

the legal voters in the district who have resided therein for a period of at least six (6) months prior to such vote, and two-thirds ($\frac{2}{3}$) of the voters, so qualified, who are present and voting, vote in favor of such change; except that whenever a majority of the legal voters of any school district, voting thereon, shall determine to build a new school house, or to remove a school house already built in such district, and the school house site therein shall be more than one-quarter ($\frac{1}{4}$) of a mile from the centre of the district; then a majority of the legal voters of such district, voting thereon, may change the site to a more central location.

SEC. 2. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved April 24th, 1889.

CHAPTER 167.

[S. F. No. 306.]

AN ACT TO AMEND AN ACT ENTITLED, "AN ACT TO PROVIDE FOR ESTABLISHING A STATE PUBLIC SCHOOL," BEING CHAPTER ONE HUNDRED AND FORTY-SIX (146) OF THE GENERAL LAWS OF MINNESOTA FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-FIVE (1885).

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

SECTION 1. That chapter one hundred and forty-six (146) of the general statutes of the state for the year one thousand eight hundred and eighty-five (1885) be amended as follows:

Who shall be
received into
state public
school.

SEC. 2. That section eleven (11) of said act be amended so as to read as follows: "Section 11. There shall be received into said school those children who have been declared dependent on the public for support, abandoned, neglected, or ill-treated as provided in this act, who are over two (2) and under fourteen (14) years of age, and sound in mind and body. That said board is authorized in admitting children to give preference to those under twelve (12) years of age."

SEC. 3. That section twelve (12) of said act be amended so as to read as follows: "Section 12. That those admitted to said school, unless sent from the school as provided by this act, shall be retained therein until they are sixteen (16) years of age, and may be retained after that age in the option of said board, until a home is procured for

Scholars, how
long retained,
how taught, &c.

them. While in said school they shall be maintained and educated in the branches usually taught in the common schools; they shall have proper moral and physical training, and shall be taught how to labor so far as their age and condition will reasonably permit. The said board is authorized to return to the county sending it, any child when it shall become sixteen (16) years of age, and no home has been procured, or whenever, after its admission, it shall be ascertained to the satisfaction of said board, that the child is of unsound mind or of unsound body, or if for any other reason said board shall consider said child an improper inmate of said school; that in case of the return of any child, as herein provided, to the county sending it, the guardianship of this board shall cease, and the child shall again become a charge upon the county sending it. The superintendent of said school in returning any child to its county shall report in writing to the county commissioners of the proper county the action of said board and the reason therefor."

When a ward has become self-supporting, disposition.

SEC. 4. That section thirteen (13) of said act be amended by adding to said section the following: "When [ever] any ward of said board, who is not indentured has become self-supporting, the said board may so declare by resolution, and the guardianship of said board shall thereupon cease, and the child shall thereafter be entitled to its own earnings. Whenever one or both of the parents of any ward of said board, who is not indentured, have become able to support and educate it; the child may by resolution of said board be restored to its parents, in which case the suitability of the home shall be certified in the same manner as herein required for placing children on indentures; and thereupon the guardianship of said board shall cease."

Admissions.

SEC. 5. That section fourteen (14) of said act be amended so as to read as follows: "Section 14. Whenever the county commissioners of any county shall find in their county any child who in their opinion belongs to the class of children described in this act, it shall be the duty of said county commissioners to inquire of the superintendent of said school whether any children can be received into said school from their county. That whenever there shall be sufficient room in said school for the reception of such children, it shall not be lawful to place or maintain them in any county poor house. That in receiving children into said school preference shall be given first to dependent and indigent orphans or half orphans of deceased soldiers of this state."

Superintendent to notify county commissioners when room for more children.

SEC. 6. That section fifteen (15) of said act be amended so as to read as follows: "Section 15. Whenever inquired of by the county commissioners of any county, and whenever there is room for one or more children in said school from any county, it shall be the duty of the superintendent of said school to notify the county commissioners of

such county how many children they can send to such school. That whenever there are more admissible children in the several counties than can be received in said schools, it shall be the duty of the superintendent of said school to divide such admission pro rata among the counties according to the number of admissible children in each at the time of such admission, giving preference to counties of the same or larger population that have had less children admitted into said school. That whenever the commissioners of any county shall be informed by the superintendent of said school that any children from their county can be received into said school, it shall be their duty to forward them to said school, as provided in this act, as soon as practicable. In those counties in which the distinction between the township and county poor is maintained, it shall be the duty of the commissioners of such county, on the written request of the supervisor of any such township, to act for such township in securing the admission of children to this school in all respects as though such children were supported by the county. That the expense of transportation of children to said school from any county pursuant to law, and the expense of returning any of said children to the county from which they came, after their admission as proper inmates, as herein provided, shall be audited by the board of county commissioners of such county and paid by the treasurer of such county as other county expenses are paid."

SEC. 7. That section sixteen (16) of said act be amended so as to read as follows:

"Section 16. Before the county commissioners shall send any child to said school they shall cause him to be brought before the judge of probate in the county wherein the child resides, for examination as to his alleged dependent or neglected condition. It shall be the duty of the county commissioners of each county to bring before the judge of probate of said county for said examination those children between two (2) and fourteen (14) years of age who are sound in mind and body, and who in their opinion, are dependent on the public for support, or who are found to be abandoned or neglected and in a state of habitual idleness, vagrancy or mendicity; or other children who shall be found in a state of want or suffering, or being in the peril of life, health or morality by cruel or bad treatment, or by the habitual intemperance or grave misconduct of parents or guardian. It shall thereupon be the duty of said judge of probate to investigate the facts in each case and ascertain whether such children are dependent, neglected, abandoned or ill treated, the residence, and, so far as possible, the whereabouts of the parents, when and how long the child has been maintained in whole or in part by public or private charity, the occupation of the parents, if either are living, whether they are supported by the public or have

Judge of
probate to
investigate be-
fore admitted.

abandoned the child; and to ascertain, so far as possible, if the child be found dependent, the causes thereof. The said judge of probate is authorized to compel the attendance of witnesses on such examination, and it shall be the duty of the county attorney, when requested by said judge of probate, to attend any such examination on behalf of the petition. Any friend of said child may appear in its behalf in said probate court, and the said judge of probate may, in his discretion, request the supervisor of any township or ward to appear in behalf of the child, yet it shall not be necessary to issue any citation or other notice to other than the parents. The records of the proceedings should show who, if any one, appeared in behalf of the child on such examination. If on such examination the said judge of probate shall find that any child is dependent on the public for support, or neglected so as to be in a state of habitual vagrancy or mendicity, or ill treated so as to be in peril of life, health or morality, by continued personal injury, or by the grave misconduct or habitual intemperance of the parents or guardian, he shall enter such finding, by a proper order, in the journal of the probate court, in his office, certifying that the child is entitled to admission to the state public school at Owatonna, and ordering that it be taken to said school and admitted therein, and shall deliver to the county commissioners procuring such examination, a certified copy of such order, which shall contain, besides such findings, a statement of the facts, so far as ascertained, as to the age of the child, names, nationality, residence and occupation of the parents, or either of them, so far as they are able, whether either is dead or has abandoned the child; and said certified copy of said order shall be delivered at said school, with each child, to the superintendent thereof. That upon entering such order, the parents of said child shall be released from all parental duties [towards] and responsibility for such child, and shall thereafter have no rights over or to the custody, services or earnings of such child, except in cases where said board may, as herein provided, restore the child to its parents. That in case any parents or other persons having the custody of said child, shall refuse to surrender said child to said county commissioners or their agent, said judge of probate is hereby authorized and empowered to request the sheriff of the county to take possession of said child; and if so requested, it shall be the duty of said sheriff to deliver said child to said county commissioners or their agent."

SEC. 8. That section seventeen (17) of said act be amended by changing the number thereof to twenty-one (21).

SEC. 9. That section eighteen (18) of said act be amended by changing the number thereof to nineteen (19), and by causing said section to read as follows: "Section 19. The said board of control is authorized to designate some offi-

Board of control shall appoint an agent to investigate condition of wards placed in families.

cer, teacher or other employe connected with said school to be the agent thereof, who shall act in that capacity during the pleasure of said board. That his duties as such agent shall be prescribed by said board, and shall include visiting at such times as said board shall direct the wards of said board which have been placed in families, and reporting to said board the condition of such children, and any failure to comply with the indenture contracts; and that it shall also be his duty to provide suitable homes for the children of this school, to investigate applications for such children, and to enter into contracts in writing on behalf of said board with persons taking such children; such contracts to contain a clause reserving to said board the right to cancel the same and withdraw the child from said person having him when in the opinion of said board the interest of said child requires it, and may also contain a clause authorizing the person taking the child to cancel the same at any time within sixty (60) days from the date of the contract on returning the said child to said school free of all expense. That the authority herein given the said agent is also conferred upon the superintendent of said school. That the salary and necessary traveling expenses of said agent shall first be audited and allowed by said board and shall then be audited by the state auditor and paid from the general revenue fund of the state; and the sum of fifteen hundred (1,500) dollars or as much thereof as may be necessary be and is hereby appropriated annually, out of any moneys in the treasury belonging to the general revenue fund, to pay the services and expenses of said agency."

SEC. 10. That section nineteen (19) of said act be amended by changing the number thereof to twenty-two (22); also by striking out the words "general fund" where they occur in the last line of said section, and inserting in lieu thereof the words "funds appropriated for the use of the institution."

SEC. 11. That section twenty (20) of said act be amended by changing the number thereof to seventeen (17), and by causing said section to read as follows: "Section 17. That whenever the county commissioners of any county shall bring any child before the judge of probate for examination as provided in section sixteen (16) of this act, they shall present to said judge an application in writing, which shall be filed in his office for such examination, which shall be signed by at least two (2) of said county commissioners, in which they shall certify that in their opinion the child named in said petition is dependent upon the public for support, or that he is in a state of habitual vagrancy or mendicity, or ill treated and in peril of life, health or morality, by continued cruel personal injury, or by the habitual intemperance or grave misconduct of the

Duty of county commissioners on bringing a child before probate judge for examination.

parents or guardian. They shall also therein give the names, nationality, residence and occupation of the parents or either of them so far as they are able, whether either is dead or has abandoned the child; requesting therein an examination and determination by said court as to such alleged condition; and should the child be found by said court to be in such alleged condition, that an order be entered sending it to the state public school. That upon the filing of said petition, if it shall appear therein that one or both of said parents reside in said county, the judge of said court shall issue a citation fixing the time and the place for the hearing of said petition, which shall be served on one or both of said parents, if either can be found in said county, not less than two (2) days before the time fixed for the hearing of said petition, requiring them to appear on said day and hour and show cause if any why such child should not be sent to said state public school as herein provided. That in case it shall appear by such petition that neither of said parents are living, or do not reside in said county, or in case one or both of said parents shall endorse on said petition a request that the child be sent to said state public school as requested therein, then the citation herein provided for need not be issued and the court may thereupon proceed to the examination herein provided for. It shall be the duty of the officer receiving said citation to use due diligence to find and serve the same on one or both of the parents; yet the proceedings under such petition shall not be deemed invalid by reason of any failure to serve such citation or by any informality or irregularity in such petition or service."

SEC. 12. That section twenty-one (21) of said act be amended by changing the number thereof to twenty (20).

SEC. 13. That section twenty-two (22) of said act be amended by changing the number thereof to eighteen (18).

SEC. 14. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 15. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved April 15, 1889.