

If verdict for plaintiff, form of judgment—when writ of execution may issue.

That the plaintiff have and recover from the defendant the land in suit, or in lieu thereof, the compensation fixed by the jury, with costs and disbursement, and reasonable attorney's fee, to be fixed by the court. On the expiration of thirty days after the entry of the judgment aforesaid, if the compensation, costs, disbursements and attorney's fee specified in the judgment are not paid, then a writ of execution shall issue for the delivery of the possession of the land described in the judgment to the plaintiff, and to satisfy the judgment as to costs, disbursements and attorneys' fee out of any property of the defendant.

How to proceed in case no pleading on part of defense.

SEC. 5. In case the defendant does not plead as in the second section specified, then, if there is no answer, or if the plaintiff, upon the trial, establishes his title to the land sued for, he, the plaintiff, shall have judgment for the immediate possession of the land, and for such damages, rents and profits as may be alleged and found, with costs, disbursements and reasonable attorney's fee, to be fixed by the court; and, upon such judgment, execution shall issue in the like manner and for, and with the like effect, as is provided in sub-division four of section two hundred and sixty-four of chapter thirty [sixty]-six of the general statutes.

Rules governing said action.

SEC. 6. The action given by this act shall in all other respects, except as herein provided, be governed by the same rules of practice and procedure, as to new trials and appeals, or otherwise, as other actions brought for the recovery of real estate under the laws of this state.

When act to take effect.

SEC. 7. This act shall take effect and be in force from and after sixty days after its passage.

Approved March 6, 1875.

CHAPTER XCIX.

AN ACT TO ESTABLISH A STATE INEBRIATE ASYLUM.

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

Establishment of asylum.

SECTION 1. There is established in the city of Rochester, in the county of Olmsted, an institution for the care of inebriates, styled "The Minnesota Inebriate Asylum."

SEC. 2. Said asylum shall be controlled by a board of seven directors. The governor and secretary of state shall be two of the members of said board *ex-officio*, and the remaining five shall be appointed by [the governor by] and with the advice and consent of the senate, one for a term of one year, one for

a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years, and thereafter at the expiration of the respective terms one director shall be appointed for a term of five years, and said directors so appointed shall hold their office during their respective terms and until their successors are appointed and qualified. All vacancies in the office of said five last named directors shall be filled by appointment in like manner as aforesaid.

Board of directors—by whom appointed—terms of office—vacancies, how filled.

SEC. 3. Said board of directors shall annually elect from their own number a president, secretary and treasurer; and they shall annually elect a steward, who may or may not be one of their number, and whose compensation shall be fixed by the said board.

Organization of board, annually.

SEC. 4. Said directors shall have the general supervision of said institution, shall prescribe rules for the government and management thereof, and generally perform all acts necessary to render the institution efficient for the purposes for which the same is established, to-wit: the cure of inebriate[s] of this state. Four of said directors shall constitute a quorum for the transaction of business.

Duties of board.

SEC. 5. The treasurer shall safely keep and faithfully disburse all moneys belonging to or intrusted to said institution, shall render an exact and detailed account of all expenditures on the first day of December in each year to said board and whenever said board requires, and shall perform all other duties required by the directors, according to the rules and regulations established by the said board, and shall receive for his services a compensation to be fixed by said board, not exceeding one hundred dollars per year.

Duties of treasurer.

SEC. 6. No one of said directors, except said treasurer, shall receive any compensation for his services, but may be allowed reasonable traveling expenses incurred in attending the meetings of said board.

Compensation.

SEC. 7. Said treasurer shall, before entering upon the duties of his office, give bond, with sufficient sureties, to be approved by the governor, in the sum of five thousand dollars, payable to the state of Minnesota, and conditioned for the faithful discharge of his duties as treasurer; which bond shall be deposited with the secretary of state.

Treasurer to give bonds.

SEC. 8. Any moneys appropriated or intrusted to said institution may be drawn from the state treasury at any time, upon the order of the board of directors and the presentation of proper vouchers to the state auditor.

How funds drawn from state treasury.

SEC. 9. All inebriates who shall have been residents of this state for one year immediately preceding the time of their application to be received as patients in said institution, shall be received in said institution free of charge, upon the certificate of the judge of probate of the county where such inebriate resides, of the inability of such inebriate, and of the parties legally chargeable with his support, to defray the expenses of his care in such institution; and in all other cases such inebri-

Inebriates to be received free of charge.

ates shall be received upon such terms as the directors shall prescribe.

When to make report to governor—what to contain.

SEC 10. Within ten days preceding the meeting of each regular session of the legislature, the said board shall furnish to the governor a printed report of the action of the board, and an estimate of the expenses of [the] institution, together with a statement of the receipt and disbursement of funds, and during the first week of the session of the legislature at least five copies of said report shall be delivered to each member thereof. The said report shall show :

First.—The names of the president and directors, secretary and treasurer.

Second.—The names and residences of all other persons in the service of the institution, and their business duties and compensation.

Third.—The names, age and residence of all inmates of said institution, and of all who have been under treatment therein subsequent to the making of the last preceding report.

Fourth.—The statement of the accounts of the institution, showing in detail the amounts of money received, and dates thereof, and its disbursements.

Fifth.—Such a report from the president of the institution as is usually made from such institutions of other states.

Authorizing the expenditure of funds.

SEC. 11. Nothing in this act contained shall be so construed as to authorize the expenditure of any money for the purpose of erecting any building for the use of said institution or for any other purpose connected therewith, from any fund other than that now or hereafter to be raised for the purpose of founding and maintaining an asylum for inebriates; *Provided*, No expenditure for such building shall be had until the supreme court of this state affirms the constitutionality of the law creating an inebriate asylum fund, approved March tenth, eighteen hundred and seventy-three.

Repeal of inconsistent acts.

SEC. 12. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

When act to take effect.

SEC. 13. This act shall take effect and be in force from and after its passage.

Approved March 9, 1875.

CHAPTER C.

AN ACT FOR THE LOCATION OF SECOND STATE PRISON IN THE STATE OF MINNESOTA.

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