

THE
STATUTES AT LARGE
OF THE
STATE OF MINNESOTA

COMPRISING

THE GENERAL STATUTES OF 1866

As amended by subsequent Legislation to the close of the Session of 1873

TOGETHER WITH

ALL LAWS OF A GENERAL NATURE IN FORCE, MARCH 7, A.D. 1873

WITH REFERENCES TO

JUDICIAL DECISIONS OF THE STATE OF MINNESOTA, AND OF OTHER
STATES WHOSE STATUTES ARE SIMILAR

TO WHICH ARE PREFIXED

THE CONSTITUTION OF THE UNITED STATES, THE ORGANIC ACT,
THE ACT AUTHORIZING A STATE GOVERNMENT, AND THE
CONSTITUTION OF THE STATE OF MINNESOTA

VOL. I.

COMPILED AND ARRANGED BY

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ATTORNEY-AT-LAW

CHICAGO
CALLAGHAN AND COMPANY

1873

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TITLE I.

INSTITUTE FOR THE DEAF, DUMB, AND BLIND.*

(This Title is Title II. of Chapter XXXV. of the Statutes of 1866.)

SECTION 1 (17). *Institute, where located.*—There is established in the town of Faribault, in the county of Rice, an institution for the education of the deaf, dumb, and blind, styled "The Minnesota Deaf, Dumb, and Blind Institute."

SEC. 2 (18). *How controlled.*—Said institution shall be controlled by a board of seven directors. The governor and superintendent of public instruction 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.

SEC. 3 (19, AS AMENDED BY ACT OF MARCH 6, 1868). *Annual election of officers.*—Said board of directors shall annually elect from their own number, a president, secretary, and treasurer, and they shall also annually elect a steward, who may or may not be of their own number, and whose compensation shall be fixed by the said board.

S. L. 1868, 24.

SEC. 4 (20). *Powers of directors.*—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 relief and instruction of the deaf mutes of this state, and shall also provide instruction for the blind, when it becomes necessary. Four of said directors shall constitute a quorum for the transaction of business.

SEC. 5 (21, AS AMENDED BY ACT OF MARCH 6, 1868). *Duty of treasurer.*—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 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 said board, and shall receive for his services a compensation, to be fixed by said board, not exceeding one hundred dollars per year.

S. L. 1868, 24.

SEC. 6 (22). *Compensation of directors.*—No one of said directors, except said treasurer, shall receive any compensation for his services, but may be allowed reasonable travelling expenses incurred in attending the meetings of said board.

SEC. 7 (23). *Treasurer to give bond.*—Said treasurer shall, before entering

* Established by the Act of August 11, 1858 (S. L. 1858, 175), as amended by S. L. 1864, 67. For further legislation *vide* S. L. 1866, 29; S. L. 1867, 11; S. L. 1868, 169; S. L. 1869, 18; S. L. 1870, 179; S. L. 1871, 179; S. L. 1872, 178; S. L. 1873.

upon the duties of his office, give bond, with sufficient sureties, to be approved by the governor, in the sum of eight 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.

SEC. 8 (24). *Money, how drawn.*—Any moneys now or hereafter 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.

SEC. 9 (25, AS AMENDED BY ACT OF MARCH 9, 1867). *Institution to be free.*—All deaf and dumb persons, and all blind persons residing in this state, and of suitable age and capacity to receive instruction, shall be received and instructed in said institution free of charge.

S. L. 1867, 12.

SEC. 10 (26). *Board of directors to make report.*—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 estimation of the expenses of the institution in all of its departments, together with a statement of the receipts and disbursements of funds, and during the first week of the session of the legislature, at least ten 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, and of the president and teachers employed, with the compensation allowed to each.

Second. The names, ages, and residences of the pupils, and the dates of their reception into the institution.

Third. The names, ages, and residences of deaf mutes ascertained to be in the state, who have not attended the school.

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

Fifth. The statement of the accounts of the corporation, showing the amounts of money received and dates thereof, and its disbursements.

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

TITLE II.

HOSPITAL FOR THE INSANE.*

(*This Title is the Act of March 2, 1866, as amended by S. L. 1868, 25, and S. L. 1872, 66.*)

SEC. 11 (1). *Names of board of location.*—William R. Marshall, Thomas Wilson, S. J. R. McMillan, John M. Berry, and Charles McIlrath are hereby constituted a board of location, whose duty it shall be to visit such localities in this state as they may deem advisable, and examine the comparative advantages which such localities present for the permanent location of the state hospital (for the insane); and after such examination to definitely decide upon and fix the location of

* *Vide* also S. L. 1863, 41; S. L. 1867, 13, 17; S. L. 1868, 168; S. L. 1869, 20; S. L. 1870, 180; S. L. 1871, 176, 177; S. L. 1872, 176; S. L. 1873. Under the provisions of sec. 1 of the act the asylum was located at St Peter, Nicollet Co.

such hospital, and to cause a certificate of their decision in the matter to be filed in the office of the secretary of state, on or before the first day of July 1866: *provided*, that no city, town, or village shall be fixed upon as the permanent site of said hospital, unless the inhabitants thereof should, upon being informed by the said board of their decision, procure, and cause to be delivered to such board, a deed to the state of Minnesota of a quantity of land not less than twenty acres, as a site for said hospital, and (unless) the site so donated is acceptable to and approved by said board.

SEC. 12 (2). *Board authorized to invite Dr Patterson.*—Said board are authorized to invite to their assistance, and associate with (themselves) Dr R. J. Patterson, superintendent of the insane asylum of Iowa.

SEC. 13 (3). *How expenses to be paid.*—The expenses of said board shall be paid out of any appropriation made for the support of the insane upon their certificate, or that of a majority of them.

SEC. 14 (4, AS AMENDED BY ACT OF MARCH 6, 1868). *Title of the hospital.*—The hospital for the insane for the state of Minnesota, shall be erected and located upon the site designated and determined as hereinbefore mentioned and provided for, and shall be known by the name and title of "Minnesota hospital for insane," and shall be placed under the charge of seven trustees, four of whom shall constitute a quorum for the transaction of business.

S. L. 1868, 25.

SEC. 15 (5). *Names of board of trustees.*—S. D. Flagg, Orrin Densmore, Henry A. Swift, Solomon Blood, John L. Thorne, J. V. Daniels, and Luke Miller, are hereby constituted the board of trustees of such asylum. The two first-named shall serve for two years, the second two for four years, the last three for six years; and as their terms expire, their successors shall be appointed by the governor, by and with the advice and consent of the senate, for the term of six years, and until their successors are appointed and qualified.

SEC. 16 (6). *Board authorized to erect building, etc.*—Said board of trustees are hereby authorized and empowered to cause to be erected upon the site selected and donated to the state, as hereinbefore provided, a building sufficient to accommodate the immediate wants of the insane under the care of the state: *provided*, that the expense of such building shall not exceed the sum of fifteen thousand dollars. Prior to the erection of said building, said commissioners shall adopt a general plan of an edifice sufficient to meet the future probable wants of the state, and shall cause the building so erected under their direction to be erected in conformity with such plan.

SEC. 17 (7). *Board may lease or purchase instead.*—Said board of trustees are hereby authorized, in their discretion, instead of erecting the building provided for in the preceding section, or to accommodate the insane of the state while such building is in process of erection, to lease or purchase a building for the temporary accommodation of said insane persons, until they can be permanently provided for by the erection of a suitable asylum: *provided*, that such lease or purchase shall not be deemed as a location of the asylum at the place where such building so purchased or leased is located, but merely as a temporary expedient, until a suitable building can be erected.

SEC. 18 (8, AS AMENDED BY ACT OF MARCH 6, 1868). *How appropriation expended.*—All appropriations made in any act which shall hereafter be passed for the benefit, care, or treatment of the insane of this state, or for the erection, purchase, or lease of any building for their accommodation, shall be placed under the charge

of said board, and shall be drawn from the state treasury by the treasurer of the hospital in the mode and manner hereinafter provided.

S. L. 1868, 25.

SEC. 19 (9). *Patients to be removed from Iowa.*—When arrangements have been perfected for the accommodation of the insane, said board shall cause all the insane patients, under the care of the state, and now in the insane asylum of Iowa, to be removed to the building so erected, leased, or purchased by them, and properly cared for therein.

Vide S. L. 1863, 41.

SEC. 20 (10, AS AMENDED BY ACT OF MARCH 6, 1868). *Trustees to take oath to support constitution.*—The trustees, before entering upon the duties of their office, shall take and subscribe an oath or affirmation to support the constitution of the United States, and of this state, and also faithfully to discharge the duties required of them by law, and the by-laws that may be established. They shall be paid their necessary expenses during the time they are actually engaged in the discharge of their official duties, such payment to be made out of any moneys appropriated for the support of the insane. They shall hold their annual meeting at the hospital, on the first Wednesday in December of each year, when they shall choose one of their number president, and another secretary, and one treasurer for the ensuing year, and until their successors are elected and qualified.

S. L. 1868, 25.

SEC. 21 (11, AS AMENDED BY ACT OF MARCH 6, 1868). *Powers of trustees.*—The said trustees shall have the general control and management of the hospital. They shall have power to make all by-laws necessary for the government of the same, not inconsistent with the laws and constitution of the state of Minnesota, and to conduct the affairs of the institution in accordance with the laws and by-laws regulating the same. They shall appoint a medical superintendent, who shall be a well-educated and regular physician, and a steward, a matron, and assistant physician or physicians, and a chaplain, when such officers are deemed necessary, who shall be governed by, and be subject to, all the laws and by-laws established for the government of said hospital. The said trustees shall fix all salaries not otherwise determined by law, and may at their pleasure remove all officers except the superintendent, who may be suspended by the said board of trustees until he can have a hearing before the governor of the state, and after such hearing he, the said superintendent, may be removed from office by the governor, by and with the advice and consent of said board of trustees.

S. L. 1868, 25.

SEC. 22 (12, AS AMENDED BY ACT OF MARCH 6, 1868). *Superintendent to take oath.*—The superintendent, before entering upon the duties of his office, shall take and subscribe an oath or affirmation, faithfully and diligently to discharge the duties required of him by law and the by-laws regulating the institution. He shall have the general control and management of the hospital, and may at his pleasure suspend any subordinate officer until an examination is had before the board of trustees, which may at its pleasure then remove said officer.

S. L. 1868, 25.

SEC. 23 (13, AS AMENDED BY ACT OF MARCH 6, 1868). *Treasurer shall execute a bond.*—The treasurer shall execute a bond to the board of trustees of said hospital,

in such a sum or amount, and with such sureties as the said board of trustees shall approve, conditioned that he will faithfully perform the duties of his office, and pay over and account for all moneys that shall come into his hands, as such officer, from the state or any other source. He shall have power to draw from the state treasury out of moneys appropriated for hospital purposes, upon his order under the seal of the institution, approved by the president and secretary, and endorsed by the superintendent, a sufficient amount to defray the current expenses of the institution, or to defray the expenses of any building operations, or any other work carried on by the said board, for which moneys may have been appropriated. Upon the presentation of such an order to the auditor of state and not otherwise, it shall be his duty to draw a warrant on the treasury for the amount therein specified.

S. L. 1868, 25.

SEC. 24 (14). *Trustees may hold property in trust.*—The board of trustees may take and hold in trust for the hospital any lands conveyed or devised, and any money or other personal property given or bequeathed to be applied for any purpose connected with the institute.

SEC. 25 (15). *Private patients may be admitted under certain regulations.*—Private patients may be admitted into the hospital by the superintendent, upon the written request of any relative, guardian, or friend of such patient, by filing with the superintendent an obligation signed by himself, together with two other persons, in words and figures in substance as follows, to wit :

OBLIGATION.

In consideration of _____ being admitted a private patient into the hospital for the insane of the state of Minnesota at our request, we, the undersigned, jointly (and) severally promise and agree to pay said hospital and the steward thereof at said hospital, quarterly, on the first days of January, April, July, and October, with interest at ten per cent., on such days respectively, the rate of board, determined by the (board) of trustees of said hospital ; to provide or pay for all requisite clothing and for things necessary or proper for the health and comfort of said patient ; to remove said patient when discharged ; to reimburse funeral expenses in case of death, and if removed uncured against the advice of the superintendent before the expiration of three calendar months, to pay board for thirteen weeks, and also to indemnify said hospital for expenses of suit which it may incur in collecting said bill of board, supplies, and funeral charges, the same to be included in the damages to be recovered in said suit.

Witness our hands this day of .

A.D. 18 .

Which said obligation shall be duly certified by the judge of probate, or, in his absence or disability, by the clerk of the district court of the county where the said patient resides, that the signers are good and responsible persons, and able over and above all liability and property exempt from execution, to pay any sum that might be adjudged against them by reason of their signing such obligation, and that their signatures are genuine. Duly certified copies of said obligation, attested with the seal of the hospital, shall be evidence in all cases of equal credibility with the original.

SEC. 26 (2, OF ACT OF MARCH 4, 1872). *Regulating the admission of private patients.*—No person shall be admitted to the hospital as a private patient until the friends or guardian furnish the superintendent with the certificate of a regular physician, "that the said person, in his opinion, is insane, and a proper subject for

hospital treatment," dated within one week of the commitment, which certificate shall be verified by the oath of the physician before some magistrate.

S. L. 1872, 66.

SEC. 27 (16, AS AMENDED BY ACT OF MARCH 5, 1868). *Destitute patients to be admitted as public patients.*—Destitute insane persons may be admitted into the hospital by the superintendent as public patients, upon the certificate of the probate judge, or, in his absence, the court commissioner of the county where such patient resides, with the seal of said court attached, certifying that such patient (naming him or her), upon due examination had, has been found to be insane.

S. L. 1868, 25.

SEC. 28 (3, OF ACT OF MARCH 4, 1872). *The word destitute in section twenty-seven defined.*—The word "destitute," as used in section twenty-seven of this title (chapter), shall be construed as follows :

First. Adult males who have no property subject to seizure and forced sale on final process.

Second. Married women who have not in their own right, and whose husbands do not possess property subject to seizure and forced sale on final process.

Third. Widows who possess no property subject to seizure and forced sale on final process.

Fourth. Minors who possess no property either in their own name or in the hands of their guardians, which is subject to seizure and forced sale on final process, and whose parents have no such property owned either jointly or separately.

S. L. 1872, 66.

SEC. 29 (17, AS AMENDED BY ACT OF MARCH 4, 1872). *Probate judge may issue warrant of arrest.*—The probate judge, or in his absence the court commissioner of any county, upon information being filed before him that there is an insane person in his county needing care and treatment, shall thereupon make an order appointing some regular physician or physicians (not less than one or more than three), to examine the said person to ascertain the fact of insanity, a certified copy of which order shall be delivered to said physician or physicians, and shall proceed to the hearing of such information, and shall hear and examine the proofs of said information, and if the said person is found to be insane, he shall, upon the written certificate of the examining physician or physicians, "that the said person, in his or their opinion, is insane and a proper subject for hospital treatment," said certificate being verified by the oath of the physician or physicians, issue duplicate warrants committing the person so found insane to the care of the superintendent of the hospital, and shall place the warrants in the hands of some friend or other suitable person, whom he shall authorize to convey the said insane person to the hospital; and such warrants may be in the following language, to wit :

State of Minnesota, }
County of } ss.

To the superintendent of the Minnesota hospital for insane : ——— having been upon examination found to be insane, you are therefore required to receive him (or her) into the hospital, and keep him (or her) there until legally discharged.

In witness whereof, I have hereunto set my hand, affixed the seal of the probate court, or of the court commissioner, of said county, this day of

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, judge of probate.

Upon receiving the patient, and the warrant from the probate judge or court commissioner, the superintendent shall indorse upon one substantially as follows :

Minnesota hospital for insane. Received this day of 18 , the patient named in the within warrant.

, *superintendent.*

The duplicate warrant shall be filed in the office of the superintendent, and the original shall be returned, with the superintendent's indorsement, to the judge of probate, or court commissioner, [and] shall be filed in his office.

S. L. 1872, 66.

SEC. 30 (18, AS AMENDED BY ACT OF MARCH 4, 1872). *Fees allowed for examining and conveying insane person to asylum.*—The judge of probate, or court commissioner, shall allow the following fees :

To the physician or physicians for examining the insane person and making a written certificate, three dollars each ; and for every mile travelled in so doing, fifteen cents. To the person he authorizes to convey the insane person to the hospital, two dollars per day for the time necessarily employed, and all necessary disbursements for travel, and for support of himself [and] insane person and assistants ; such amounts to be audited by the judge of probate or court commissioner, and judgment entered of record therefor, to be paid out of the county treasury by the county treasurer, upon the written order of the judge of probate or court commissioner, under seal of the court ; and upon the payment thereof, said judgment shall be satisfied of record by the judge of probate or court commissioner.

S. L. 1872, 66.

SEC. 31 (19, AS AMENDED BY ACT OF MARCH 6, 1868). *Relatives to have power to keep insane person.*—The relatives of any person charged with insanity, or who shall be found to be insane, under section twenty-nine (seventeen) of this chapter (act), shall in all cases have the right to take charge of and keep said insane person or persons if they shall desire so to do ; but the probate judge or court commissioner may require a bond of such relatives, conditioned for the proper and safe keeping of such person or persons, and if the relatives or friends of any patient kept in the hospital shall ask for a discharge of such patient, the superintendent may in his discretion require a bond to be executed to the state of Minnesota, in such sum and with such sureties as he may deem proper, conditioned for the safe keeping of such patient : *provided*, that no patient [who] may be under the charge of, or convicted of homicide, shall be discharged without the consent of the superintendent and board of trustees.

S. L. 1868, 25.

SEC. 32 (20, AS AMENDED BY ACT OF MARCH 6, 1868). *Superintendent to furnish clothing.*—When a patient is discharged as cured, the superintendent shall furnish him or her with suitable clothing and a sum of money sufficient to defray expenses home, unless otherwise supplied, which clothing and money shall, in case of private patients, be charged to the obligors of the board, filed by them who requested the admission of such patients ; and in the case of public patients the same shall be charged to the state.

S. L. 1868, 25.

SEC. 33 (21, AS AMENDED BY ACT OF MARCH 6, 1868). *Trustees to fix rate of board for private patients.*—The board of trustees shall, from time to time,

fix the sum to be paid per week for the board, care, and treatment of private patients.

S. L. 1868, 25. Sections 22 and 23 of the Act of 1866 were repealed by the Act of 1868 (S. L. 1868, 33).

SEC. 34 (24, AS AMENDED BY ACT OF MARCH 6, 1868). *Clothing furnished to patients on being sent to hospital, to consist of.*—The clothing to be furnished to each patient, upon being sent to the hospital, shall not be less than the following: For a male—three good shirts, a good and substantial coat and vest, two pairs of woolen pantaloons, three pairs of new socks, a dark necktie, two pocket handkerchiefs, a hat or cap, a pair of new boots or shoes, and a pair of slippers. For a female—two pair cotton flannel wrappers and drawers each, three shirts, two woolen petticoats, three dresses, one pair of shoes and one pair of slippers, three pairs of stockings, two pocket handkerchiefs, a cloak or shawl, and a decent bonnet. Unless such clothing be delivered to the superintendent in good order he shall not be bound to receive the patient. But in case of public patients, comfortable and proper clothing shall be furnished by the superintendent at the expense of the state.

S. L. 1868, 25.

SEC. 35 (25, AS AMENDED BY ACT OF MARCH 4, 1872). *Questions to be asked and answered.*—It shall be the duty of the relatives or friends sending private patients to the hospital, with the assistance of their family physician, and in case of public patients, the judge of probate or court commissioner, with the assistance of the examining physician, to annex full and precise answers to as many of the following questions as are applicable to the case, and forward the same to the superintendent when the patient is sent to the hospital: What is the person's name? Where does he or she reside? What is his or her age? Is he or she married or single? Has he or she any children? if so, how many? What is his or her occupation? Is he or she a church member? What has been his or her habits as regards temperance and morality? Where was he or she born? Was insanity hereditary in the family? What relatives, if any, have been insane? What is the supposed cause of this attack? What is the form of this attack; acute, chronic, exalted, depressed, or paroxysmal? Is there any accompanying bodily disorder? When were the first symptoms of the disease manifested, and in what way? Is this the first attack? If not, when did others occur, and what was the duration of each? On what subject, or in what way, is insanity now manifested? Has he or she ever shown any disposition to injure others? if so, was it from sudden passion or premeditation? Has suicide ever been attempted? if so, in what way, and is the propensity now active? Is there any disposition to filthy habits, destruction of clothes, etc.? Has he or she been subject to any bodily disease, epilepsy, suppressed eruptions, discharges, or sores, or ever had any injury to the head? Has restraint or confinement ever been employed? if so, what kind, and how long? Has he or she ever been under medical treatment? if so, mention particulars and effects? State any other particulars supposed to have a bearing on the case. For the service required in this section the judge of probate or commissioner shall be allowed a fee of three dollars.

S. L. 1872, 66; *vide* also S. L. 1868, 25.

SEC. 36 (26, AS AMENDED BY ACT OF MARCH 6, 1868). *Superintendent to report to the trustees.*—The superintendent and steward and treasurer shall report to

the trustees from time to time, as shall be provided for in the by-laws. The trustees shall report to the governor after their annual meeting in December of each year, and before the meeting of the legislature, and so much oftener as they may deem necessary, of the condition and wants of the hospital. Their annual reports shall be accompanied by the reports of the superintendents and treasurer. This report shall give an account of all the disbursements for the year ending, and shall make an estimate for current expenses for the ensuing year and for building and other purposes, for which appropriations may be deemed necessary by the said board of trustees.

S. L. 1868, 25.

SEC. 37 (27). *Trustees to furnish copies of by-laws.*—The trustees shall furnish and remit when printed, copies of the by-laws to all the judges of probate in the state, and shall also inform by mail said judges when the institution will be open for the reception of patients.

SEC. 38 (ACT OF MARCH 1, 1872). *Monthly report to be made out.*—The superintendent of the Minnesota hospital for the insane is hereby required on the first day of each month to make out a report in writing showing the condition of each patient in said hospital [separately] with reference to bodily health, appetite, sleep, mental symptoms generally, particular symptoms, mental state, habits and inclinations, prospect of restoration, and shall forward by mail to the next of kin of each of such patients respectively a copy of such report without charge, within the first week of each month.

S. L. 1872, 69.

SEC. 39 (28, AS AMENDED BY ACT OF MARCH 6, 1868). *Term insane defined.*—The term insane, as used in this chapter (act), includes every species of insanity, but does not include idiocy or imbecility.

S. L. 1868, 25.

SEC. 40 (29, AS AMENDED BY ACT OF MARCH 6, 1868). *Private patients defined.*—Private patients are those who are sent to be maintained at the hospital by their relatives and friends. Public patients are those who are sent to and maintained at the hospital at the expense of the state.

S. L. 1868, 25.

SEC. 41 (6 OF ACT OF MARCH 4, 1872). *Patients to be legally discharged, how.*—Patients shall be legally discharged from the hospital by vote of the trustees; and for this purpose three of the board shall constitute a quorum.

S. L. 1872, 66.

SEC. 42 (7 OF ACT OF MARCH 4, 1872). *Chronic and harmless cases may be returned to the counties sending them, until more ample accommodations are provided.*—Until there is sufficient accommodations at the hospital for all the insane of the state seeking admission, on recommendation of the superintendent, the board of trustees may return chronic and harmless cases to the counties from which they were committed, notifying the county commissioners to remove them without expense to the hospital.

S. L. 1872, 66. Sec. 30 of the Act of 1866 provided for an appropriation for erecting, leasing, or purchasing building, to which act reference is here made.

SEC. 43 (ACT OF FEBRUARY 29, 1872). *Examination for supposed insanity.*—Whenever any person who now is or who may hereafter become a convict in

the state prison, shall, in the opinion of the warden and board of inspectors thereof, be regarded as insane or imbecile, it shall be the duty of said board to call in two physicians skilled in their profession, one of whom may be the prison physician, who shall, without employing cruel or inhuman tests, make a careful and thorough examination as to the insanity of such convict and report the result of their examination; which report shall be in duplicate and entered on the prison records, and be regarded as conclusive evidence in the case.

S. L. 1872, 69.

SUB-DIV. 2. *Examining board to report to governor.*—Whenever, as in manner above-named, any convict shall be pronounced insane or imbecile, said board shall notify the governor of the fact by forwarding to him said duplicate report, to each of which shall be appended a transcript of the prison records relating to such convict.

SUB-DIV. 3. *Governor may order commitment to insane hospital.*—Upon the receipt of said notice, the governor shall indorse thereon his approval, and shall, at the expense of the state, cause such convict to be removed from prison and delivered to the superintendent of the hospital for insane for treatment in that institution, and shall at the same time forward to said superintendent said duplicate notice of the officers of the state prison; which notice shall be to him a warrant to receive and provide for such convict such treatment as that afforded in said hospital to similar cases of insanity, except that such convict shall be kept separate and apart from other patients so far as practicable.

SUB-DIV. 4. *Form of commitment.*—Upon receiving such convict and said warrant from the governor, the superintendent shall indorse upon one substantially as follows:

Minnesota Hospital for the Insane.

Received this day of 18 the patient, a state prison convict named in the within warrant.

A. B., *superintendent.*

which shall be returned with the superintendent's indorsement to the warden of the state prison and filed in his office; the duplicate warrant shall be filed in the office of the superintendent.

SUB-DIV. 5. *To be remanded to state prison if cured.*—Whenever in the opinion of the superintendent such convict is cured of the mental disability on account of which such commitment was made, the term of sentence not having expired, he shall notify the governor of such fact, who shall remand such convict to the state prison at the expense of the state.

SUB-DIV. 6. *Good behavior.*—In computing time allowed by law for good conduct under prison discipline, the board of inspectors shall grant to such convict the full benefit of said law for the time so absent or insane, but no such absence or insanity shall affect the term of sentence of such [convict].

TITLE III.

SOLDIERS' ORPHANS' HOME (ASYLUM).

(*This Title is Chapter III. of the Laws of 1865, as amended by the Acts of March 5, 1869; March 7, 1870; and March 4, 1871.**)

SEC. 44 (1). *Establishment of asylum.*—There shall be established under the direction and supervision of the board of trustees (directors) hereinafter specified, an asylum for the education and support of indigent minor children of such Minnesota officers and soldiers as have been or may be killed, or who have or shall hereafter die in the service of the country during the present war.

SEC. 45 (2, AS AMENDED BY ACT OF MARCH 5, 1869). *Home, how to be controlled—trustees, how appointed.*—There shall be appointed by the governor, by and with the advice and consent of the senate, a board of seven trustees, one from each judicial district in the state, who shall hold their offices for the term of three years. The adjutant general shall be one of the number of said board *ex officio*.

S. L. 1869, 24.

SEC. 46 (3, AS AMENDED BY ACT OF MARCH 5, 1869). *Duties of trustees—compensation.*—The said trustees shall have the general supervision of the soldiers' orphans hereinafter mentioned, shall prescribe rules for the government and management of the said soldiers' orphans. Shall make, subject to the approval of the governor, all needful by-laws and regulations for the proper care of said soldiers' orphans. The trustees shall receive no compensation for their services, but all expenses necessarily incurred by them in the performance of their duties shall be paid out of the state treasury, on the warrant of the secretary of state.

S. L. 1869, 24.

SEC. 47 (6 OF ACT OF MARCH 5, 1869). *Officers, their powers and duties.*—The said board of trustees shall appoint from their number a president and secretary, to serve for such period and to perform their duties under such regulations and restrictions as may be prescribed in their by-laws. The treasurer of the state shall be *ex officio* treasurer of the board. The secretary shall keep a faithful record of all the transactions of the board; and the president shall have power to call extra meetings of the board, upon receiving a written request to make such a call from not less than two members of said board.

S. L. 1869, 24.

SEC. 48 (7 OF ACT OF MARCH 5, 1869). *Annual and semi-annual meetings, when held.*—Said board of trustees shall meet annually on the first Tuesday in October, which shall be styled the annual meeting, and they shall also meet annually on the second Tuesday in April, which shall be styled the semi-annual meeting. At each of these regular meetings they shall examine into the condition of all soldiers' orphans in the care of the state, and at their annual meeting they shall make a full report to the governor of all their proceedings under this act.

S. L. 1869, 24.

* This home was permanently located at Winona under the provision of chnp. 33 of the Laws of 1872, p. 91. *Vide* also S. L. 1872, 180, and S. L. 1873, 149.

SEC. 49 (8 OF ACT OF MARCH 5, 1869). *Powers of board.*—The said board of trustees shall have power to take and hold in trust, subject to the provisions of law hereinafter mentioned, for the use and benefit of said soldiers' orphans, any grant or demise of real estate, and any donation or bequest of money or other personal property, to be applied to the maintenance of soldiers' orphans.

S. L. 1869, 24.

SEC. 50 (10, AS AMENDED BY ACT OF FEB. 20, 1873).—*Costs per week of soldiers' orphans.*—The said board of trustees are authorized to place in any soldiers' orphans' home in this state the soldiers' orphans entitled to the benefits of this act, at a cost to the state not to exceed four dollars each per week.

S. L. 1873. *Vide also* S. L. 1869, 26; and S. L. 1871, 30.

SEC. 51 (11 OF ACT OF MARCH 5, 1869). *How benefits to be distributed.*—For the purpose of distributing the benefits proposed by this act equitably throughout the state, the board of trustees shall apportion, as near as practicable, the number of orphans to be admitted from each county upon the basis of the number of soldiers' orphans actually residing in said county, and the county board of commissioners of each county shall return to the said board of trustees the statistics of soldiers' orphans in the several townships in their respective counties, as taken by the township assessors, in accordance with law.

S. L. 1869, 26.

SEC. 52 (12, AS AMENDED BY ACT OF MARCH 4, 1871).—*Who to be admitted—who to have preference.*—The necessary prerequisites to admission to any soldiers' orphans' home mentioned in this title (chapter), shall be as follows: All such orphans over the age of four and under the age of sixteen years, and *bona fide* residents of this state, whose fathers have either been killed or died while in the military or naval service of the United States, or who have since died of wounds received, or disease contracted while in such service, and who have no adequate means of support, shall be entitled to the benefits of such home: *provided*, that those who have neither father nor mother shall in all cases be entitled to preference in applications for admission.

S. L. 1871, 30.

SEC. 53 (13 OF ACT OF MARCH 5, 1869). *Expenses of removal, how paid.*—Upon the acceptance by the board of trustees of any application for the admission of an orphan, the chairman of the board of township supervisors, or mayor of a city, shall make an order for the removal of such accepted orphan to the "orphans' home," and shall appoint some suitable person to convey such orphan or orphans thereto; and all the necessary expenses incurred in such removal shall be paid by the county in which such orphan shall have a legal residence.

S. L. 1869, 25.

SEC. 54 (14 OF ACT OF MARCH 5, 1869). *Duties of executive committee—warrants, how drawn.*—The trustees shall appoint from their own number an executive committee, who shall perform such duties and be governed by such restrictions and regulations as may be prescribed in the by-laws, not inconsistent with the provisions of this act. And such committee shall be authorized to draw warrants upon such funds as may be from time to time appropriated to defray the expenses incurred under this act, as may be directed by the trustees: *provided*, that all warrants so drawn shall be countersigned by the president of said board of

trustees, and attested by the secretary of said board, and such warrants shall designate upon their face the purpose for which the same may be drawn.

S. L. 1869, 25.

SEC. 55 (15, AS AMENDED BY ACT OF MARCH 7, 1870). *Trustees have power to bind orphans.*—Such trustees shall have power, from time to time, with the assent of the governor, to bind any such orphan for such term and for such purpose as such trustees shall deem proper, and for the interest of each child respectively: *provided*, that in case such orphan shall have a parent or legal guardian living, the consent of such parent or legal guardian shall first be obtained.

S. L. 1870, 17.

SEC. 56 (16 OF ACT OF MARCH 5, 1869). *No orphan to be discharged without consent of executive committee.*—The board of trustees are hereby authorized to discharge from the care of the state any orphan of fifteen years of age or over, if, in their opinion, such orphan is capable of self support. But no orphan shall be discharged from said institution without the consent of the executive committee, and the executive committee shall not allow any parent or guardian to remove any orphan under fifteen years of age, unless the application for such removal shall be accompanied by a certificate of the board of supervisors of the town in which such parent or guardian resides, showing that such parent or guardian is able to support and educate such orphan or orphans, or unless the regulations or interests of said institution require the discharge of certain orphans.

S. L. 1869, 25.

SEC. 57 (17 OF ACT OF MARCH 4, 1869). *Trustees to file bond, in what sum, etc.*—The trustees of the said board shall, before entering upon their duties, file in the office of the secretary of state their bond with two sufficient sureties to be approved by the governor, in the sum of five thousand dollars, conditioned for the faithful discharge of their duties under this act, and for the economical expenditure of any money that may be appropriated for the soldiers' "orphans' home," or for the relief of "soldiers' orphans" of this state, and also an official oath of office.

S. L. 1869, 25.

SEC. 58 (18 OF ACT OF MARCH 4, 1869). *Trustees to report to legislature.*—It shall be the duty of the said board of trustees to report to the next legislature such information as they may be able to procure as to the number and condition of the soldiers' orphans in this state, and also to report a system for granting aid to such orphans as may be in need of the same by the issuance of pensions by the state, and such other recommendations as to the care of such orphans as to them may seem advisable.

S. L. 1869, 25.

SEC. 59 (ACT OF FEBRUARY 29, 1872). *Orphans' home building to be rented.*—The board of trustees of soldiers' orphans of this state are hereby authorized to rent for a term not exceeding six years, a suitable building for a soldiers' orphans' home, capable of accommodating seventy-five orphans, at an annual rental not exceeding eighteen hundred dollars: *provided*, that nothing herein contained shall be construed as increasing the appropriation for the present year.

S. L. 1872, 91. For secs. 4 and 5 of the Act of March 3, 1865, *vide* tit. iii. chap. xiv. *supra*.
Sec. 2 of the Act of March 7, 1870, was temporary in its character and continued in force the provisions of chap. 19 of the laws of 1869. Sec. 9 of chap. 19, laws of 1869, and sec. 3, laws of 1870, relate to appropriations for temporary relief.

TITLE IV.

STATE REFORM SCHOOL.*

(This Title is Chapter VII. of the General Laws of 1870. S. L. 1870, 8.)

SEC. 60 (1). *To be conducted by board of managers, how appointed—officers and their duties.*—The Minnesota state reform school shall be managed and conducted on behalf of the state and as a state institution, by a board of four managers, three of whom shall constitute a quorum for the transaction of business. The persons now constituting said board shall continue to serve as managers for the term for which they were respectively appointed, and on the second Monday of January of each and every year hereafter the governor of this state shall appoint one competent person to serve as manager in said board for four years; and within twenty days after such annual appointment, the governor shall designate one of said managers to act as president of said board for the period of one year, and until his successor shall be designated; and the governor shall duly notify said board of such appointment at their first regular meeting thereafter; and the said managers shall always, at their first regular meeting after the appointment of their president, elect, by a plurality of votes, such other officers of the said board as may be deemed by them expedient; and whenever any vacancy shall occur in said board by death, resignation, or otherwise, the governor shall fill the same by appointment, and the appointee shall hold only for the unexpired term of the person whose place he is appointed to fill. The managers in said board shall in all cases hold over after the expiration of the term for which they shall have been respectively appointed, until their successors respectively shall have been appointed and qualified. No member of the board of managers shall receive any compensation for his services.

SEC. 61 (2). *Buildings to be provided—of the government of inmates.*—The board of managers shall keep said institution provided with suitable buildings and grounds in the county of Ramsey, and shall establish such regulations, religious and moral education, training, employment, discipline, and safe-keeping of its inhabitants as may be deemed expedient and proper.

SEC. 62 (3). *Who to be received in said school.*—It shall be the duty of the board of managers to receive, to the extent of the means placed at their disposal and of the accommodations afforded by the buildings and grounds belonging to said school, all infants under their care and guardianship, and the same to keep during their minority, or until discharged under the rules of said board; males under the age of sixteen years, and females under the age of fifteen years, committed to said school, in any of the following modes, to wit:

First. 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

* Was created by Act of March 1, 1866 (S. L. 1866, 22), under the name of the house of refuge for the state of Minnesota (which name was changed to state reform school by Act of January 30, 1868 (S. L. 1868, 22). The original act was amended by Act of February 14, 1867 (S. L. 1867, 20), and both were superseded by chapter vii. (S. L. 1870), as above.

placed under the guardianship of the managers of the Minnesota state reform school.

Second. Infants committed by the authority aforesaid, when complaint and due proof have been made that such infant is a proper subject for the guardianship of the managers of the said Minnesota state reform school, in consequence of vagrancy, or 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.

Third. Infants who shall be taken and committed as vagrants, or upon any criminal charge, or duly convicted of criminal offenses, 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 the 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 said managers, will be most conducive to their reformation and amendment, and will tend to the future benefit and advantage of such children.

SEC. 63 (4, AS AMENDED BY ACT OF MARCH 4, 1871). *When infant may be committed by justice of the peace.*—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 third 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: *provided*, that no justice of the peace shall commit any infant to the state reform school under the provisions of this act until at least one member of the board of county commissioners of the county to be charged with the maintenance of such infant shall have signified, in writing, his consent to such commitment, and such written consent shall be attached to the commitment.

S. L. 1871, 29.

SEC. 64 (5). *Duty of sheriff to convey infant to reform school.*—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 said school; 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 said school, 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.

SEC. 65 (6). *Managers shall clothe, instruct, and maintain children.*—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 account of said children shall be kept by the managers in an intelligible and proper manner.

SEC. 66 (7). *Managers to make by-laws and regulations, etc., and may appoint officers and fix salaries.*—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 said reform school, 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 school, 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 said school, the disposition which shall have been made of them by instructing them, or employing them therein, 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.

SEC. 67 (8). *Spiritual advice allowed in case of sickness.*—All persons committed to the Minnesota state reform school shall be allowed, in all cases of sickness, spiritual advice and spiritual ministration from any recognized clergyman of the denomination or church to which said inmates may respectively belong; such advice and ministration to be given within sight of the person or persons having charge of such inmates; but if the sick 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 school.

SEC. 68 (9). *Grounds, etc., exempt from taxation.*—The grounds, and buildings erected thereon, for the use of the said school, shall be exempt from taxation.

SEC. 69 (10). *No highways to be built through grounds without consent of managers.*—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 school, without the consent of the managers thereof.

Sec. 11 repeals all prior inconsistent acts.

SEC. 70 (ACT OF FEB. 26, 1872). *Other cases in which children to be sent to reform school—no commitment for incorrigibility without approval of commissioners—no commitment for other crimes without approval of district court—parents when able to pay for maintenance of incorrigible children.*—Whenever any infant, under the age of sixteen years, shall have been duly convicted in any of the courts of this state, of any crime punishable by imprisonment, except of the crime of murder, it shall be the duty of the magistrate, before whom such conviction is had, to commit the said infant so convicted to the guardianship of the board of managers of the Minnesota state reform school.

S. L. 1872, 830.

SUB-DIV. 2. No justice of the peace shall have power to commit any infant to said reform school upon a charge of incorrigibility, unless such charge is proved by at least two disinterested witnesses, and no commitment for incorrigibility shall be sufficient to justify the admission of the said incorrigible infant into the reform school, unless such commitment be accompanied by the written consent of at least three of the county commissioners of the proper county to which said infant belongs, and which is chargeable with the expense of clothing, maintenance, and instruction of such infant.

SUB-DIV. 3. In case any infant under the age of sixteen years shall have been duly convicted of any other crime, except that of incorrigibility, then no consent of the county commissioners shall be necessary to authorize the commitment. But in all cases of conviction before a justice of the peace, the justice shall reduce all the evidence taken by him to writing, and state the name, age, and evidence of each witness examined, and transmit the same forthwith to the chairman of the board of county commissioners, who shall without delay submit the same to the judge of the district court for said county, whose duty it shall be to examine the same and approve or disapprove of such conviction. If the conviction of the justice is approved, the minor shall forthwith be committed to the said board of managers; if disapproved, no other proceedings shall be had.

SUB-DIV. 4. If it shall appear to the county commissioners that the parents of any infant committed for incorrigibility are able to pay the expense of clothing, maintenance, and instruction of such infant, then, and in that case, the said county having paid to the state reform school the charges for the clothing, maintenance, and instruction of such infant, may recover the same of the parents of such infant.

TITLE V.

STATE INEBRIATE ASYLUM FUND.

(This Title is the Act of March 10, 1873. S. L. 1873, 119.)

SEC. 71 (1). *Fund to be raised by special license, who to take out.*—All keepers of saloons, groceries, restaurants, drug stores, wholesale or retail liquor stores, hotels, breweries, or other places where spiritous, vinous, or malt liquors are sold or kept for sale within this state, shall, before they shall be permitted to sell or dispose of such spiritous, vinous, or malt liquors, take out or cause to be taken out a special license (in addition to any and all other licenses, which they are or may be required by any law, ordinance, or municipal regulation to take out), paying thereof the sum of ten dollars to the county treasurer of the proper county, said license to be issued by the county auditor of the county wherein the business so licensed is transacted, upon presentation to him of the treasurer's receipt for said sum, and to have the seal of said county auditor duly attached thereto, and to be good for one year, to wit: from the first day of January to the thirty-first day of December following.

SEC. 72 (2). *Duty of county treasurer.*—The county treasurer shall, upon receipt of any moneys derived from the issuing of such special license, at once remit the entire amount to the treasurer of the state of Minnesota, taking his receipt therefor.

SEC. 73 (3). *Of state treasurer.*—The state treasurer shall place all moneys so derived from the issuing of such special license in a fund separate and apart from the other funds of the state, and said funds shall be known as the state inebriate asylum fund. Whenever said fund shall exceed in the amount the sum of five hundred dollars, it shall be invested in bonds of the state of Minnesota issued since

the year A.D. one thousand eight hundred and sixty, or in bonds of the United States, bearing not less than six per cent. interest.

SEC. 74 (4). *Fund to accumulate, until what time—governor to appoint commission.*—The said fund shall be permitted to accumulate until there shall be in the state treasury to the credit of said fund the sum of twenty thousand dollars, after which the governor shall, by and with the advice and consent of the senate, appoint five commissioners under whose charge and direction the state shall proceed to locate and erect a state asylum for inebriates, the same to be conducted under the guardianship of the state, and upon the same general plan as the other charitable institutions of the state: *provided*, that this act shall be so construed that the aforesaid asylum for inebriates shall never become a direct charge upon the state, but shall always be sustained and supported by and from the fund hereinbefore provided.

SEC. 75 (5). *Penalty for violation of section seventy-one (one).*—Any keeper or owner of any saloon, grocery, wholesale or retail liquor store, restaurant, drug store, hotel, brewery, or other place where spiritous, vinous, or malt liquors are sold or kept for sale, who shall after the passage or publication of this act offer for sale, or shall sell or give away, or in any manner dispose of any spiritous, vinous, or malt liquors, or permit another for him to sell, give away, or dispose of any such liquor without having first taken out a special license as provided for in this act, shall be guilty of a misdemeanor, and shall be fined for the first offense not less than twenty-five nor more than one hundred dollars, and for the second and each subsequent offense shall be fined not less than fifty nor more than two hundred dollars, and in default of payment of such fines shall be imprisoned in the county jail for the period of one day for each dollar of such fine: *provided*, that the term of such imprisonment shall in no case exceed the period of ninety days for the same offense.

TITLE VI.

AGRICULTURAL COLLEGE.

(*This Title is Tit. I. of Chap. XXXV. of the Statutes of 1866.* Vide Tit. I. Chap. XV. supra.*)

SEC. 76 (1). *Agricultural college established.*—There shall be established an agricultural college on so much of section sixteen, in township one hundred and fifteen, range twenty-eight, as may be purchased by the state, and on all lands adjacent, that have been or may be donated, not less than four hundred and eighty acres, under the name and title of "The Agricultural College of Minnesota."

SEC. 77 (2). *Instructions to be given in agriculture and the sciences connected therewith.*—The design of said institution is to afford thorough instruction in agriculture and the sciences connected therewith, and for that purpose the institution shall combine physical with intellectual education, and shall be a high seminary of learning, in which the graduates of both sexes of the common schools can commence, pursue, and finish a course of study terminating in thorough theoretic and practical instruction in those sciences and arts which bear directly upon agriculture and kindred industrial pursuits.

* It is probable that this title has been superseded by or merged in the Act of February 18, 1868 (S. L. 1868, 1), establishing the university of Minnesota; but as it has not been expressly repealed, and the wording is unlike, it is given in this place. *Vide tit. i. chap. xv. supra.*

SEC. 78 (3). *Branches of instruction.*—The course of instruction shall embrace the English language and literature, mathematics, civil engineering, agricultural chemistry, animal and vegetable anatomy, physiology, the veterinary art, entomology, geology, political, rural, and household economy, horticulture, moral philosophy, history, book-keeping, and especially the application of science and the mechanic arts to practical agriculture.

SEC. 79 (4). *Full course of study, four years—partial course may be instituted.*—A full course of study shall embrace not less than four years. The agricultural college board may institute a partial course for students who do not desire to receive the full course. They may also adopt such courses of lectures as they deem best.

SEC. 80 (5). *College board shall regulate scholastic terms and payment of tuition.*—The board shall determine the time of commencing and the length of the scholastic term or terms for each year, and the number of hours, which shall not be less than two nor more than four daily, and which may be different at different seasons of the year, that shall be devoted by each student to labor; and shall make such rules in regard to the payment of tuition as they deem most conducive to the interests of the institution, until appropriations for its support are sufficient without the payment of tuition.

SEC. 81 (6). *Agricultural college board, how constituted.*—A board is hereby constituted and established, which shall be known as "The Agricultural College Board," consisting of the governor, the secretary of state, and the president of the state agricultural society, who shall be *ex officio* members of the board; and four members to be elected by the legislature as follows: one member of said board to be elected annually for the term of four years. Any vacancy may be filled by a majority of the members of the board, and a majority shall be a quorum for the transaction of business. Each member shall, before entering upon the duties of his office, take and subscribe the oath required by law. When the said board shall decide the number of students that may be accommodated, and receive instruction at such agricultural college, said students shall be equally apportioned among the various senatorial districts, and the senators and representatives shall recommend such young men as they in their judgment shall deem to be entitled to the privileges of education at such college.

SEC. 82 (7). *Board to have management of farm and college.*—The agricultural college board shall have the government, care, and management of the farm and college, and direct the disposition and use of any moneys appropriated and donated to the college, or to which the college may at any time be entitled.

SEC. 83 (8). *Shall make rules and choose officers.*—Said board may fix the time and place of holding their meetings, and adopt rules for their own government not inconsistent with the provisions of this chapter. They shall choose from their own number a president and a treasurer. They shall choose a secretary, who may or may not be a member of the board as they shall determine. Said officers shall hold their offices two years from the last Wednesday of February, and till their successors are chosen.

SEC. 84 (9). *Shall erect buildings and maintain schools.*—Said board shall erect, provide, and keep suitable and proper buildings, and establish and maintain schools therein, improve and furnish the farm, and adopt and execute such measures as they may deem necessary to secure the successful operation of the college, and

promote its designed objects: *provided*, that they incur no expenses or debts beyond the moneys that may be appropriated or donated and within their immediate control for such purposes.

SEC. 85 (10). *Secretary to keep record and account.*—The secretary shall record all proceedings of the board and of the faculty, and all regulations and rules for the government of the college. He shall keep a careful account with each field, in connection with a plan of the farming lands, in which shall be shown the manner and cost of preparing ground, the kind of crops, time of planting or sowing, condition, time and manner of harvesting, the labor devoted to each process and its cost, with cost of preparing and maturing crops for market, price for which it is sold, and such other matters as the agricultural college board shall require of him. The record shall, at all reasonable hours, be open to the inspection of any citizen of the state, and the secretary shall report to the governor, on or before the first day of December of each year, which report shall embrace the proceedings of the board, and the faculty and the condition and situation of the college and farm.

SEC. 86 (11). *Board shall choose faculty and fix salaries.*—Said board shall choose a president of the college, and such professors, teachers, superintendents, and employees as the necessities of the institution demand, who shall be paid such compensation as the board determine, and whose duties shall be prescribed by the board.

SEC. 87 (12). *Faculty, who constitute—their powers and duties.*—The president, professors, and superintendents, and the secretary of the agricultural college board, shall constitute the faculty. The faculty shall have the special charge of the college and farm, and shall, with the consent of the board, make all needful rules and regulations necessary for the government and discipline of the same, regulating the routine of study, labor, meals, duties, and exercises necessary to the preservation of morals, health, and decorum.

SEC. 88 (13). *Swamp lands in McLeod county set apart for use of college.*—All the swamp lands in McLeod county, donated to the agricultural college by act of the legislature, approved March twelve, eighteen hundred and sixty-one, shall be deemed to be inviolably set apart and donated for the use and benefit of the agricultural college provided for in this chapter.

SEC. 89 (14). *Said lands may be sold, when and how—proceeds of sales, how expended.*—Whenever the governor shall, upon the recommendation of the agricultural college board, deem the sale of a part or all of said swamp lands necessary, he shall order the commissioner of the state land office to sell the same, who shall thereupon proceed to have the same appraised and sold, in the same manner as school lands are now appraised and sold, except that such lands may be sold at or above any appraised value, not less than two and one-half dollars per acre; and all moneys arising from such sales shall be deposited in the office of the state treasurer, subject to the order of the agricultural college board, and be drawn and expended in such manner as they may direct: *provided*, that none of said moneys shall be expended for any other purpose than the erection of agricultural college buildings upon the farm herein referred to, or the improvement of the farm, or the endowment of the professorships of the college. And until said lands are sold they shall be under the control of the agricultural college board, and may be used for the benefit of the college, or may be rented, and the money arising therefrom used for the benefit of the college.

SEC. 90 (15). *Interest on proceeds of college lands, how applied.*—The interest of all the moneys and proceeds arising from the sales of all the lands donated to the state of Minnesota by act of congress, approved July second, eighteen hundred and sixty-two, entitled “an act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts,” shall be applied and appropriated annually to the maintenance and support of the agricultural college of Minnesota, and the same shall be drawn from the state treasury upon the order of the president of the agricultural board, countersigned by the secretary of the board.

SEC. 91 (16). *Governor to certify to erection of buildings, and obtain perfect title to lands donated.*—When the necessary buildings have been erected and the college provided, the governor shall certify the fact to the secretary of the interior, and see that the title to the lands donated by congress to the state, herein referred to, shall be perfected in the state.

Vide S. L. 1868, 2.