2, 4, 5 and 6 of chapter 153, Laws of 1895, and chapter 156, Laws of 1899, and all acts and parts of acts inconsistent with this act are hereby repealed.

Repealing clause.

SEC. 10. This act shall take effect and be in force from any after Aug. 1, 1905.

Approved April 17, 1905.

CHAPTER 234.

S. F. No. 186.

An act to amend section one hundred and twenty-one (121) of chapter forty-six (46) of the General Laws of eighteen hundred and eighty-nine (1889), being section 4528 of the General Statutes of 1894, relating to the payment of debts and legacies of deceased persons.

Payment of debts and legacies of deceased.

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

SECTION 1. That section one hundred and twenty-one (121) of chapter forty-six (46) of the General Laws of eighteen hundred and eighty-nine (1889), the same being section 4528 of the General Statutes of 1894, be and the same is hereby amended so as to read as follows:

Section 121. In case there is sufficient assets in the hands of the executor or administrator for that purpose he shall proceed to pay all the debts and legacies of the deceased in full. When a legacy is contingent on the event of the legatee living to a certain age and the testator has omitted to appoint any person or persons to receive and hold said legacy until the legatee arrives at the prescribed age, the probate court may appoint some discreet person to act as trustee, who, upon giving a bond, as hereinafter prescribed, shall receive, invest and control said legacy, and the income thereof until the legatee shall arrive at the age prescribed in the last will and testament of the testator, or in case of the death of said legatee before arriving at said age, said legacy shall be disposed of according to the provisions of the last will and testament of the testator.

Legacy contingent.

Probate court may appoint trustee, in certain case.