

CHAPTER VII.

March 1, 1886.

An Act to incorporate a House of Refuge for the State of Minnesota.

- SECTION 1. Appoints corporation to erect and manage a House of Refuge in Ramsey county.
2. Defines the number of persons who shall form said corporation. The Governor of State to appoint four managers. How long they shall serve. Managers to elect all other officers by plurality vote. Members of board precluded from receiving compensation for services.
3. In case of non-election at appointed time, members to hold over until their successors are elected or appointed. In case of tie votes, the president to decide.
4. Managers to provide necessary buildings and grounds, and establish necessary regulations for government.
5. Board of managers to receive, to the extent of their accommodations, male infants under the age of sixteen and female under fifteen committed to their custody. Defines the offences for which commitments may be made out. Authorizes managers to apprentice said children.
6. Committing Justice to annex to commitment the testimony, with the names and residences of witnesses.
7. Defines the persons whose duty it shall be to execute the warrant of commitment, and designates what fees they shall receive.
8. Judge of Second Judicial District to visit House of Refuge at stated times, and examine all commitments. Managers' duty to lay all such documents before him. If District Judge is not satisfied with the proofs, may order infant to be discharged. Further defines the duties of said Judge.
9. Children to be maintained at expense of county from which they came. Accounts to be kept in same manner as in State prison.
10. Managers may make by-laws and regulations for proper government of children while in House of Refuge. May appoint officers and designate their duties and salaries. To lay reports before Legislature first day of each session.
11. Persons committed to be allowed in all cases of sickness spiritual consolation from any clergyman of church to which such inmates may belong. Managers to designate time at which any clergyman may administer religious instruction to the members of his own church. No chaplain to be appointed. Managers to regulate order in which religious services shall be performed. Right of conscience to be scrupulously guarded.
12. Grounds and buildings to be exempt from taxation.
13. No person whatever to open any road through grounds without consent of managers.
14. Appropriates a sum of money to aid in purchase of grounds on certain conditions. Limits the amount to be paid for such purchase.
15. Gives the right to Legislature to alter, amend or repeal.

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

SECTION 1. That all persons appointed in the manner hereinafter provided, shall be a corporation and body politic in law, by the name, style and title of ["The House of Refuge of the State of Minnesota," and by that name, style and title,] shall have perpetual succession, with the power to have a common seal, and to change the same at pleasure; to establish, erect and manage the House of Refuge in the county of Ramsey, and to make contracts relative to the same; to sue and be sued; and by that name and title shall be capable in law, of purchasing, holding and conveying any estate, real or personal, for the use of said corporation; and to establish by-laws and orders for the regulation of the Institution, and the preservation and application of the funds thereof: *Provided*, That the same be not repugnant to the Constitution and laws of the United States, or of this State, or to the interests or objects for the furtherance of which the said House of Refuge is incorporated.

Title and powers
of corporation.

SEC. 2. That the estate and concerns of the said corporation shall be conducted by the following persons: a President, Vice President, a Secretary, a Treasurer, and twelve managers, of whom five shall constitute a quorum for the transaction of business. That the Governor of the State of Minnesota appoint four competent persons to act as managers of the said House of Refuge, of each of which four so appointed, one shall serve till the second Monday of January, A. D. 1867, a second till one year thereafter, a third till two years, and a fourth till three years thereafter, and on the second Monday of January, of each and every year, hereafter the said Governor of the State, District Judge and Mayor of the city of St. Paul, shall each appoint one competent person to serve for four years, for the purpose aforesaid; and of the said Board of Managers, the Governor of the State shall within twenty days after the first appointment, and after the appointment every second year thereafter, select one whose duty it shall be to act as president of the said board, and of such appointment the said Governor shall duly notify the said board at their first regular meeting thereafter. And the said managers shall always, at their first regu-

Who shall com-
pose corporation.

Governor, Dis-
trict Judge and
Mayor of St. Paul
each to appoint.

lar meeting after the appointment of their President, elect by a plurality of votes all the other officers of the said board; and whenever any vacancy shall occur by death, resignation or otherwise, the same shall be filled, first, as to membership (when requisite,) and then as to office (when requisite,) or as to office only, in case the vacancy is in office and not in membership, for the remainder of the period of said vacated place, by such person as the proper appointing power, as before provided in each case respectively, of membership and office shall designate. A vacancy in an elective office shall be filled, to the same intent, by a new election as soon after the occurrence of such vacancy as may be practicable; and of all elections to be held by the said board, due notice shall be given in at least two of the daily papers published in the city of St. Paul. No member of the board of managers shall receive any compensation for his services.

No member to receive compensation.

Members to hold their places until successors appointed.

SEC. 3. That if the annual appointments or elections [shall not take place on the day appointed for the purpose the said corporation shall not thereby be dissolved; but the members and officers of the said Board] shall hold their places until new appointments shall have been made or a new election held, and the proper appointments and election shall be effected in such case as soon as practicable. In case of an equality of votes for any two or more persons, the President of the Board shall determine which of said persons shall be considered as elected.

Managers to provide buildings, &c.

SEC. 4. That the Board of Managers shall provide suitable buildings and grounds for a House of Refuge, in the county of Ramsey, and establish such regulations respecting the religious and moral education, training, employment, discipline, and safe keeping of its inhabitants, as may be deemed expedient and proper.

Duties of Board.

SEC. 5. That it shall be the duty of the Board of Managers to receive, to the extent of their pecuniary ability and of the accommodations afforded by their buildings and grounds, all infants under their care and guardianship, males under the age of sixteen years, and females under the age of fifteen years, committed to their custody, in any of the following modes, to wit:

1. Infants committed by a Justice of the Peace, on

the complaint, and due proof thereof, by the parent, guardian, or next friend of said infant, that by reason of incorrigible or vicious conduct, such infant has rendered his or her control beyond the power of parent, guardian, or next friend, and made it manifestly requisite that from regard to the morals and future welfare of such infant, he or she should be placed under the guardianship of the Managers of the House of Refuge. Duties of board.

2. Infants committed by the authority aforesaid, where complaint and due proof have been made that such infant is a proper subject for the guardianship of the Managers of the said House of Refuge, in consequence of vagrancy, or of incorrigibly vicious conduct, and that from the moral depravity, or other insuperable obstacle, on the part of the parent, guardian or next friend, in whose custody such infant may be, such parent, guardian, or next friend, is incapable or unwilling to exercise the proper care and discipline over such incorrigible and vicious infant.

3. Infants who shall be taken and committed as vagrants, or upon any criminal charge, or duly convicted of criminal offences such as in the judgment of the court before which such conviction may be had, may be deemed proper reasons for such commitment; and the said Managers shall have the power to place the said children committed to their care during their minority, at such employment, and cause them to be instructed in such branches of useful knowledge, as may be suitable to their years and capacities; and they shall have power at their discretion to bind out the said children, with their consent, as apprentices for the period of their minority, to such persons and at such places, to learn such trades and employments as, in the judgment of the said managers, will be most conducive to their reformation and amendment, and will tend to the future benefit and advantage of such children.

SEC. 6. That it shall be the duty of any justice of the peace, committing a vagrant, or incorrigible, or vicious infant, as aforesaid, in addition to the adjudication required by the fifth section of this act, to annex to the commitment the names and residences of the different witnesses examined before him, and the testimony given by them respectively, on which the said adjudication was founded. Duty of justice of peace.

Duty of sheriff.

SEC. 7. It shall be the duty of the sheriff, or any constable of the respective counties, or in case of their absence, of any suitable person appointed by the court for such purpose, to convey any infant committed as aforesaid to such House of Refuge, and justices of the peace and constables and sheriffs performing services under this act, shall be paid the same fees as are allowed for similar services in criminal cases, and the officer conveying any infant committed as aforesaid, to the House of Refuge, shall receive therefor the same compensation as is allowed for the conveyance of prisoners to the state prison; such fees and compensation to be paid out of the treasury of the county from which such infant was committed.

Duty of judge of district court.

SEC. 8. That it shall be the duty of the judge of the district court of the second judicial district, to visit the House of Refuge at least once in three months, or oftener, if he shall think it requisite; and it shall be the duty of the said judge carefully to examine into all the commitments to the said House of Refuge, made by any justice of the peace, that have not been adjudicated by the said judge in the manner hereinafter directed, which commitments it shall be the duty of the managers truly and correctly to lay before the said judge, and on such examination he shall have produced before him by the managers aforesaid, their superintendent or agent, the infant or infants described in such commitment, and the testimony upon which he or she shall have been adjudged a fit subject for the guardianship of the said managers, or on which he or she shall be claimed to be held as such; and if, after having examined the infant and the said testimony, the said judge shall be of opinion that according to the laws of this State regulating the control of infants, a case has been established which would authorize the transfer of such infant to the guardianship of the managers of the House of Refuge, then, in that case, it shall be the duty of the judge to endorse an order on the commitment and direct that the infant be continued under the guardianship of said managers; after which it shall be lawful for the said managers to exercise over all such infants the power and authority given them by this act. But if the said judge shall be of opinion that such case has not been

made out, he shall order such infant to be forthwith discharged; which order shall be obeyed by the managers, under the pains and penalties provided by law for wrongful imprisonment; *Provided*, that it shall be the duty of the judge, at the request of such infant, or of any person on his or her behalf, to transfer such hearing to some fit place, other than the House of Refuge, in order that the infant may have the benefit of counsel and compulsory process to obtain witnesses in his or her behalf, which said judge is authorized to award as fully and amply as any judge or court could do, on the hearing of a writ of *habeas corpus*.

SEC. 9. That the children received by said managers under the conviction of any court within this State, shall be clothed, maintained and instructed by the said managers at the public expense of the proper county from which they came; and the accounts of said children shall be kept by the said managers in the same manner that the accounts of convicts in the state prison are now directed to be kept.

Children to be taken care of at expense of proper county.

SEC. 10. That the said managers may, from time to time, make by-laws, ordinances, and regulations, relative to the management, government, instruction, discipline, employment and disposition of the said children while in the House of Refuge as they may deem proper (the same being not contrary to law,) and may appoint such officers, agents and servants as they may consider necessary to transact the business of said corporation, and may designate their duties and salaries. And further, the said managers shall annually lay before the Legislature of the State, on the first day of each session thereof, a report setting forth the number of children received into the House of Refuge, the disposition which shall have been made of them by instructing them, or employing them in the House of Refuge, or by binding them out as apprentices, the receipts and expenditures of said managers and generally all such facts and particulars as may tend to exhibit the effects, whether beneficial or otherwise, of the said institution.

Managers may make by-laws.

Managers to make report to Legislature.

SEC. 11. That all persons committed to the House of Refuge, shall be allowed in all cases of sickness, spiritual advice and spiritual ministrations from any recognized clergyman of the denomination or church

Persons confined in said house to have religious instruction.

to which said inmates may respectively belong ; such advice and ministrations to be given within sight of the person or persons having such inmates in charge ; but if the person or persons seeking it, desire religious consolation out of hearing of any officer of said institution, they, in such case, shall not be debarred the right by any rule of said House of Refuge. It shall moreover be the duty of the Board of Managers to set apart not less than one hour, on some day convenient for the purpose, in each week, in which any of the clergy in good standing of any church or denomination may freely minister moral and religious instruction to those of the inmates who respectively belong to the several churches or denominations of said clergy, always, however, within sight, as aforesaid, of the person or persons having such inmates in charge. There shall be no chaplain for the said House of Refuge, either by appointment or in effect ; but all religious services of the institution shall be celebrated by recognized clergymen of the various churches or denominations to which the inmates may belong, in such order and rotation as the managers may appoint ; such appointment to be made with the strictest regard to impartiality ; and in all matters appertaining to morals and religion, the right of conscience shall be scrupulously guarded.

No chaplain to be appointed.

Grounds and building exempt from taxation.

SEC. 12. That the grounds and buildings erected thereon, for the use of the said House of Refuge, shall be exempt from taxation.

No road opened without consent of managers.

SEC. 13. That no person or persons, corporation or body politic, shall be permitted to open, lay out, or construct any road or highway, either public or private, under any pretence whatever, upon or through any ground owned and occupied by said House of Refuge, without the consent of the managers thereof.

Appropriates money for purchase of grounds, &c.

SEC. 14. That the sum of five thousand dollars is hereby appropriated to aid in the purchase of grounds and the erection of buildings and the construction of other necessary improvements for the use and objects of said institution, the same to be paid by the State Treasurer on the warrants of the Governor, whenever he shall be satisfied that five thousand dollars has been expended to be paid by the city of St. Paul, towards the support of said institution, when demanded by the

directors thereof; *Provided, however,* that no more than one thousand dollars shall be used for the purchase of such grounds; *And provided further,* said money shall be paid out of the general revenue fund of 1867.

SEC. 15. That the right is hereby reserved to the Legislature to alter, amend or repeal this act. Legislature may amend or repeal.

Approved March 1, 1866.

CHAPTER VIII.

An Act to provide for the erection of a building for the accommodation and education of the Deaf, Dumb and Blind. February 14, 1866

- SECTION 1. Authorizes the directors of the Deaf, Dumb and Blind Institute to have erected in the town of Faribault a stone building, for the education of the Deaf, Dumb and Blind of this State. Also defines its dimensions and limits cost.
2. How money is to be obtained for the purpose.
 3. Increases the number of Directors, and fixes the term for which they shall hold their offices.
 4. When Act to take effect.

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

SECTION 1. The Directors of the Deaf, Dumb and Blind Institute are hereby authorized and empowered to cause to be erected upon the site donated to the State by the town of Faribault for that purpose, at Faribault, in the county of Rice, in said State, a stone building forty-five feet in width by eighty feet in length and two and one-half stories high, for the accommodation and education of the deaf, dumb and blind of this State, and to cause the same to be finished in such manner as will best accommodate the pre- Authorizes erection of building.