

# CHANGES

—IN THE—

General Statutes of 1878,

EFFECTED BY THE

GENERAL LAWS OF 1879 AND 1881,

Arranged with reference to the Chapter and Section Amended.

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SAINT PAUL:  
WEST PUBLISHING COMPANY.  
1883.

\*§ 374*t*. **Actual and contingent funds.** The amounts received for cash premiums and payments, together with the investments and accumulations thereof, remaining on hand at any time, shall constitute the actual funds of such corporations, the amounts due on premium notes shall constitute the contingent fund, and the aggregate of such funds the capital of such corporations, for all the purposes for which said terms are made as provided for in this act. (*Id.* § 14.)

See page 444.

#### GENERAL PROVISIONS.

Add to § 404, (Sec. 155,) p. 449:

Any corporation in this state, whether created by special act, or organized under any general or special law of the territory or state of Minnesota, or doing business within this state by virtue of or under any legislative enactment of said territory or state, may, by resolution of its board of directors, classify its directors into three classes, each of which shall be composed, as nearly as may be, of one-third of the whole number of directors; the term of office of the first class to expire at the date of the next annual election thereafter; of the second class at the date of the second annual election thereafter; of the third class at the date of the third annual election thereafter. At each annual election thereafter a number of directors shall be elected for three years, equal to the number whose term of office shall then expire; all other vacancies shall be filled in accordance with the by-laws: *provided*, that if no election be had at the time of holding the annual election, the old directors shall hold their offices until their successors are elected and enter upon their duties. (*As amended* 1881, c. 15, § 1.)

\*§§ 423 to 440, incl. See 1883 Sup't, pp. 65 to 61, incl.

\*§ 422. **Foreign corporations—power to deal in lands.** Any foreign corporation which now is or hereafter may be created, in whole or in part, for the buying or selling of or dealing in lands in this state, or in the promotion of immigration to, or the settlement or occupation of, any lands in this state, may loan its funds to persons, whether its members or not, and take and enforce securities therefor, and may acquire, take, hold, convey, use, or occupy real, personal, or mixed property of every name and nature, within this state, and make contracts and transact all lawful business consistent with the objects and purposes of said corporation, and said corporation shall, in all respects, be subject to the laws of this state, and in all suits or proceedings by or against said corporation, it shall be deemed for all purposes a domestic corporation: *provided*, that no such corporation shall acquire or hold at any one time more than one hundred thousand acres of land in this state, and that all lands acquired by it shall be sold within twenty-one years after their acquisition, except such lands as may be acquired by it under mortgage foreclosure, or forfeiture of contracts for the sale thereof, which shall be disposed of by it within fifteen years after such acquisition or forfeiture; *and provided further*, said corporation shall appoint an agent or attorney residing within this state, upon whom all process may be served, which appointment shall be filed in the office of the secretary of state. (1881, c. 125, § 1.)

See page 451.

### CHAPTER XXXV. CHARITABLE INSTITUTIONS.

#### INSTITUTE FOR THE DEAF, DUMB, AND BLIND.

§ 5. (SEC. 21.) **Duties of treasurer and secretary.** The treasurer shall safely keep and faithfully disburse all moneys belonging to or entrusted 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 three hundred dollars per annum. (*As amended* 1868, c. 17, § 2; 1874, c. 18, § 1; and 1881, c. 76, § 1.)

See page 453.

Note to § 9, (SEC. 25.)

(See c. 35, title 3, \*§§ 25b, c, d, and e, as to removal from hospitals for the insane. *Post*, 77.)

See page 453.

#### HOSPITAL FOR THE INSANE.

Add to \*§ 21, p. 456:

Whenever any person who has been, or shall hereafter be, committed to the care of the superintendent of either of the hospitals for the insane, by warrant issued by a judge of probate, shall be discharged from such hospital, the superintendent of the hospital from which he shall have been discharged shall, upon the day of such discharge, send by mail to the judge of probate of the county in which such warrant was issued, a certificate, signed by such superintendent, stating that such person had been discharged from such hospital and the date of such discharge; which certificate, when received by such judge of probate, shall be filed by him. (1866, c. 6, § 17, *as amended* 1868, c. 18, § 8, and 1877, c. 42, § 1, and 1877, c. 41, § 1, and 1879, c. 11, § 1.)

See page 456.

Add to § 22, c. 35, p. 456:

*Providing*, that the said written order shall be filed with the county auditor, who shall issue his warrant on the county treasurer in payment of said sums. (*As amended* 1881, c. 32, § 1.)

\*§ 28. **Commission to examine hospital—shall report to the governor.** The governor shall appoint a commission of three doctors, one of whom shall be a member of the state board of health, who shall serve for a period of two years, or until their successors shall be appointed, who shall constitute a commission whose duty it shall be to visit the several Minnesota hospitals for the insane at least once every six months of each year, or upon the written request of the governor of the state, and inspect said hospitals as to the sanitary condition and the general management of the same, and also to examine into the mental and physical condition of the patients therein, frequency, manner, and cause of punishment, elopements, deaths, and such other matters as may fall within the scope of a thorough hospital inspection, and report in detail to the governor within ten days after each and every such inspection is made. Said commissioners shall receive their actual expenses and no more, for which the auditor of state shall draw his warrant on the state treasurer. (1874, c. 19, § 3, *as amended* 1877, c. 42, § 4, and 1879, c. 31, § 1.)

\*§ 28a. **Remanding to probate court.** Should the said commission find, upon visiting either of the said hospitals, any patient or patients whose insanity they have reason to doubt, said commission shall have the authority to remand such patient or patients to the probate court, from which they were committed respectively, there to be detained a reasonable time, under proper surveillance, when, if such judge shall be satisfied of his or her sanity, he or she shall be discharged by order of said court; otherwise he or she shall be recommitted to the hospital for the insane: *provided*, that said commission shall have no authority to discharge any patient committed to either of the insane asylums in this state and charged with crime. (1879, c. 31, § 2.)

\*§ 28b. **Transfer to asylum for deaf, dumb, and blind.** It shall further be the duty of said commission to select from the patients of the insane hospitals such idiotic and feeble-minded children and youths who, in their opinion, are proper subjects for training and instruction, and transfer the same to the trustees of the asylum for the deaf, dumb, and the blind at Faribault. (*Id.* § 3.)

\*§ 28c. **Providing for same.** The trustees of the asylum for the deaf, dumb, and the blind are hereby authorized to receive such weak-minded and idiotic children and

youths as may be sent them under the provisions of this act, and make provisions for the maintenance of said children and youths, and are required to lease, for a term not exceeding two years, a proper building or rooms for the same, and to provide a competent teacher and attendants for said children and youths, and to establish such rules and regulations as may be necessary for the instruction, training, and government of said children and youths. (*Id.* § 4.)

\*§ 28d. **Incurable patients to be remanded.** In case any children and youths so received shall be found, upon trial, incapable of receiving any benefit from such instruction and training, or when, in the opinion of the superintendent of said asylum, it shall be better for the welfare of any child or youth to be removed from said asylum, the said superintendent shall have full power to remand any such child or youth to the parents thereof, or to the board of commissioners of the county from which the child or youth was sent. (*Id.* § 5.)

\*§ 28e. **Limitation.** Nothing herein contained shall be construed as establishing a permanent institution for the support and education of the persons herein named. (*Id.* § 6.)

See pages 457, 458.

#### STATE REFORM SCHOOL.

\*§ 45a. **Commitment of children to reform school.** The board of managers of the Minnesota State Reform School are authorized and required to receive into their custody and guardianship, and keep until discharged by due course of law, all infants under the age of sixteen years committed to said school by the sentence of any court of the United States in and for this state, in punishment of any crime against the laws of the United States of which such infant shall have been committed; and for the support and keeping of such infant prisoner, the United States shall be liable to the same charges as may by law be chargeable against the counties from which similar commitments may be made by the courts of this state. (1879, c. 98, § 1.)

See page 461.

#### FURTHER DUTIES OF MANAGERS OF STATE INSTITUTIONS.

\*§ 61. **Monthly pay rolls and expense lists.** The accounting officers of each institution herein named,† and of the several normal schools, shall make monthly duplicate pay rolls or expense lists, showing the name of each person rendering service or furnishing supplies, the nature of the service, and at what rate rendered, the quantity and kind of supplies furnished, and the amount to which each person is entitled by law. Said rolls or lists shall be verified by the oath of the principal officer of the super-  
vising board of each institution, and the accounting officer of the same, and the said accounting officer shall, on or before the last day of each month, forward one of the said rolls or lists to the auditor of state. (1879, c. 117, § 2.)

\*§ 62. **Auditor to examine lists.** On receipt of such certified expense lists, the auditor of state shall examine, adjust and approve, or reject, the same, and on or before the tenth day of each month following draw his warrants for the amounts found due thereon to each institution: *provided*, that five per cent. additional may be allowed each institution for contingent expenses, which shall be properly accounted for on the next monthly pay roll. (*Id.* § 3.)

\*§ 63. **Bills to be made out and receipted in duplicate.** All bills or accounts against the said state institutions shall be made out and receipted in duplicate, and on forwarding the pay rolls the last of each month, the said accounting officers shall also forward one set of such bills and vouchers for the preceding month, and having been compared by the auditor of state with the proper pay rolls, they shall be filed with the same in his office and preserved, subject to public inspection. (*Id.* § 4.)

See page 464.

(†First and Second Hospitals for the Insane, State Prison, Institution for the Deaf, Dumb, and Blind, State Reform School, and State University are the institutions referred to.)

(See Laws 1879, c. 94, as to disposition of funds of Soldiers' Orphans' Home.)

See page 464.

## SCHOOLS FOR IDIOTS AND IMBECILES.\*

\*§ 64. **Establishment of school.** There is established in connection with the Minnesota institute for the deaf and dumb and blind, at Faribault, in Rice county, Minnesota, a department styled the Minnesota School for Idiots and Imbeciles. (1881, c. 145, § 1.)

\*§ 65. **Who to have charge and control.** Said school shall be under the control of the board of directors of said institute, who shall have the same power to organize, direct, and supervise the said department for idiots and imbeciles as it now has the departments of the deaf, dumb, and blind; and the several officers of the said board of directors shall extend their duties to the administration of the affairs of said school, and said board of directors shall properly provide for the care and custody of the idiotic, and the training and education of the feeble minded entrusted to their care. (*Id.* § 2.)

\*§ 66. **Who may be received into the school.** All imbeciles and idiotic children and youth actual residents of the state for one year, of suitable age and condition, may be received into said school upon recommendation of the superintendent of said school and approval of the board of directors, under such rules and regulations for furnishing clothing and transportation as such board may make as a condition of admission, not to exceed in amount or value the sum of forty dollars per annum for each person so received: *provided*, that no persons shall be received into said school for care and training until the state shall have provided accommodations therefor, except such as are regularly assigned thereto from the hospital for the insane of the state. (*Id.* § 3.)

\*§ 67. **When children to be discharged.** Whenever any such children or youth so received shall be otherwise provided for, or shall in the opinion of the superintendent of said school become capable of self-support, or when no provision shall be made to comply with the conditions of their admission, they shall be discharged from said school. (*Id.* § 4.)

\*§ 68. **Children charge upon county.** All imbeciles and idiots who are proper subjects for this school, who have no parents or guardians known to the authorities, or are the children of indigent persons unable to provide for them, are hereby made a charge upon the several counties where they reside, and from which they may be sent, for the expenses mentioned in the third section of this act, which facts of destitution and indigence shall be established *prima facie* by the certificate thereto of the judge of probate and a majority of the county commissioners of such counties respectively; and upon the presentation of a certificate of the superintendent of this school, attested by the secretary of the board of directors, to the auditor of any county, that any such destitute or indigent idiot or imbecile is a regular and proper inmate of this school from his county, such county auditor shall annually draw his order on the treasurer of his county in favor of the treasurer of such board of directors for such sum of money as has been fixed as the condition of admission to such school, so long as such subject shall remain at such school, and the county treasurer upon whom such order shall be drawn shall pay the same upon presentation. (*Id.* § 5.)

See page 464.

## CHAPTER XXXVI.

## EDUCATION.

## ORGANIZATION OF SCHOOL-DISTRICTS.

Change last sentence of section 9, page 467, so as to read:

Such notice shall be served in the same manner provided in section eight (8) of this act, except that the same shall be made at least five (5) days before the time designated for such meeting. (*As amended 1881, c. 41, § 1.*)

(\*An act to organize a school for idiots and imbeciles. Approved February 14, 1881.)