

Statutes
1878

THE
GENERAL STATUTES
OF THE
STATE OF MINNESOTA,

As Amended by Subsequent Legislation.

PREPARED BY
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WITH SUPPLEMENTS,
CONTAINING ALL THE GENERAL LAWS IN FORCE UP TO THE END OF
THE LEGISLATIVE SESSION OF 1883.

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CHAPTER XXXV.

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TITLE 1.

AGRICULTURAL COLLEGE.

[This title was repealed by Sp. Laws 1868, c. 114. A college of agriculture is one of the departments of the University of Minnesota. See *post*, c. 37, §§ 2, 7, 11.]

TITLE 2.

INSTITUTE FOR THE DEAF, DUMB AND BLIND.

§ 1. (SEC. 17.) Location and name. 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.

§ 2. (SEC. 18.) Board of directors—appointment and vacancies. 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 ap-

pointed 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.

§ 3. (SEC. 19.) **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. (*As amended 1868, c. 17, § 1.*)

§ 4. (SEC. 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.

§ 5. (SEC. 21.) **Duties of treasurer and secretary.** 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 require; 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. The secretary shall perform such duties consistent with his office as said board shall require, and shall receive for such services a sum not exceeding one hundred dollars per annum. (*As amended 1868, c. 17, § 2, and 1874, c. 18, § 1.*)

§ 6. (SEC. 22.) **Compensation of directors.** No one of said directors, except said treasurer and secretary, shall receive any compensation for his services, but may be allowed reasonable travelling expenses incurred in attending the meetings of said board. (*As amended 1874, c. 18, § 2.*)

§ 7. (SEC. 23.) **Treasurer to give bond.** Said treasurer shall, before entering upon the duties of his office, give bond, with sufficient sureties to be approved by the governor, in the sum of 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.

§ 8. (SEC. 24.) **Money, how drawn from state treasury.** 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. (*See post, § 59.*)

§ 9. (SEC. 25.) **Who may be admitted pupils.** 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. (*As amended 1867, c. 11, § 1.*)*

§ 10. (SEC. 26.) **Annual report of board of directors.** 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.

**Note.*—Laws 1868, c. 18, § 18, purports to repeal Laws 1867, c. 11, approved March 9, 1867; but Laws 1867, c. 12, also approved March 9, 1867, is evidently the law meant to be repealed.

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 3.

HOSPITAL FOR THE INSANE.

*§ 11. **Location—name—trustees.** 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. (*1866, c. 6, § 4, as amended 1868, c. 18, § 1.*)

*§ 12. **Appointment and terms of trustees.** That 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. (*Id. § 5.*)

*§ 13. **Expenditure of appropriations.** 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 herein-after provided. (*Id. § 8, as amended 1868, c. 18, § 2.*)

*§ 14. **Oath, compensation and meetings of trustees—officers.** 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 money 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. (*Id. § 10, as amended 1868, c. 18, § 3.*)

*§ 15. **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. (1866, c. 6, § 11, as amended 1868, c. 18, § 4.)

*§ 16. **Oath of superintendent—his powers.** 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. (*Id.* § 12, as amended 1868, c. 18, § 5.)

*§ 17. **Bond of treasurer—his power to draw appropriations.** 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 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. (*Id.* § 13, as amended 1868, c. 18, § 6.) See post, § 59.

*§ 18. **Power of trustees to hold property.** 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. (*Id.* § 14.)

*§ 19. **Admission of patients to hospital—second admission.** Every insane person who is a *bona-fide* resident of this state shall be admitted to the hospital for the insane for the state of Minnesota, and maintained at the public expense, free of charge to his or her relatives or friends, and upon equal terms with every other insane person: *provided*, no person shall be admitted in the hospital the second time, unless by the consent of the superintendent, president of the board, and one trustee. (1874, c. 19, § 1, as amended 1877, c. 42, § 3.)

*§ 20. **Distinction between classes of patients abolished.** All distinction between "public" and "private" patients, as defined in any law or statute of this state, is hereby abolished; and all resident insane persons within the state shall be deemed and treated as public patients, and all laws, acts or parts of acts in relation to private patients, or contrary to the provisions of this act, are hereby repealed. (*Id.* § 2.)

*§ 21. **Proceedings for commitment of person to hospital.** 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 cause the person so alleged to be insane to be examined by a jury consisting of two respectable persons, besides himself, one at least of whom shall be a physician, to ascertain the fact of his insanity; and if the said person is found to be insane, he shall, upon the written certificate of the judge, directed by a majority of the jury, issue duplicate warrants, committing the person so found insane to the care of the superintendent of the hospital, and shall place the warrant in the hands of the sheriff, or some other suitable person, whom he shall authorize to convey the said insane person to the hospital; and such warrant may be in the following language, to wit:

STATE OF MINNESOTA, }
 County of _____, } ss.

To the Superintendent of the Minnesota Hospital for the 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, and affixed the seal of the probate court (or of the court commissioner) of said county, this _____ day of _____ 18_____

 Judge of Probate.

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, and filed in his office. (1866, c. 6, § 17, as amended 1868, c. 18, § 8, and 1877, c. 42, § 1, and 1877, c. 41, § 1.)

*§ 22. Fees for examining and conveying insane person to the hospital. The judge of probate, or court commissioner, shall allow the following fees:

To the physician or physicians, and such other person on the jury, 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. (Id. § 18, as amended 1868, c. 18, § 9, and 1872, c. 16, § 4, and 1877, c. 42, § 2.)

*§ 23. Care of insane persons by their relatives—bond. The relatives of any person charged with insanity, or who shall be found to be insane under section seventeen of this 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 the 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 that may be under the charge of, or convicted of homicide, shall be discharged without the consent of the superintendent and board of trustees. (Id. § 19, as amended 1868, c. 18, § 10.)

*§ 24. Discharge of patients from hospital. 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. (1872, c. 16, § 6.)

§ 25. Clothing and money to be furnished discharged patient. 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 bond 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. (1866, c. 6, § 20, as amended 1868, c. 18, § 11.)

*§ 26. Clothing to be furnished patients sent to hospital. 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,

* The words in brackets are repealed by § 20, ante.

two pairs of woollen pantaloons, three pairs of new socks, a dark neck-tie, 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 woollen 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. (1866, c. 6, § 24, as amended 1868, c. 18, § 13.) See *ante*, § 20.

§ 27. 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, &c.?
 - 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 court commissioner shall be allowed a fee of three dollars. (*Id.* § 25, as amended 1868, c. 18, § 14, and 1872, c. 16, § 5.)

*§ 28. Commission to examine hospital—imbecile patients to be removed. The governor shall appoint two members of the state board of health, who shall serve for the term of one year, and who, together with the superintendent [of the

*The words in brackets are repeated by § 20, *ante*.

the hospital] for the insane, shall constitute a commission, whose duty it shall be to visit the said hospital as soon as convenient after the passage of this act, and at least once in every six months thereafter, and examine the patients therein, with the view to ascertain and determine whether any patients are supported in the said hospital who are not proper subjects of treatment therein, and are not insane, but idiotic, or weak-minded, or harmlessly demented, or imbecile; and if, upon such examination, it shall be found by the said commission that any of such patients are not proper subjects of treatment in the said hospital for any of such causes, whether mental or physical, then such commission shall direct the superintendent to return such patients to the county from which they came, if such county be within this state; or if such county shall be unknown, then such commission shall make such other direction in regard to the case of such patients as they shall deem proper: *provided*, that in case a vacancy shall occur in said commission from any cause, it shall be filled by the governor from among the members of the state board of health: *provided further*, that when the county from which the patients directed by the said commission to be removed from the said asylum came, shall have no proper facilities for the care of such weak-minded or demented patients, the same may be retained in the said hospital, upon the conditions that the said counties shall pay all the expenses for keeping the said patients in the said hospital, under such regulations as the said commission shall adopt: *provided further*, that no patients shall be returned to counties where the crops have been seriously damaged or destroyed by grasshoppers, until one year after the grasshoppers shall have disappeared from such counties. (1874, c. 19, § 3, as amended 1877, c. 42, § 4.)

*§ 29. **Reports of officers—annual report of 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 superintendent and steward 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 said board of trustees. (1866, c. 6, § 26, as amended 1868, c. 18, § 15.)

*§ 30. **Trustees to furnish probate judges with by-laws.** The trustees shall furnish and mail, when printed, copies of the by-laws to all 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. (*Id.* § 27.)

*§ 31. **The term "insane," defined.** The term insane, as used in this act, includes every species of insanity, but does not include idiocy or imbecility. (*Id.* § 28, as amended 1868, c. 18, § 16.)

*§ 32. **Monthly report of condition of patients—to whom sent.** 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. (1872, c. 17, § 1.)

REMOVAL OF INSANE CONVICTS FROM STATE PRISON TO HOSPITAL.*

*§ 33. **Examination of convict 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, it shall be the duty of the 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. (1872, c. 18, § 1, as amended 1877, c. 42, § 5.)

*§ 34. **Examining board to report to governor.** Whenever, as in manner above named, any convict shall be pronounced insane, 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. (*Id.* § 2, as amended 1877, c. 42, § 5.)

*§ 35. **Governor to order commitment to insane hospital.** Upon the receipt of said notice, the governor shall endorse 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. (*Id.* § 3.)

*§ 36. **Form of receipt for such convict.** Upon receiving such convict and said warrant from the governor, the superintendent shall endorse 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 endorsement, to the warden of the state prison, and filed in his office; the duplicate warrant shall be filed in the office of the superintendent. (*Id.* § 4.)

*§ 37. **Convict to be remanded to 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. (*Id.* § 5.)

*§ 38. **Term of sentence, how affected—time allowed for good conduct.** 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 conduct [convict]. (*Id.* § 6.)

SECOND INSANE HOSPITAL.

*§ 39. **Location of second hospital.** There is hereby located and established at the city of Rochester, in the county of Olmsted, a hospital for the insane of the state of Minnesota. (1878, c. 91, § 1.)

*An act for the relief of insane convicts in the state prison, and to provide for their removal to the Minnesota Hospital for the Insane. Approved February 29, 1872. (Laws 1872, c. 18.)

*§ 40. **Property of inebriate asylum transferred.** All the lands, buildings, property and funds, heretofore acquired and held for the foundation and maintenance of an asylum for inebriates, are hereby transferred and set apart and appropriated to the establishment, support and maintenance of the said second hospital for the insane herein provided for, and shall be subject to the same control and management as the property and funds now set apart and used for the support and maintenance of the hospital for insane. (1878, c. 91, § 2.)

*§ 41. **Appropriation for completion of buildings.** That there is hereby appropriated the sum of fifteen thousand dollars to said board of trustees, to be used for the completion and furnishing of the present buildings, and to erect thereon such additional building or buildings as may be necessary to accommodate the number of patients in excess of the capacity of the present hospital for the insane: *provided*, that the said board of trustees shall make provision for special departments in said hospital, for the treatment of inebriates. (*Id.* § 3.)

STATE REFORM SCHOOL.*

*§ 42. **Board of managers—appointment—term—officers.** That 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. That 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. (1870, c. 7, § 1.)

*§ 43. **Managers to provide buildings, and establish regulations.** That the board of managers shall keep said institution provided with suitable buildings and grounds in the county of Ramsey, and shall establish such regulations respecting the religious and moral education, training, employment, discipline and safe-keeping of its inhabitants, as may be deemed expedient and proper. (*Id.* § 2.)

*§ 44. **Who to be received into the reform school.** That 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

* An act entitled an act to consolidate the various acts relating to the Minnesota State Reform School and to amend the same. Approved March 3, 1870. (Law. 1870, c.

manifestly requisite that, from regard to the morals and future welfare of such infant, he or she should be 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 any criminal offences, such as, in the judgment of the court before which such conviction may be had, may be deemed proper reasons for such commitment.

Powers of managers over children committed—apprenticing. 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 the said managers, will be most conducive to their reformation and amendment, and will tend to the future benefit and advantage of such children. (1870, c. 7, § 3.)

*§ 45. **Commitment of infants convicted of crime.** That 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. (1872, c. 28, § 1.)

*§ 46. **Commitment for incorrigibility—approval of commissioners.** That 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. (*Id.* § 2.)

*§ 47. **Commitment for other crimes—approval of district court.** That 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. (*Id.* § 3.)

*§ 48. **Parents, when able, to pay for incorrigible children.** That 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

§ 45.

See last Sup't, p. 78.

And §§ 45, 46, 47. See last Sup't, pp. 61, 62.

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. (1872, c. 28, § 4.)

*§ 49. **Execution of warrant of commitment—fees.** 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. (1870, c. 7, § 5.)

*§ 50. **Expense of keeping children to be repaid by counties.** That 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 accounts of said children shall be kept by the managers in an intelligible and proper manner, and a copy thereof be forwarded by them to the state auditor at the close of the year; and they shall also, on or before the last day of December in each year, make out a full and detailed account with each county from which any child or children may have been committed, and transmit the same to the county auditor, who shall present said account to the board of county commissioners, at their next meeting after the receipt thereof; and it shall be the duty of the said county commissioners to then set apart from the county revenue fund sufficient money for the payment of said account; and the state auditor shall draw his draft on the county treasurer for the sum so set apart, and the county treasurer shall pay the same to the state treasurer within twenty days after being notified by said state treasurer of the receipt of the state auditor's draft. (*Id.* § 6, as amended 1875, c. 102, § 1.)

*§ 51. **Powers and duties of managers—annual report to legislature.** That 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 the said reform school, as they 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. (*Id.* § 7.)

*§ 52. **Property exempt from taxation.** That the grounds and buildings erected thereon for the use of the said school shall be exempt from taxation. (*Id.* § 9.)

*§ 53. **No roads through grounds, without consent of managers.** That 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. (*Id.* § 10.)

LIBERTY OF CONSCIENCE FOR INMATES OF STATE INSTITUTIONS.*

*§ 54. **Spiritual advice and ministration, how and by whom to be given.** That all persons committed to any state prison or reform school, or other place of confinement in said state, shall be allowed spiritual advice and spiritual ministration from any recognized clergyman of the denomination or church to which such persons so committed or received may respectively belong, and have belonged prior to their being so committed or received into such state prison or reform school, or other place of confinement; such advice and ministration to be given within the prison or reform school or other building where the inmates thereof are required by law to be confined or imprisoned, in such manner as will secure to such persons the free exercise of his religious belief; and such religious consolation, advice and ministration shall be allowed separate and apart, and out of the presence and hearing of any person other than the clergyman who is ministering to such inmates. Such clergyman shall have the right, at the times fixed as hereinafter provided, and in all cases of serious sickness without regard to time, to visit either of said institutions, and to see and communicate freely and untrammelled, with such of said inmates as belong to the church or society of which he is a clergyman. (1874, c. 46, § 1.)

*§ 55. **Officers to set apart hours and furnish facilities therefor.** It shall be the duty of the board of managers, or persons or officers having the control and management of said institutions, to set apart not less than one hour (and more if necessary) on the first day of each week, in which any of the clergymen in good standing of any church or denomination may freely minister to and impart moral and religious instruction to those of the said inmates or children who respectively belong thereto prior to their being so committed or received therein; and to afford and grant to such clergymen such reasonable and proper facilities as may be necessary to enable them to freely and properly discharge their duties as ministers and spiritual advisers to the said inmates; and to provide and furnish to such clergyman on such occasions a room or apartment whereby he may be enabled to freely and properly discharge his duties as such clergyman: *provided*, that the religious denomination to which the parents of any child or minor so committed or received into either of said institutions belonged, or was a member, shall be considered the denomination to which such child or minor belongs: *provided*, all such religious ministrations shall be given between the hours of nine o'clock in the forenoon and five o'clock in the afternoon, except in special cases, such as sickness, when such ministrations may be given at any hour; and that the board of officers in charge of such institutions shall designate to each denomination which of the hour or hours so designated when a clergyman of such denomination shall commence and impart such ministration and instruction, and the time they shall occupy, which time shall be in accordance with the rules of such denominations, giving to each denomination an equal amount of time, without partiality or unjust discrimination whatever. (*Id.* § 2.)

*§ 56. **Sectarian practices prohibited—exceptions.** All sectarian practices, except by said clergymen as aforesaid, are hereby prohibited; and no officer of any state institution, or other person, shall interfere with or attempt to influence, control or change the religious belief or opinions of any of said inmates; nor shall any of said inmates be required to attend any religious services or devotions in any of said institutions against their own free will, if they have attained their majority, and, if minors, shall not be so required contrary to the expressed directions of the parent or guardian, or clergyman having spiritual charge of said inmates respectively; and in all matters appertaining to religion, the rights of conscience and the free exercise thereof shall be scrupulously re-

*An act to secure liberty of conscience and equal rights in matters of religion, to the inmates of state institutions. Approved, March 5, 1874. (Laws 1874, c. 46.)

spected and guarded: *provided*, that nothing herein contained shall be construed to prohibit or limit such freedom of speech among the employes or inmates of said institutions as is permitted by the rules and regulations thereof, not in conflict with the spirit of this act. (1874, c. 46, § 3.)

FURTHER DUTIES OF MANAGERS OF STATE INSTITUTIONS.

*§ 57. **Letting of contracts for public buildings—advertising for bids.** That it is hereby made the duty of those who, under authority of the state, have respectively the care, control and management of the several state institutions, before letting any contract or contracts for the erection of any new buildings for the state, or the enlarging or improving of those already in existence, where the value of said building or improvements shall exceed the sum of five thousand dollars, to advertise for proposals for four consecutive weeks prior to said letting, in a paper published at the place where said institution is located, and also for the same length of time in some paper having a general circulation published at the capital, stating the time and place said proposals will be received and opened. (1873, c. 32, § 1.)

*§ 58. **Contracts to be awarded to lowest bidder.** That it is hereby made the duty of those so advertising for proposals as aforesaid to let any and all contracts made in behalf of the state to the lowest responsible bidder. (*Id.* § 2.)

*§ 59. **Requisitions for money appropriated—estimate and vouchers to be furnished auditor.** Whenever the authorities of any state institution shall make requisition for money from the state treasury on account of legislative appropriation, they shall forward to the auditor of state an estimate of the sum required for the month for which such estimate is made, and a warrant shall be drawn therefor; and at the end of such month, such institution shall furnish the state auditor vouchers for all moneys expended during such month, and before another warrant can be drawn. Such vouchers shall be subject to inspection at all times, and said auditor shall inspect said vouchers monthly. (1878, c. 98, § 2.)

*§ 60. **Same—deficit.** Should any deficit of any state institution herein specified * exist on account of current expenses before the passage of this act, the amount of such deficit may be drawn by warrant, on furnishing vouchers for the same, as herein specified. (*Id.* § 3.)

SOLDIERS' ORPHANS' HOME.

[For the legislation relating to this institution, which was established at Winona, and successfully conducted until its objects had been fully accomplished, see Laws 1865, c. 3; 1869, c. 18, and c. 19; 1870, c. 12; 1871, c. 10; 1872, c. 33; 1873, c. 31; 1874, c. 21.]

* That is, *The Hospital for the Insane, The Institute for Deaf, Dumb and Blind, The Reform School and The State Prison.*

*§ 61 to 63, incl. See 1881 Supt's, pp. 78, 79. And §§ 69, 71, 71. See 1880 Supt's, p. 62.