

tion from the time of the purchase of such property and is now assuming to act as such cemetery association and using the property so purchased for a cemetery, such attempted incorporation of such cemetery association, under the name assumed, in each and every such case is hereby legalized and declared a valid and effectual incorporation of such cemetery association, under the name assumed, from and after the time of the execution of the deed to it of the property so used by it as a cemetery, notwithstanding the omission of any matter or thing prescribed to be done or observed in such incorporation. And any and all conveyances of property, real or personal, in good faith and lawful form, made to or by such cemetery association, under the corporate name so assumed, and any regulations, rules or by-laws by it adopted, are hereby legalized and declared as valid and effectual as if such cemetery association had been in all things duly and legally incorporated.

All acts
valid.

Shall adopt
articles of in-
corporation.

SEC. 2. Any such cemetery association shall, within one year after the passage of this act, at a meeting of the owners of the lots in such cemetery, ten days' notice of the time and place of such meeting having been given by the secretary of such cemetery association by posting copies of such notice in at least three public places in the town, city or village in which said cemetery is situated, adopt articles of incorporation as provided in title five (5), chapter thirty-four (34) of the general statutes (statutes) one thousand eight hundred and ninety-four (1894), and the certificate of such formation shall be executed by the president and secretary of such cemetery association and recorded in the office of the register of deeds of the proper county.

SEC. 3. Nothing in this act contained shall affect any action or proceeding now pending.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 21, 1897.

S. P. No. 303.

CHAPTER 210.

Public school
at Owatonna.

An act to consolidate the various acts relating to the state public school at Owatonna, and to amend the same.

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

SECTION 1. The state public school at Owatonna shall be maintained by the state as a state institution, and the general supervision and government of said school shall be vested in a board of control, to consist of three members.

Maintenance and government.

The persons now constituting said board of control shall continue to serve as members of said board for the term for which they were respectively appointed; and thereafter there shall be appointed every two (2) years, by the governor, by and with the advice and consent of the senate, one competent person to serve as member of said board for the term of six (6) years from the first (1st) Monday in January preceding his appointment, or until his successor is appointed and qualified. Whenever a vacancy shall occur in said board, by death, resignation, removal from the state or otherwise, the governor shall fill the same by appointment for the remainder of the unexpired term, and the person so appointed shall hold only for the unexpired term of the person whose place he is appointed to fill. The members of said board of control shall constitute a body corporate, under the name and title of the "Board of Control of the State Public School," with the right of suing and being sued, and of making and using a common seal, and of altering it at pleasure. Said board of control shall have the power of taking and holding by purchase, gift, donation, devise or bequest, real or personal estate, to be applied to the use of the school, and may provide for the construction of necessary buildings, by contract or otherwise, out of any moneys appropriated by the legislature therefor. Each member of said board, before he shall enter upon the duties of his office, shall take and subscribe the constitutional oath of office, and file the same in the office of the secretary of state.

Board of control.

Duties of board.

SEC. 2. It shall be the duty of said board to meet once, each three (3) months, and oftener if necessary. It shall elect from its own number a president. It shall also elect a secretary and treasurer, who may or may not be members of said board. The said officers shall hold their positions during the pleasure of the board. The said treasurer shall give his bond to the people of this state, with two (2) or more sufficient sureties, to be approved by said board and by the governor, in the penal sum of at least ten thousand dollars (\$10,000.00), or in such larger amount as said board may require, conditioned for the faithful performance of the duties required of him by law, and to account for and pay over, as required by law, all moneys received by him as such treasurer. Said board shall establish a system of government for said school, including all necessary

Meetings of board, officers and their duties.

School system.

regulations for the management and good order thereof, and for the maintenance, health, religious and moral instruction and mental and physical training of the children; for placing them in family homes, and for their supervision in such homes while they remain the wards of said board. The said board shall appoint a superintendent and such other officers and employes as shall be necessary to efficiently transact the business and properly care for and educate the children of said school, who shall severally hold their offices during the pleasure of said board; and said board shall prescribe their duties and fix their salaries.

Sup't. officers
and employes.

Conditions
for admission
of children.

SEC. 3. There shall be received into said school those children who have been duly ordered admitted therein by any probate court in this state, as provided in this act, as follows:

Children who are under fifteen (15) years of age and over one year of age, of sound mind and free from disease. *Provided*, that if the county commissioners of any county shall deem it for the best interest of any child under the age of one year to be committed to said school, then said school shall receive said child whenever there is room in said school for said child. And

(a) Dependent on the public for support, or

(b) Neglected and in a state of habitual idleness, vagrancy or mendicity, or

(c) Ill treated so that life, health or morality is imperiled by reason of the habitual intemperance, grave misconduct or continued personal injury of their parents or guardians.

Provided, that said board may, in admitting children, give preference to those over two (2) and under twelve (12) years of age.

Provided, further, that before any child under one year of age shall be ordered sent to said school by any probate court the certificate of the superintendent of said school shall be obtained showing that there is room in such school for such child, and that provision has been made for its care while therein.

Co. commis-
sioners may
petition pro-
bate court to
send children
to the school.

SEC. 4. Whenever the county commissioners of any county shall find in their county any child who, in their opinion, is such a child as is described in this act, they shall file a petition in the probate court of their county, signed by at least two (2) of their number, wherein they shall state that, in their opinion, the child named is under fifteen (15) years of age, of sound mind and free from disease, and dependent on the public for support, or neglected and in a state of habitual idleness, vagrancy or mendicity, or ill-treated so that life, health or morality is imperiled by reason of the habitual intem-

perance, grave misconduct or continued personal injury of its parents or guardians, and has no suitable parents against whom its support can be enforced as provided by law. They shall also therein give the names, nationality, residence and occupation of the parents, or either, 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.

Upon the filing such 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 place for the hearing of such 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 said hearing, requiring them to appear on said day and hour and show cause, if any, why said child should not be sent by said court to the state public school, as herein provided. 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 said child be sent to said 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 officers receiving such citation to use due diligence to find and serve the same on said parents.

Hearing in probate court.

In case one or both of the parents of the child appear in court, it shall be the duty of the judge of probate to explain to the one so appearing the effect on their parental rights of an order of the court sending their child to the state public school; namely, that they will thereafter 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 said child, as provided in section six (6) of this act, except in such cases as the board may, as herein provided, restore the child to its parents; and if one or both of said parents shall endorse the petition as herein provided, such endorsements shall contain a clause stating that the judge of probate has explained to them the effect on their parental rights of an order of the court sending the child to the state public school.

Parental duties and rights to cease.

SEC. 5. On such examination the child shall be brought before said court by said county commissioners or their agent, whereupon it shall be the duty of said court to investigate the facts and ascertain whether

Court must investigate.

said child is dependent on the public for support, or neglected and in a state of habitual idleness, vagrancy or mendicity, or ill treated so that life, health or morality is imperiled by reason of the habitual intemperance, grave misconduct or continued personal injury of its parents or guardians; and to ascertain as far as possible the residence and occupation of the parents, if living, whether they are supported by the public or have abandoned the child, when and how long the child has been maintained in whole or in part by public or private charity; and further to ascertain, as far as possible, if the child is found to be in such alleged condition, the causes thereof.

The said court is authorized to compel the attendance of witnesses on such examination; and it shall be the duty of the county attorney of the county, when requested by said court, to appear in any such examination in behalf of the petition. Any friend of said child may appear in said court in its behalf, and the court may cite the supervisor of any township, or ward, or any local officer, to appear in behalf of the child; yet it shall not be necessary to issue any citation or other notice to other than parents or guardians. The record of the proceedings shall show who, if any one, appeared in behalf of the child on such examination.

SEC. 6. If, on such examination, the said court shall find that the said child is under fifteen (15) years of age, of sound mind and free from disease, and is dependent on the public for support, or neglected and in a state of habitual idleness, vagrancy or mendicity, or ill treated so that life, health or morality is imperiled by reason of the habitual intemperance, grave misconduct or continued personal injury of its parents or guardians, it shall enter such finding by a proper order in the records of the probate court, certifying that the child is entitled to admission to the state public school at Owatonna, and ordering that it be sent to said school by the county commissioners and admitted therein; and shall deliver to said county commissioners, or their agent, a certified copy of such order, which shall contain, besides said findings, a statement of the facts that are herein required to be inquired into, so far as they have been ascertained; and that said county commissioners or their agent, shall deliver such copy with said child at said school, to the superintendent thereof, as soon as practicable after the making of such order; *provided*, that before any child under one year shall be ordered sent to said school, the certificate of the superintendent of said school, showing that there is room in said school for such child and that provision has been made for its care while therein, shall have been ob-

Authority of
court, wit-
nesses, county
attorney.

Records and
order of
court.

Certified copy
of order and
findings to
Co. commis-
sioners.

tained. 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 said child, except in such cases as said board may, as herein provided, restore the child to its parents.

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. Any parent, guardian or other person who shall abduct, conceal, entice, or carry away, or improperly interfere with a child which has been placed by order of the judge of probate in said school, is hereby declared guilty of a misdemeanor.

Refusal of
custodian to
surrender
child.

SEC. 7. Whenever on the examination provided for in this act, the probate court shall determine that said child is in every other way eligible for admission to said school, it shall cause it to be examined by the county physician, if there be one, and if not, then by a reputable practicing physician, and shall in no case enter the order in its records, showing the child to be admissible to said school, unless the physician making such examination shall certify in writing, under oath, filed in said court, that the child examined by him is, in his opinion, of sound mind, and has no chronic or contagious disease, and, in his opinion, has not been exposed to any contagious disease within fifteen (15) days previous to such examination before the judge of the probate court; and a copy of such certificate shall be attached to the other papers required by this act to accompany the child to said school.

Physician to
certify con-
dition of
child.

SEC. 8. The object of this act is to provide a temporary home for dependent, neglected and ill treated children in said school, where they shall be retained only until they can be placed in family homes; *provided*, that in the discretion of the board, the child may be retained in said school as long as its best interests may require. The said board is hereby made the legal guardian of all children admitted to said school pursuant to law; which guardianship shall continue during the minority of such children, except in the cases in which, under this act, the guardianship may be cancelled by resolution adopted by said board.

Board made
legal guard-
ian of child.

While in said school the children shall be maintained and educated in the branches usually taught in the common schools. They shall have proper moral and physi-

Moral and
physical
training.

cal training and shall be taught how to labor so far as their age and condition will reasonably permit.

Conditions of admission.

SEC. 9. The state public school shall receive all children committed to it pursuant to this act; *provided*, that the superintendent of said school shall inform said county commissioners that there is room in the school for the admission of said children, and that provision has been made for their support while therein. Whenever there are more admissible children in the several counties than can be received in said school, it shall be the duty of the superintendent of said school to divide such admissions 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 admitted into said school. Whenever the county commissioners of any county shall be informed by the superintendent of said school that any dependent children from their county can be admitted into said school, it shall be their duty to forward them to said school, as provided in this act, as soon as practicable; and it shall be unlawful for the county commissioners of any county to retain and support in their county any child admissible by law to said school after such notification. 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 said school, in all respects as though such children were supported by the county.

Duties of Co. commissioners.

Commissioners to act for supervisors of townships.

Expense of transportation.

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, because they have been ascertained to be improper inmates, after their admission, as herein provided, shall be audited by the board of county commissioners of such county, and shall be paid by the treasurer of such county as other county expenses are paid.

When guardianship shall cease.

SEC. 10. Whenever any ward of said school, who is not indentured as herein provided, has become self-supporting, the said board may, at its discretion, so declare the fact by resolution, and thereupon said guardianship shall 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 the child and educate it, the child may, by resolution adopted by said board, be restored to its parents, in which case the suitability of

the home of said parents shall be certified in the manner herein provided for placing children in other homes, and thereupon the guardianship of said board shall cease. The said board is authorized to return to the counties from which they were sent the following classes of children:

First—Those who have become sixteen years of age, and who for any reason cannot be placed or retained in family homes.

When children may be returned to counties.

Second—Those who by reason of vicious habits or incorrigibility, are improper inmates of said school or cannot be placed or retained in family homes.

Third—Those who, in the opinion of said board, based on the certificate of the physician of said school, are of unsound mind or suffering from disease which renders their continuance in the school injurious to its best interests.

Whenever any child shall be ordered by said board to be returned to its county, as herein provided, the guardianship of said board shall cease, and the child shall thereupon again become a charge on the county from which it was sent; and 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 reasons therefor.

Placing children in suitable homes.

Contracts for care of children.

Rights reserved by board.

SEC. 11. The said board is authorized, and it shall be the duty of said board of control, to use special diligence in placing the children admitted to said school in suitable family homes, which shall be approved as herein provided, on written contract to remain until they are twenty-one (21) years of age, or for a shorter period, in the discretion of said board. Such contract shall provide for the education of the children in the public schools where they reside, for teaching them some useful occupation, for kind and proper treatment as members of the families in which they are placed, and for the payment on the termination of the contract, to said board, for the use and benefit of such children, such sum of money as shall be named in the contract; *provided, however,* that, in the discretion of said board, in the case of children not on indenture and over fifteen (15) years of age, such contract may provide only for wages to be paid to the child, and for kind and proper treatment. Such contracts shall contain a clause reserving the right to said board to cancel the same whenever they may deem that the interests of the child require it, and may also contain a clause authorizing the person taking the child to cancel the same at any time within ninety (90) days from the date of the contract on returning the child to the school free of expense to the

school. All moneys earned by such child, or received by the board from an indenture contract, shall be paid to said child when, for any reason, the guardianship of the board shall cease.

Adoption of children.

SEC. 12. The board of control, or superintendent of the state public school, is hereby authorized to consent to the adoption of any child who has or shall become an inmate of said school, by any person or persons pursuant to the provisions of law for the adoption and change of name of minors and of making them heirs at law of the person or persons so adopting them, and on such adoption the said board shall cease to be the guardian of the child so adopted.

Agents of board.

SEC. 13. The said board of control is authorized to designate the superintendent of said school to be the agent thereof, and may authorize him to sign the contracts of indenture and all necessary papers relating to the placing of children in homes. The said board is also authorized to designate other suitable persons to be the agents thereof, who shall act in such capacity during the pleasure of said board; and said board shall fix their salaries and prescribe their duties. Their duties as such agents shall include visiting at such times as the board may direct the children of said school who may have been placed in homes, and reporting to said board the condition of such children, and any failure to comply with the terms of the indenture contracts. It shall also be the duty of such agents to find suitable homes for the children of said school, to investigate the condition of the homes of applicants for children, and to enter into contracts in writing on behalf of said board, when so authorized by said board, with the persons taking such children.

Duties of agents.

Salaries and expenses of agents.

The bills for salaries and necessary traveling expenses of such agents shall first be examined and allowed by said board, and shall be audited by the state auditor and paid out of any moneys appropriated for such purpose; and the sum of one thousand five hundred dollars (\$1,500.00), or as much thereof as may be necessary, be and is hereby appropriated annually out of any moneys in the state treasury belonging to the general revenue fund to pay the services of said agency; *provided*, that the state treasurer be, and he hereby is, authorized to transfer any money remaining to the credit of said agency fund on July thirty-first (31st) of each year from said fund to the credit of the current expense fund of said school.

Authority of agents.

SEC. 14. Any duly authorized agent of said board is authorized to enter any dwelling house, or other building, wherever he has reasonable cause to believe that

any ward of the school is detained, concealed or kept in hiding, and recover possession of the person of such ward, and to that end he may forcibly open any door of such house or building. Any person who shall resist, obstruct or willfully interfere with said agent in his attempt to recover the possession of such ward is hereby declared to be guilty of a misdemeanor.

SEC. 15. The county superintendents of schools in the several counties of this state are hereby designated as agents of the state public school in their respective counties. *It shall be the duty of said county superintendents of schools to visit the children resident in their respective counties who have been placed in homes therein by the state public school, and to investigate the condition of applicants for children from said school whenever he or she shall be requested so to do by the superintendent thereof; and said county superintendents of schools, when so requested, shall inquire into the management, condition and treatment of such children, and for that purpose may have private interviews with them, and said county superintendents shall make a written report to the superintendent of said state public school of the condition of each child visited; and if at any time it shall come to the knowledge of such county superintendent of schools that any child thus placed in charge of any person as aforesaid is neglected, abused or improperly treated by the person having such child in charge, or that such person is unfit to have the care thereof, he or she shall report the facts to the superintendent of said state public school.*

Co. supt's of schools agents of the board, and their duties.

Said county superintendents of schools shall receive as full compensation for their services performed under the provisions of this act, their actual and necessary traveling expenses, together with the sum of two dollars and fifty cents (\$2.50) in full for his or her services in each case investigated or visited and reported on as herein provided, but not exceeding two dollars and fifty cents (\$2.50) for any one day's services, which shall first be examined and allowed by said board and then shall be audited by the state auditor and paid out of any moneys in the state treasury appropriated for the state public school agency.

Compensation of Co. supt's.

SEC. 16. It shall be the duty of said board of control to secure, so far as possible, the education and good treatment of all the children placed in families from this school, as provided in this act, and the full performance of indenture contracts, and to obtain information as often as is practicable or desirable from such children. It shall be the duty of the agents of said school, or the county superintendents of schools in their respective

Board of control and its agents to investigate treatment of children.

counties, to visit such children at such times as they may be requested so to do by the superintendent of said school, and to report to said superintendent the facts ascertained; and whenever it shall appear by such report, or from any other source, that any such child is neglected or ill treated, or is not being educated by the person with whom it is placed, or that the person having such child is unfit to have the care thereof, the said board, or the superintendent of said school, who may be authorized so to do by said board, shall cancel the contract and cause the child to be returned to said school or removed to some other home.

Applications
for children.

Any person desiring to take a child from said school by indenture or adoption may apply for that purpose, in writing, in such form as said board shall prescribe, to the superintendent thereof, who shall cause the home of such applicant to be investigated; and no child from said school shall be placed in a home on trial or by indenture or adoption unless evidence satisfactory to said board or said superintendent that the person applying for such child is a suitable person to take charge of, educate and maintain the child, shall be filed in the office of said school.

Board to pre-
serve records.

SEC. 17. It shall be the duty of said board to preserve in said school all legal papers, reports, and other valuable papers relating to each child, and to provide and keep suitable record books in which shall be entered, during the time of the guardianship of said board, a brief history of each child, showing its name, age, county, residence, when received, indentured or adopted; the names, residence, occupation, habits and character of the parents, so far as can be ascertained, and the name, residence and occupation of the person who has taken the children by indenture or adoption.

Biennial
report of
board.

SEC. 18. The said board of control shall biennially report to the governor, legislature and superintendent of public instruction, presenting a detailed statement of the operations of said institution for the two fiscal years preceding the regular session of the legislature, which shall include the report of the treasurer of said board of control, of all receipts and disbursements in his office for the same period, and the report of the superintendent for the same period, setting forth the condition of the said school, the names of regular employes and the salary of each, the number of children who have received instruction, the average number during each year in the school, the discipline prescribed, the studies pursued, the books used, the expenses per capita for average attendance, the expense per capita, estimating therein the expenses additional for those indentured, and such

other information as he may deem important, or the governor or superintendent of public instruction may request; *provided*, that in any report of any officer of said school who is required by law to publish any report of said school, no names of children, wards of said school, shall be required to be published.

The members of said board of control shall be allowed the expenses necessarily incurred by them in the discharge of their official duties, and three dollars (\$3) per day for their official services actually and necessarily performed, which shall be audited and paid from the funds appropriated for the use of the institution in the same way that other accounts against the school are paid.

Expenses of board.

SEC. 19. All acts and parts of acts inconsistent with or contravening the provisions of this act are hereby repealed.

SEC. 20. This act shall take effect and be in force from and after its passage.

Approved April 21, 1897.

CHAPTER 211.

S. F. No. 576.

An act to amend section 1962 of the general statutes 1894, the same being section twelve (12) of chapter fifteen of the general statutes 1878 as amended, relating to compensation of county commissioners in certain cases.

Compensation of Co. commissioners.

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

SECTION 1. That section 1962 of the general statutes 1894, the same being section twelve (12) of chapter fifteen of the general statutes 1878 as amended, be and the same is hereby amended by adding thereto the following proviso: *Provided*, that in the performance of the duties required by this section such county commissioner shall receive the sum of three (3) dollars per day for each day necessarily employed, and ten (10) cents per mile for every mile necessarily traveled in the performance of such duty, but no commissioner shall receive pay for the performance of such duty for more than fifteen (15) days' service, nor mileage to exceed one hundred (100) miles in any one year.

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

Approved April 21, 1897.