

## CHAPTER 260—H. F. No. 892.

*An act to amend Chapter 344 Session Laws of 1917 as amended relating to defective persons, by amending Section 8 thereof and inserting a new Section 8A altogether providing that the board of control shall have additional power to exercise general supervision over feeble-minded persons outside of institutions through the child welfare boards of the several counties or other appropriate agencies which may be designated by said board of control, and to release feeble-minded persons to the care of relatives or friends under bond, and to appeal to the proper district court from the order or other action of any probate court discharging any feeble-minded person from the guardianship and custody of the state board of control without its consent.*

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

Section 1. **Commitment of feeble minded persons—petition for discharge.**—That chapter 344 Session Laws of 1917 as amended be and the same hereby is further amended so that section 8 thereof and a new section inserted immediately following section 8 and designated as section 8A shall read as follows:

“Section 8. 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, *or to exercise general supervision over him anywhere in this state outside any institution through any child welfare board or other appropriate agency thereto authorized by said board of control.* 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, to the care and custody of the state board of control, may at any time file a petition for a hearing in the probate court of the county in which such person resided or was found when first committed to the care and custody of said board, to establish that further guardianship of the board is not required for the welfare of such person or the public; and upon payment of the necessary traveling expenses, by said petitioner, from the place *where such person then resides or the institution, if any,* to which said person is *then* committed to the place of hearing, and giving security for the payment of necessary expenses for a return to such *place or* institution, if a return shall be ordered, the said probate court shall by order, require the attendance of such person upon said hearing. Upon filing with the said board of

control, a certified copy of said order, it shall be the duty of said board to authorize and direct the attendance of such person at such hearing in compliance with the terms of said order. Notice of such hearing and proceedings thereupon shall be such as are prescribed in this chapter.

"If, upon said hearing, the contention of the petitioner is sustained, the probate court shall order the discharge of such person and file a copy of such order with the state board of control. If such contention is not sustained, such person shall be remanded to the care and custody of said board; provided, however, that the probate court may, in lieu of such discharge or remand, permit such person to remain in the custody of a relative or friend who shall give security, to be approved by the court, for the safe care and custody of such person and for his appearance in court whenever required, until discharged or remanded as herein provided. *But no order or other action of such probate court authorizing the discharge of any person previously committed as a feeble-minded person to the care and custody of the state board of control shall be effective for any purpose until the lapse of five days after a copy thereof shall have been filed with said board of control as hereinabove provided. And if within said five days the board of control or its attorney shall file with said probate court a notice of appeal to the district court of said county from such order of said probate court, then the said order shall remain suspended and ineffective and such feeble-minded person shall remain under the guardianship and in the care and custody of said board of control until such appeal shall have been heard and determined by said district court. An extra copy of such notice of appeal shall be deposited with said probate court, and it shall be the duty of said court forthwith to transmit same to the person who petitioned for the discharge of such feeble minded person or to his attorney.*

"*The district court shall be deemed to have jurisdiction of said matter from the date of filing said notice of appeal, and no other act or thing shall be necessary to be done by the board of control to make said appeal effective. But said probate court shall within five days after the receipt of such notice of appeal transmit all its original files in said proceedings to the clerk of said district court, who shall be responsible for the safekeeping and return thereof to said probate court after said appeal shall have been determined. At any time after receipt of said original files by said district court, either party to said proceedings may bring said matter on for trial upon five days notice to the other party. And thereupon it shall be the duty of said district court, without a jury, and in or out of term, summarily to hear, try and determine said matter de novo as though no trial in said probate court had occurred; and the trial thereof shall have precedence over every other matter or proceeding whatever in said district court which shall as promptly*

as possible thereafter make its order or decree affirming, modifying or reversing said order of the probate court so appealed from and making such other or further provision concerning such feeble-minded person as his own or the public welfare may require.

"A certified copy of such order or decree of the district court shall be immediately transmitted with said original probate files to said probate court which shall be governed accordingly. No charge shall be made nor costs allowed against the board of control or the state on such appeal.

"Section 8A. Upon the request of the relatives or friends of any person alleged or found to be feeble-minded they may be permitted to take charge of such person; but in such case the state board of control may require and approve a bond from such relatives or friends, running to the state, in a penal sum of not less than five hundred nor more than five thousand dollars, conditioned that such feeble-minded person shall be safely and adequately cared for and kept by the said relatives or friends and that they will indemnify and hold harmless the state and all political subdivisions, institutions and agencies thereof, from expense of any nature arising or resulting from any act or misconduct of such feeble-minded person committed while in their care."

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

Approved April 13, 1923.

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#### CHAPTER 261—H. F. No. 886.

*An act to amend Chapter 444, Session Laws of 1919, as amended by Chapter 78, Session Laws of 1921, relating to the establishing of a department of agriculture, providing for the appointment of a commissioner and defining his powers and duties.*

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

Section 1. Department of agriculture.—Chapter 444, Session Laws of 1919, as amended by Chapter 78, Session Laws of 1921, is hereby further amended so as to read as follows:

"Chapter 78, Section 1. There is hereby created a Department of Agriculture for the State of Minnesota. Said Department shall be in charge of a Commissioner to be known as the "Commissioner of Agriculture", who shall be appointed by the Governor for the term of four (4) years; shall receive a salary of forty-five hundred (\$4500) dollars per annum, and before entering upon the duties of his office shall take and subscribe the oath required of state officials and give his bond to the State of Minnesota, to be approved by and filed with the Secretary of State for the sum of five thousand (\$5000) dollars, conditioned for the faithful performance of his duties. He shall be provided with a suitable office