

made out of the funds appropriated or provided for each respectively.

Sec. 2. Board of control authorized to appoint agents to investigate homes, etc., and salary of agents.—Section 4065, General Statutes, 1913, is hereby amended so as to read as follows:

4065. Said board may appoint an agent or agents at a salary of not more than one hundred dollars per month and expenses, and who under regulations prescribed by it, shall investigate the homes of inmates previous to their parole and have supervisions over those out on parole and those apprenticed and perform such other duties as it may require. They shall hold office during the pleasure of the board, devote their entire time to such work, occupy no other position and receive no other compensation for their services. They may enter any dwelling house or other building whenever they have reasonable cause to believe that any ward of said school is detained or concealed therein and take possession of such ward when found and every person who shall wilfully resist, obstruct or interfere with them in the discharge of their duties shall be guilty of a misdemeanor.

Sec. 3. This bill shall take effect and be in force from and after July 31st, 1917.

Approved April 17, 1917.

CHAPTER 344—H. F. No. 1171.

An act providing for the examination, commitment, care and maintenance, release and discharge of persons alleged to be feeble minded, inebriate or insane, and to repeal Sections 4111 to 4126 inclusive, and Sections 7464 to 7489 inclusive, General Statutes, 1913.

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

Section 1. **Definitions.**—The word “defective” as used in this act shall include the feeble-minded, the inebriate and the insane. The term “feeble-minded persons” in this act means any person, minor or adult, other than an insane person, who is so mentally defective as to be incapable of managing himself and his affairs, and to require supervision, control and care for his own or the public welfare. The term “inebriate” as used in this act means any person incapable of managing himself or his affairs by reason of the habitual and excessive use of intoxicating liquors, drugs or other narcotics. The term “insane” as used in this act means any person of unsound mind other than one who may be properly described as only an inebriate or feeble-minded person.

Sec. 2. Voluntary Admission.—Any person who is defective and who desires to receive treatment at a state institution may voluntarily make application to the state board of control for admission thereto, in such form and manner as may be prescribed by the board, and the board may thereupon grant to such applicant admission to the appropriate state institution.

Sec. 3. Detention and examination of voluntary patients.—The superintendent of any state institution for defectives is authorized and empowered to detain any person admitted upon his own application as though he had been committed in the manner hereinafter provided, unless otherwise discharged by order of court. If any such person demands his release from such institution, the superintendent thereof shall, if he deems such release unsafe, within three days thereafter file a verified petition with the judge of probate of the county in which the institution is located, praying for the commitment of such defective as hereinafter provided.

Sec. 4. Petition.—When any person residing in this state shall be supposed to be defective any relative, guardian or reputable citizen of the county in which such supposed defective person resides or is found may file a verified petition in the probate court of the county, setting forth the name and residence of the supposed defective person and the facts necessary to bring such person within the purview of this act. Whereupon the probate judge shall, after investigation, if the petition be sufficient, direct that the alleged defective person be brought before him, and when necessary the court may issue a warrant directed to the sheriff or any constable of the county, or to any person named therein, requiring him to bring such defective person before the court for examination.

Sec. 5. County attorney to appear.—Whenever a judge of probate orders an examination he shall notify the county attorney of the time and place of said examination, who shall appear on behalf of the person to be examined and take such action as may be necessary to protect his rights. The court may, and on request of the county attorney, shall issue subpoenas for witnesses.

Sec. 6. Board of examiners; how appointed.—When such person is produced in court the probate judge shall designate two licensed physicians resident in the state who, with the probate judge, shall constitute a board to examine such person and determine as to his defectiveness. Where the proceeding is for the adjudication of feeble-mindedness the probate judge shall notify the state board of control of the filing of the petition and that a hearing will be had thereon not less than ten days thereafter, whereupon the board may, at its discretion,

designate some person skilled in mental diagnosis to attend the hearing, examine the alleged defective and advise the board of examiners. Provided that if the alleged defective person is obviously feeble-minded or an inebriate the probate judge may dispense with the appointment of any board of examiners, with the consent of the county attorney, and may himself hear and determine the matter.

Sec. 7. Examination and report.—The board of examiners shall hear all proper testimony offered by any person interested and the court may cause witnesses to be subpoenaed. When the examination is completed, the board shall determine whether or not the person examined is a feeble-minded person, an inebriate or an insane person and shall file in the court a report of their proceedings, including the findings, upon such forms as the state board of control may authorize and adopt.

Sec. 8. Commitment of feeble-minded person—petition for discharge.—If the person examined is found to be feeble-minded, the court shall order him committed to the care and custody of the state board of control, as guardian of his person. Thereafter the board shall have power whenever advisable to place him in an appropriate institution. If, at any time, after study and observation in such institution, the superintendent is of the opinion that a person so committed is not defective, or that his further residence therein is not required for his own or the public welfare, he shall so report to the state board of control and the board may thereupon discharge such person from its further care and custody.

Provided, that any parent, guardian, relative or friend of a person committed as aforesaid may at any time file a petition for a hearing in the probate court which committed such person, to establish that the further guardianship of the board of control is not required for his own or the public welfare. If such contention is sustained, the probate judge shall order the discharge of such person from guardianship.

Sec. 9. Commitment of inebriate or insane person.—If the person examined is found to be an inebriate or insane the judge shall issue duplicate warrants committing him to the custody of the superintendent of the proper state hospital or to the superintendent or keeper of any private licensed institution for the care of inebriates or insane persons.

Sec. 10. Delivery of warrant.—A copy of such warrant shall be delivered to the sheriff of the county who together with such attendants as shall be designated by the judge of probate, shall deliver the warrant and the patient to the superintendent of the institution designated in such warrant.

Sec. 11. Temporary detention.—The probate judge, with the approval of the county board, may provide a place of temporary

detention for defectives and make the necessary contracts therefor. Provided that this shall not authorize the construction of a hospital for that purpose. All expense necessarily incurred for such temporary detention of defectives shall be paid by the county.

Sec. 12. Parole—bond required.—Upon request of the relatives or friends of any person alleged or found to be insane, or inebriate, they may be permitted to take charge of such person; but in such case the probate judge, or, if such 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 the judge or superintendent, as the case may be, conditioned upon the care and safe keeping of such person; provided that no person charged with or convicted of a crime shall be so discharged.

Sec. 13. Notice of discharge.—Whenever any defective committed to a hospital under this act shall be discharged, or transferred to another institution, the superintendent, upon the day of such discharge or transfer, shall mail to the probate judge of the county from which such person was committed, a certificate stating the fact of such discharge or transfer and the date thereof and the date of commitment, which certificate shall be filed in said court.

Sec. 14. Fees—how audited and paid.—The judge of probate shall allow and order paid the following fees for services provided for in this act: to each witness the sum of one dollar per day and actual disbursement for travel and board. To each examiner the sum of five dollars, and fifteen cents per mile for every mile traveled. To the person to whom the warrant of arrest is issued the sum of three dollars per day and actual disbursements and necessary board and lodging of himself and alleged defective while making the arrest. To the person, other than a nurse or hospital attendant, authorized to convey the defective to the place of commitment the sum of three dollars per day and all necessary disbursements for travel and for the support of himself, the alleged defective and authorized assistants. Such amounts shall be audited by the judge of probate and judgment entered of record therefor and shall be paid by the county treasurer upon the written order of the judge of probate and filed with the county auditor who shall issue his warrant on the county treasurer in payment of said sums, and upon payment thereof said judgment shall be satisfied of record by the judge of probate. The examiner designated by the board of control shall be paid by the state.

Sec. 15. When resident of another county.—Whenever the alleged defective is found to have his legal residence in some other county he may nevertheless be examined and if found to

be defective committed in like manner as persons residing in the county. The necessary costs and expenses of such examination and commitment shall be certified by such court to the auditor of the county in which the examination is held, who shall certify the same to the county auditor where the said alleged defective is found to be a legal resident and shall be paid as other claims against such county.

Sec. 16. **Proceedings 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 thirty days after its filing. Such appeal may be to the district court of the county from which such person was committed.

Sec. 17. **Court commissioner to act.**—Whenever the judge of probate is unable to act upon any petition concerning an alleged defective the court commissioner shall perform all his duties in such case and the authority herein granted to the judge of probate shall be exercised by said court commissioner.

Sec. 18. **Forms of blanks.**—For the purpose of securing uniformity in the practice of examination and commitment of defectives, the state board of control is hereby authorized and empowered to prescribe forms of blanks which shall be used.

Sec. 19. **Malicious petition, etc.—punishment.**—Whoever for a corrupt consideration or advantage, or through malice shall make or join in or advise the making of any false petition or report aforesaid, or shall knowingly or wilfully make any false representation for the purpose of causing such petition or report to be made shall be deemed guilty of a felony and punished by imprisonment in the state prison for not more than one year or by a fine of not more than five hundred dollars.

Sec. 20. **Certain sections repealed.**—Sections 4111 to 4126 inclusive, and sections 7464 to 7489 inclusive, General Statutes, 1913, are hereby repealed.

Sec. 21. This act shall take effect on and after July 1st, 1917.

Approved April 17, 1917.