

by the city clerk and countersigned by the city comptroller, and shall be sealed with the seal of such city, except that the signatures to the coupons attached to such bonds, if any, may be lithographed thereon, and none of such bonds shall be sold for less than their par value and accrued interest, and then only to the highest responsible bidder therefor.

Sec. 4. All acts and parts of acts inconsistent herewith are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved April 22, 1907.

CHAPTER 288—H. F. No. 642.

07 C 288
105-M - 170
117-NW 393

An Act creating and establishing a hospital farm for inebriates, and authorizing the state board of control to purchase lands therefor, and to provide means for the building and maintenance of such institution.

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

Hospital for inebriates.—Section 1. There is hereby created and established a hospital farm for inebriates, and for that purpose the state board of control is hereby directed to select and acquire by purchase or otherwise a suitable tract of land not to exceed six hundred and forty (640) acres, upon which shall be erected suitable buildings for said hospital, and to properly equip the same, and to appoint a superintendent who shall be a duly licensed physician, and to fix the compensation for his services.

Inebriate defined.—Sec. 2. The term "inebriate," as used in this chapter, includes every species of chronic inebriety, whether caused by the excessive use of intoxicating liquors, morphine, opium, cocaine, chloral, or other narcotics.

Governor to issue proclamation.—Sec. 3. Upon the completion and equipment of said buildings and the appointment of the superintendent the board of control shall report such facts to the governor, who shall forthwith issue a proclamation giving public notice that the said hospital for inebriates is prepared to receive patients, a copy of which

proclamation shall be forwarded by mail to each of the judges of the probate courts of this state.

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Sec. 4. **Petition for inquiry—warrant**—Upon filing in the probate court a verified petition, setting forth that a person in the county is an inebriate and in need of care and treatment, or that it is dangerous for said person to remain at large, and also stating therein the petitioner's relationship, if any, to such inebriate person, and the indications of inebriety, or lack of self-control in the use of liquors or drugs enumerated, and praying the court to inquire into the matter, the court shall direct that such alleged inebriate person be brought before it, and when from the petition it appears necessary, may issue a warrant, under its seal, directed to the sheriff or any constable of the county, or to any person named therein, requiring him forthwith to bring such person before the court for examination as to his inebriety; *provided*, that whenever, after the passage of this act, any person shall have been three times convicted of drunkenness in a court of competent jurisdiction, the judge holding such court may file in the probate court of the county a certificate showing the dates of such convictions: and thereupon the probate court shall proceed to make inquiry and deal with said person as provided in this act, without the filing of a verified petition.

Sec. 5. **Board of examiners—how appointed**—When such alleged inebriate person has been produced in court, the court shall make an order directed to two reputable persons, at least one of whom shall be a duly qualified physician, and such persons, with the judge of probate, shall constitute a board to examine such alleged inebriate person, and determine as to his inebriety.

Sec. 6. **Examination of witnesses—report**—The board shall hear all proper testimony offered by any person interested, and the court may cause witnesses to be subpoenaed. When the examination is completed, said board shall determine whether or not the person be an inebriate, and file in court a report of their proceedings, including said findings.

Sec. 7. **Examiners**—It shall not be unlawful for any physician to certify to the inebriety of any person for the purpose of securing his commitment to custody unless such physician is 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 pro-

fession for at least one year next preceding the making of such certificate, and shall at the time of making the same be registered as licensed by the state board of medical examiners. The possession of such qualifications shall be certified to be the judge of probate of the county in which such examiner resides and such certificates shall constitute said physician an examiner in inebriety for the purpose of this chapter. A copy of said certificate shall be filed in the office of the judge of probate of the county in which such physician resides. No examiner in inebriety shall certify to the inebriety of any person for the purpose of committing him to a hospital or institution devoted to the custody, care and treatment of inebriates, of which said examiner is either the superintendent or proprietor, an officer or regular medical attendant, or when said examiner is a near relative of the alleged inebriate person.

Sec. 8. False representations of certificate—Whosoever for any corrupt consideration or advantage, or through malice, shall make, or join in, or advise the making of any certificate aforesaid, or shall knowingly or willfully make any false representations for the purpose of causing any such certificate to be made shall be deemed guilty of a felony.

Sec. 9. If it shall be determined by the said judge of probate and commission that such person is an inebriate, such person shall be committed to said hospital farm for inebriates. Such person shall, however, have the right to appeal from the decision of the probate court to the district court of the proper county, and on such appeal all questions involved in such examination shall be tried by jury *de novo*. The term of detention and treatment shall be for an indeterminate period, *provided*, that no one shall be confined in this institution more than two years without being released on parole. Any person may be admitted to the inebriate hospital farm as a patient upon his own application to the probate court, *provided*, that he signs a voluntary commitment and pays such sum for maintenance as may be fixed by the board of control.

Sec. 10. Parole—If, after not less than sixty days of treatment and detention, a patient shall appear to be a suitable case for parole, the physician in charge may recommend such parole to the state board of control and the board may parole said patient, *provided*, that said patient shall pledge himself or herself to refrain from the use of intoxicating liquors as a beverage and the habitual use of such drugs or

other narcotics as above stated, and shall report in writing once each month to the probate judge of the county in which said patient shall have his or her residence, and furnish to said probate judge satisfactory evidence of said patient's sobriety and good habits, a certified copy of such report to be forwarded by said probate judge to the superintendent of said hospital.

If at any time the patient on parole for any reason fails to make the above report, or upon satisfactory evidence that such patient has violated the conditions of his parole, the judge of probate may direct the sheriff of the county, without further writ or warrant, to return said patient to the said hospital farm for inebriates.

Sec. 11. Notice of discharge—Whenever any person committed to a hospital for inebriates shall be discharged the superintendent, upon the day of such discharge, shall mail to the probate judge of the county from which such person was committed a certificate stating the fact of such discharge and the date thereof and date of commitment which certificate shall be filed in said court.

Sec. 12. Fees, how paid—To the examiners in inebriety for every examination, five dollars each, and for every mile traveled by each of them in making such examination, 15 cents, to the person authorized to convey an inebriate person to a hospital for inebriates, or to the place of his legal residence, three dollars per day for the time necessarily employed and all necessary disbursements for travel, and for the support of himself, the inebriate person and authorized assistants. Such amounts to be audited by the judge of probate or court commissioner, and judgment entered of record thereof, to be paid out of the county treasury 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 upon the county treasurer in payment of said sums. *Provided*, that in counties the sheriffs of which are paid by salary, such sheriff shall convey said inebriate person to the hospital for inebriety, or to his place of legal residence, and shall receive therefor the compensation now allowed said sheriff by law.

Sec. 13. When resident of another county—Whenever the alleged inebriate person is found to have his residence in

some other county, he may nevertheless be examined, and, if found inebriate, committed to a hospital for inebriates. The necessary costs and expenses of such examination and commitment shall be certified by such court, to the auditor of the county found to be his legal residence, and shall be paid as *other claims against such county*.

Sec. 14. Proceeding when residence is questioned—Whenever the auditor of the county to which costs and expenses have been certified denies that such person has a legal residence in his county, he shall send such certificate, with a statement of his claim in reference thereto, to the state board of control, who shall immediately investigate and determine the question of residence, and certify its findings to the auditor of each of said counties. Such decision shall be *final unless an appeal is taken therefrom within ten days after its filing*. Such appeal may be to the district court of the county from which such person was committed.

Sec. 15. Bond required in certain cases—Upon request of the relatives or friends of any person alleged or found to be an inebriate, or who has been committed to a hospital for inebriates, they may be permitted to take charge of said person; but in such case the probate judge, or, if said person has been committed to the hospital, the superintendent thereof, may require a bond from such relatives or friends, running to the state, to be approved by such judge or superintendent, as the case may be, conditioned for the care and safekeeping of such person.

Sec. 16. Court commissioner to act, when—Whenever from any cause the probate judge is unable to act upon any petition for inquiry as to inebriety, the court commissioner shall perform all his duties in such cases.

Sec. 17. Forms of blanks—For the purpose of securing uniformity in the practice of the commitment of the inebriate the board of control is hereby authorized and empowered to prescribe forms of blanks which shall be used, and the information to be contained therein.

Sec. 18. The board of control shall have the supervision and control of said hospital farm and may provide employment for patients committed thereto, at such occupation as provided by the rules and regulations adopted by said board of control.

^{07 C288}₁₇ **2 per cent tax on license fees.**—Sec. 19. For the building and maintenance of said hospital a tax of 2 per cent is hereby levied upon all license fees for the sale of intoxicating liquors under the laws of this state, and whenever a license is granted, by any city, village, county or municipality for the sale of intoxicating liquors, 2 per cent of the amount charged for such license shall be set aside by such city, village, county or municipality issuing such liquor license for the payment of the tax specified in this section, and shall be immediately remitted by draft to the state treasurer, who shall credit the same to a fund known as the inebriate fund. The costs and expenses of the maintenance of said hospital shall be paid from the inebriate fund, if sufficient, and any deficit, shall be paid from the appropriations made by the legislature of this state.

Authority to collect given to board of control.—Sec. 20. If any city, village, county or other municipality shall fail or neglect to comply with the provisions of the last section, the board of control is hereby authorized to recover said taxes in a civil action, brought in the name of said board against such city, village, county or other municipality making default in the payment of said tax.

^{1907 C288}₁₁ **Examination of inebriates.**—Sec. 21. Whenever a probate judge or court commissioner orders an examination of any inebriate, he shall notify the county attorney, who shall appear and take such action as may be necessary to protect the rights of such inebriate and the interests of the county, and upon the request of the county attorney the judge of probate or court commissioner shall issue subpoenas for witnesses.

Sec. 22. This act shall take effect and be in force from and after its passage.

Approved April 22, 1907.