

GENERAL STATUTES

33

OF THE

STATE OF MINNESOTA,

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CONTAINING ALL THE LAW OF A GENERAL NATURE NOT
REMEDIAL, THE LATTER BEING IN VOL. 2.

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BY

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TITLE 1.

HOSPITALS FOR THE INSANE.

Established and regulated by acts 1866, ch. 6; 1868, ch. 18; 1872, ch. 16, as amended and contained in this title, except the parts repealed or abrogated as noted in the sections. The method and proceedings for commitment to insane asylum were taken out of this title and placed in probate code by acts 1889, ch. 46: "An act to establish a probate code."

ESTABLISHED.

SEC. 3161. **Location — Control.**— 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 nine trustees, five of whom shall constitute a quorum for the transaction of business.

1866, ch. 6, § 4, as amended 1868, ch. 18, § 1; 1887, ch. 51. Acts 1866, ch. 6: "An act for the establishment and location of a hospital for the insane in the state of Minnesota, and to provide rules for the regulation of the same." Approved March 2d. Sections 1, 2, 3 of this act provided for a board to select and locate the site, to be twenty acres, donated by locality selected. Amendment of 1868 made no change in this section. Acts 1887 increased trustees from seven to nine, and provided for appointment by governor, with consent of senate, to serve for six years from and after January 1, 1887.

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TRUSTEES.

SEC. 3162. **Appointment — Terms.**— 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.

1866, ch. 6, § 5. Sections 6 and 7 of this act empowered the trustees to construct the buildings on the site donated, and in meantime provide temporary accommodation for the insane.

SEC. 3163. **Oath — Compensation — Meetings — 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 August 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.

1866, ch. 6, § 10, as amended 1867, ch. 12, § 1; 1868, ch. 18, § 3; 1885, ch. 100. Acts 1885 struck out December and inserted August. Amendment of 1868 changed time of meeting to December, and the place at the hospital.

SEC. 3164. **General powers.**— 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, ch. 6, § 11, as amended 1868, ch. 18, § 4. Amendment inserted chaplain; otherwise substantially same.

SEC. 3165. **Take and 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.

1866, ch. 6, § 14.

SEC. 3166. **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.

1866, ch. 6, § 27.

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SECS. 3167-3172.] CHARITABLE INSTITUTIONS.—HOSPITALS FOR THE INSANE.

SEC. 3167. Discharge 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, ch. 16, § 6: "An act to amend an act for establishment and location of hospital for insane," etc., and contained seven sections, all of which, except above, were superseded by law in this chapter and in probate code.

SEC. 3168. Purchase certain land.—The board of trustees of the Minnesota hospitals for insane, are hereby authorized and empowered to purchase land for the use of the hospitals; said purchase not to exceed in cost, eight thousand four hundred dollars (\$8,400), for the first hospital, and ten thousand dollars (\$10,000), for the second hospital.

1883, ch. 96: "An act to authorize and empower the board of trustees of the Minnesota hospitals for insane to purchase lands for use of hospitals." Approved March 1, 1883.

SEC. 3169. Sell and convey certain land.—That the board of trustees for the Minnesota hospital for insane, be and they are hereby authorized to contract for the sale of, sell and convey, for such price, or prices, and on such terms as to said board shall seem meet and proper, the following described lands, situate in the city of St. Peter in the county of Nicollet and state of Minnesota, to-wit: All of lots three (3), four (4), five (5) and six (6), and the southerly two-thirds ($\frac{2}{3}$) of lots seven (7), eight (8) and nine (9) in block number one hundred and fifty-nine (159), and the southerly two-thirds ($\frac{2}{3}$) of lots one (1), two (2) and three (3) of block number one hundred and eighty-one (181), according to the amended plat of said St. Peter, as the same is of record in the office of the register of deeds within and for said Nicollet county, the said lands being no longer useful for hospital purposes.

1885, ch. 165, § 1: "An act to authorize the board of trustees of the Minnesota hospital for insane to sell and convey real estate." Approved March 7, 1885.

SEC. 3170. Execution of conveyance.—The contracts and deeds of conveyance for said lands may be executed in behalf of said board by its president, attested by its secretary; or the said board, by resolution, may appoint an agent for the sale and conveyance of such lands, and in such case the agent so appointed may execute for said board all contracts and deeds upon sales made by him under such authority, and all such contracts and deeds so executed by him shall have the same force and effect as if executed by the president and secretary of said board as aforesaid, and a copy of the resolution so appointing such agent duly certified by the secretary of said board may be recorded in the office of the register of deeds of Nicollet county, Minnesota, where such lands are situate, and such resolution when so certified or a transcript of such record duly certified, may be used in evidence in the same manner and with like effect as a conveyance recorded in such county.

1885, ch. 165, § 2.

SUPERINTENDENT.

SEC. 3171. Oath—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.

1866, ch. 6, § 12, as amended 1868, ch. 18, § 5. Amendment below *.

SEC. 3172. Notice of patient's death or illness.—The superintendent of each Minnesota hospital for the insane is hereby required to give immediate notice to the next of kin of each patient under his charge, of the death, serious illness or any special change in the condition of such patient, and to answer

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promptly and fully all letters of inquiry received from the relatives of any patient in the hospital under his charge.

1872, ch. 17, as amended 1889, ch. 263. Acts 1872, ch. 17, entitled "An act relating to the Minnesota hospital for the insane," approved March 1, 1872, provided that the superintendent report the condition of the patient on first day of each month and forward a copy to next of kin of the patient.

TREASURER.

SEC. 3173. Bond — Duties.— 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.

1866, ch. 6, § 13, as amended 1868, ch. 18, § 6. Amendment between **, otherwise substantially same.

SEC. 3174. Disbursement 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 hereinafter provided.

1866, ch. 6, § 8, as amended 1868, ch. 18, § 2. Amendment struck out at * "and shall be expended by and paid upon the order of said board or a majority of them," and inserted as above. Section 9, acts 1866, ch. 6, provided that when the contemplated structure would be ready to receive the insane the trustees should remove them from Iowa insane asylum.

REPORTS.

SEC. 3175. Of officers and 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, ch. 6, § 26, as amended 1868, ch. 18, § 15.

DISTINCTION ABOLISHED.

SEC. 3176. Between public and private patients.— 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 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.

1874, ch. 19, § 2: "An act to abolish the distinction between public and private patients in the hospital for the insane for the state of Minnesota." Approved March 5, 1874. Section 1

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SECS. 3177-3181.] CHARITABLE INSTITUTIONS — HOSPITALS FOR THE INSANE.

of this act, as amended 1877, ch. 42, § 3; 1885, ch. 163, § 1, provided that every insane person *bona fide* resident of the state admissible to insane hospitals and maintained at public expense and upon equal terms with every other insane person, and that no person admitted second time without consent of president and one trustee. Acts 1889, ch. 46, § 322, Probate Code, repealed acts 1885, ch. 163, thus repealing § 1, ch. 19, acts 1874, as amended. Acts 1874, ch. 19, § 2, abrogated §§ 15, 16, 29, ch. 6; acts 1866, as amended 1867, ch. 12, §§ 2, 11; 1868, ch. 18, §§ 7, 17; 1872, ch. 16, §§ 2, 3, which provided for public and private patients and defined these terms, and that the expense of former payable by the state and of the latter by the parties.

CLOTHING FOR PATIENTS.

SEC. 3177. When 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, 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, ch. 6, § 24, as amended 1867, ch. 12, § 9; 1868, ch. 18, § 13. Amendment below *. Acts 1866, ch. 6, § 21, as amended 1867, ch. 12, § 6, and 1868, ch. 18, § 12, empowered the trustees to fix the board of private patients. And §§ 22 and 23, as amended 1867, ch. 12, § 18, provided payment for public patients. Repealed by 1868, ch. 18, § 13.

SEC. 3178. When discharged.— 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, ch. 6, § 20, as amended 1867, ch. 12, § 5; 1868, ch. 18, § 11. This section is affected by § 2, ch. 19, acts 1874 (*ante*, § 3176).

SECOND HOSPITAL FOR THE INSANE.

Acts 1873, ch. 10, as amended 1874, ch. 20, 1875, ch. 118, provided that dealers in spirituous, vinous or malt liquors should pay annual license fee of \$10, in addition to all other license fees, and when the fund reached \$20,000, commissioners should locate and erect a state asylum for inebriates. Acts 1875, ch. 99, established this asylum at Rochester and provided for its operation. Acts 1878, ch. 91, transferred this property and funds to the second hospital for the insane and provided for special departments for the treatment of inebriates.

SEC. 3179. Location.— 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, ch. 91, § 1: "An act to locate and establish the second hospital for the insane of the state of Minnesota." Approved March 7, 1878.

SEC. 3180. Inebriate asylum property transferred to.— 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, ch. 91, § 2.

SEC. 3181. Appropriation for.— That there is hereby appropriated the sum of fifteen thousand dollars to said board of trustees, to be used for the com-

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pletion 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.

1878, ch. 91, § 3. Acts 1885, ch. 166, empowered the trustees to make all repairs for 1885, without letting out contract to lowest bidder.

THIRD HOSPITAL FOR INSANE.

SEC. 3182. **Location.**— There is hereby located and established at the city of Fergus Falls, in the county of Otter Tail, and state of Minnesota, a hospital for the insane of the state of Minnesota, to be under the charge and control of the board of trustees for the insane of Minnesota.

1887, ch. 254, § 1: "An act to locate and establish the third hospital for the insane of the state of Minnesota and making appropriation for the purchase of land and construction of buildings." Approved March 3, 1887. Acts 1885, ch. 161, appointed a commission to locate a site for the third hospital for the insane at some point north of the south line of Anoka county, projected east and west, to receive proposals of donation, prepare plans, etc., and report to next session of legislature.

SEC. 3183. **Appropriations.**— That there is hereby appropriated the sum of ninety-four thousand two hundred and eighty dollars (\$94,280) to said board of trustees, to be used as follows, viz: The sum of twenty-four thousand two hundred and eighty dollars (\$24,280) for the purchase of the following described lands, viz: The north-west quarter (NW $\frac{1}{4}$) of the south-east quarter (SE $\frac{1}{4}$); the north-west quarter (NW $\frac{1}{4}$); the south-west quarter (SW $\frac{1}{4}$); and the west half (W $\frac{1}{2}$) of the north-east quarter (NE $\frac{1}{4}$) of section twenty-seven (27); the south-half (S $\frac{1}{2}$) of the south-west quarter (SW $\frac{1}{4}$) of section twenty-two (22); the south half (S $\frac{1}{2}$) of the south-east quarter (SE $\frac{1}{4}$) of section twenty-one (21), all in township one hundred and thirty-three (133) north, range forty-three (43) west, in the county of Otter Tail, state of Minnesota—being five hundred and ninety-six (596) acres. The sum of fifty thousand dollars (\$50,000) for building and furnishing two detached wards to accommodate three hundred (300) patients, and the sum of twenty thousand dollars (\$20,000) for building a boiler-house, laundry, shops and stables, the purchase of boiler and engine, and for sewerage and water connections.

Of said appropriation forty-four thousand two hundred and eighty dollars (\$44,280) to be available at once; twenty-five thousand dollars (\$25,000) during the fiscal year ending July thirty-first (31st), one thousand eight hundred and eighty-eight (1888) and twenty-five thousand dollars (\$25,000) during the fiscal year ending July thirty-first (31st) one thousand eight hundred and eighty-nine (1889).

1887, ch. 254, § 2.

SEC. 3184. **Superintendent and physicians.**— That the superintendent and corps of physicians appointed for the third hospital for the insane, located at Fergus Falls, shall be of the school of homœopathy and the board of trustees of the hospital for the insane of Minnesota, are hereby directed to make appointments in accordance herewith, as soon as such hospital is ready for patients.

1887, ch. 147: "An act to provide for the appointment of a superintendent and corps of physicians for the third Minnesota hospital for insane, located at Fergus Falls." Approved March 4, 1887.

REMOVAL OF INSANE CONVICTS FROM STATE PRISON TO HOSPITAL.

SEC. 3185. **Examination of convict.**— 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 em-

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ploying 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, ch. 18, § 1, as amended 1877, ch. 42, § 5, by striking out words "or imbecile." Acts 1872, ch. 18, entitled "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.

SEC. 3186. Report of examination.— 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.

1872, ch. 18, § 2, as amended 1877, ch. 42, § 5, by striking out the words "or imbecile."

SEC. 3187. Order of removal.— 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.

1872, ch. 18, § 3.

SEC. 3188. Receipt.— 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.

1872, ch. 18, § 4.

SEC. 3189. Remanded to prison when 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.

1872, ch. 18, § 5.

SEC. 3190. Term of sentence — 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].

1872, ch. 18, § 6.

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TITLE 2.

INSTITUTE FOR DEFECTIVES.

The law of 1858, which established an institute for the deaf, dumb and blind, and amendatory acts were consolidated in revision of 1866, and formed title 2, ch. 35, of G. S. This was amended by acts 1867, ch. 11; 1868, ch. 17; 1874, ch. 18. Laws of 1887, ch. 205, revised this subject and created an institute for defectives, and repealed title 2, ch. 35, of G. S., and acts 1881, ch. 145, which provided for a school for idiots and imbeciles to be connected with this institute.

ESTABLISHED.

SEC. 3191. **Name — Location.**— That the institution heretofore established at Faribault, Minnesota, for the education of the deaf, dumb and blind and styled "The Minnesota Deaf, Dumb and Blind Institute" shall hereafter be known and designated as "The Minnesota Institute for Defectives." It shall be located at Faribault and shall consist of three departments, to wit:

The School for the Deaf.

The School for the Blind.

The School for the Feeble-minded.

1887, ch. 205, § 1: "An act for the better regulation of the Minnesota institute for the deaf, the blind and the feeble-minded." Approved March 3, 1887. This section supersedes § 17, ch. 35, G. S., designating deaf, dumb and blind institute; and § 1, ch. 145, acts 1881, creating a school for idiots and imbeciles. The former commenced under acts 1866, ch. 8, and the latter under 1881, ch. 146; and 1885, ch. 159. Acts 1881, Ex. S. ch. 48, authorized the purchase of certain land, not exceeding four blocks.

BOARD OF DIRECTORS.

SEC. 3192. **Appointment — Term — Vacancies.**— Said institute shall be controlled by a board of five (5) directors together with the governor and superintendent of public instruction who shall be ex-officio members of said board, such directors shall be appointed by the governor by and with the advice and consent of the senate for the term of five (5) years each and until their successors are appointed and qualified; *provided*, that the present members shall serve for the full term for which they were respectively appointed. All vacancies occurring in said board shall be filled by appointment in like manner as aforesaid to fill the unexpired term.

1887, ch. 205, § 2. Supersedes and substantially same as § 18, ch. 35, of G. S., and supersedes § 2, ch. 145, acts 1881, which placed the school for idiots under control of directors of deaf, dumb and blind institute.

SEC. 3193. **General powers.**— Said directors shall have the general management and supervision of said institute, shall prescribe all rules and regulations for the government thereof and the admission of pupils thereto and generally perform all acts necessary to render the institute efficient for the purposes for which the same is established, to wit: * the relief and instruction of the deaf, the blind, the feeble-minded and for the care and custody of the epileptic and idiotic of the state and they may introduce and establish such trades and manual industries as in their judgment will best train their pupils for future self-support.

1887, ch. 205, § 4. Supersedes and substantially § 20, ch. 35, of G. S. except below *, which is new.

SEC. 3194. **Hold property in trust.**— The board of directors shall take and hold in trust for said institute all lands or other property granted, given, devised or conveyed to the Minnesota deaf, dumb and blind institute, or hereafter to be granted, given, devised or conveyed to this Minnesota institute for defectives to be applied and used at Faribault aforesaid, and * any moneys now or hereafter appropriated or intrusted to said institute may be drawn at

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any time from the state treasury upon the order of the board of directors and the presentation of proper vouchers to the state auditor.

1887, ch. 205, § 9. Below * is § 24, ch. 35, of G. S.

SEC. 3195. **Elect officers — Quorum.**— Said board of directors shall annually elect from their number a president, treasurer and secretary who shall hold their offices until their successors are chosen and qualified and they shall annually elect a steward whose compensation shall be fixed by the said board.* Three (3) of said directors shall constitute a quorum and they shall hold monthly meetings for the transaction of business.

1887, ch. 205, § 3. Supersedes and same as § 19, ch. 35, of G. S., as amended 1868, ch. 17, § 1, except below *, which is new.

TREASURER.

SEC. 3196. **Bond — Duties.**— The treasurer elect of the board shall, before entering upon the duties of his office, give a bond in an amount and executed in the manner prescribed by chapter one hundred and thirty-one (131)¹ of the general laws of eighteen hundred and eighty-three (1883), or other laws of this state, and shall safely keep and faithfully disburse all moneys coming into his hands for the use of said institute, shall keep separate accounts with all general and special funds appropriated for said institute and render an exact and detailed account of each and all expenditures whenever the said board shall require, and shall receive such compensation for his services as said board shall fix not to exceed one hundred (\$100) dollars per annum. The secretary shall perform such services consistent with his office as said board shall require, and shall receive for such services a sum not exceeding three hundred (300) dollars per annum.

1887, ch. 205, § 8. Supersedes and contains substance of §§ 21 and 23, ch. 35, of G. S., as amended 1868, ch. 17, § 2; 1874, ch. 18, § 1; 1881, ch. 76.

SUPERINTENDENT.

SEC. 3197. **Appointment — Duties.**— Said board of directors shall appoint competent superintendents of said several departments to hold their offices during the pleasure of the board. Such superintendents shall name all the subordinate officers of their several departments, and such nominations shall be confirmed or rejected by the board.

1887, ch. 205, § 5.

REPORTS.

SEC. 3198. **Of officers and directors.**— On or before the first (1st) day of November of each year and oftener, if required, the several superintendents, steward and treasurer shall render to the board of directors full and complete reports of their several lines of work accompanied by such recommendations as may seem to them wise and proper and biennially on or before the first (1st) day of December preceding the regular sessions of the legislature the said board of directors shall furnish the governor a printed report of said institute for the two years ending on the preceding July 31st. Said report shall contain a full history of the several schools of the institute with reports of the superintendents and other officers of the institute such as is common from like institutions in the country. It shall contain a complete statement of the accounts with all the funds general and special appropriated or belonging to said institute with a detailed statement of disbursements. The state authorities shall print and deliver to the proper officers for the use of the legislature and state officers five (5) copies for each and shall deliver to

¹ This act is §§ 685-689, ch. 6, *ante*.

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the officers of said institute the number estimated by them to be necessary for the use thereof not to exceed five (5) for each member enrolled therein.

1887, ch. 205, § 10. Supersedes § 26, ch. 35, of G. S., which specifically stated the matter to be reported.

ADMISSION TO INSTITUTE.

SEC. 3199. Who admitted.— All deaf persons, all blind persons, and all feeble-minded persons residents of this state, who in the opinion of the several superintendents are of suitable age and capacity to receive instruction in these schools and whose defects prevent them from receiving proper training in the public schools of the state, and all idiotic and epileptic persons residents of the state, may be admitted to their respective departments and receive the benefit of this institute free of charge subject to such rules and regulations as may be made by the board of directors, and they shall be provided by their friends, relatives or the county from which they came, sufficient funds to furnish them with proper clothing, postage and transportation.

1887, ch. 205, § 6. Supersedes but contains the substance of § 25, ch. 35, of G. S., and as amended by 1867, ch. 11, § 1. Supersedes § 3, ch. 145, acts 1881. By acts 1879, ch. 31, § 4 (*ante*, ch. 6), the trustees of deaf, dumb and blind institute were authorized to receive such weak-minded and idiotic children and youths as may be sent them under the provisions of that act.

SEC. 3200. Indigent and destitute persons.— All indigent and destitute persons, who are proper subjects for this institute and those who have no parents, friends or guardians known to the authorities of their respective counties able to provide for them, are hereby made a charge upon the several counties in which they reside, for the sum fixed by the said board for the postage, clothing and transportation of such persons not to exceed for each the sum of forty (40) dollars annually, which facts of destitution and indigence shall be established *prima facie* by the certificate thereof of the judge of probate of the county where such persons respectively reside, and upon the presentation of a certificate of the superintendent attested by the secretary of the board to the auditor of any county, that such destitute or indigent person is a regular and proper inmate of his department of this institute from such county and of the sum fixed by the board as a condition of admission said auditor shall draw his order on the treasurer of his county in favor of such superintendent for such sum of money as has been fixed as aforesaid by the board as a condition of the admission to this institute, not to exceed the sum of forty (40) dollars, and annually thereafter on or before the first (1) day of October of each year, upon the receipt of the report of the superintendent as to the condition of such fund he shall draw his further order upon the treasurer of his county for such sum which added to the balance in the hands of said superintendent shall equal the sum so fixed by the board of directors, so long as such person shall remain at said institute, and the county treasurer upon whom such order is drawn shall pay the same upon presentation, and the said superintendent shall use the said fund only in supplying said inmate with proper clothing, postage and transportation, and shall keep and render annually on the first (1) day of August to the board of directors and to such county auditors a strict and detailed account thereof.

1887, ch. 205, § 7. Supersedes and contains substance of § 5, ch. 145, acts 1881, and acts 1885, ch. 160.

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SECS. 3201, 3202.] CHARITABLE INSTITUTIONS — STATE REFORM SCHOOL.

TITLE 3.

STATE REFORM SCHOOL.

Acts 1866, ch. 7, incorporated State House of Refuge, amended by acts 1867, ch. 15. Acts 1868, ch. 15, changed name to Minnesota State Reform School. Acts 1868, ch. 16, consolidated all the laws. Acts 1870, ch. 7, consolidated and amended the previous laws, and this act was subsequently amended by acts 1870, ch. 8; 1871, ch. 9; 1872, ch. 28; 1873, ch. 121; 1875, ch. 102; 1879, ch. 98; 1883, ch. 37; 1885, ch. 83; 1889, chs. 259, 260, 261. Acts 1887, ch. 200, an act to remove the state reform school and relocate the same, appointed commissioners to select a site, and empowered board of managers to sell the present buildings and land and buy and construct on new site. Acts 1889, ch. 258, approved February 28th, provided for the platting and sale of the present site, and purchase of new site within four miles of court-house in city of Red Wing, erection of buildings, borrowing money, and that fund arising from sale of present site constitute reform school fund. Acts 1889, ch. 155, approved April 24th, required the filing and recording of the plat made under ch. 258, acts 1889, and to pay assessments and taxes for local improvements assessed against present site to treasurer of St. Paul.

BOARD OF MANAGERS.

SEC. 3201. **Appointment — Term — Vacancy.**— The Minnesota state reform school shall be managed and conducted on behalf of the state, and as a state institution, by a board of five (5) managers, three (3) 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. Within thirty (30) days after the approval of this act the governor of this state shall appoint a competent person to serve as manager on said board for the term of five (5) years from and after the second (2nd) Monday in January, one thousand eight hundred and eighty-nine; and on the second (2nd) Monday of January in each and every year hereafter, the governor of this state shall appoint one competent person to serve as manager on said board for the term of five (5) years, provided that the person appointed as such manager to succeed that member of said board whose term of office expired on the second (2nd) Monday of January, one thousand eight hundred and eighty-nine (1889), shall be so appointed for the term of four (4) years, and within twenty (20) days after such annual appointment the governor shall designate one (1) of said managers to act as president of said board for the term of one (1) year, and until his successor shall be designated; and the governor shall duly notify said board of such appointment at their first (1st) regular meeting thereafter; and the said managers shall always, at their first (1st) regular meeting after the appointment of the president, elect by a plurality of votes, such other officers of 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 of 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, ch. 7, § 1: "An act to consolidate the various acts relating to the Minnesota state reform school and to amend the same," approved March 3, 1870, as amended 1889, ch. 260. Amendment increased the board of managers from four to five and term of office from four to five years.

POWERS AND DUTIES.

SEC. 3202. **Management — Rules.**— Said board of managers shall have the care, control and management of said institution, and shall establish such regulations respecting the religious and moral education, training, employ-

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ment, discipline and safe keeping of its inhabitants as may be deemed expedient and proper.

1870, ch. 7, § 2, as amended 1889, ch. 260. Amendment struck out Ramsey county.

SEC. 3203. By-laws — Officers — Reports — Removal.— 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.

Removal to reformatory.— * The said managers shall have authority to transfer to the care and guardianship of the board of managers of the state reformatory any inmate of the state reform school whose presence is deemed by them to be seriously detrimental to the interests of the institution; or who is deemed by them to be a proper subject for the discipline of the reformatory, rather than the reform school.

Provided, that the board of managers of the said reformatory shall consent to receive him, and such inmate when so transferred shall be in all respects subject to the rules, regulations and discipline of the said reformatory during the period for which he shall have been originally committed to the said reform school.

1870, ch. 7, § 7, as amended 1889, ch. 259. Amendment below *. Section 6 of this act and acts 1873, ch. 121, § 6; 1875, ch. 102, providing that the counties pay the expense, was repealed by acts 1883, ch. 37, § 4 (*ante*, § —), which enacted that the state pay the expense. Section 8 of this act related to the liberty of conscience (*post*, § 3274).

SEC. 3204. Highways through grounds.— 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.

1870, ch. 7, § 10.

SEC. 3205. Property exempt from taxation.— That the grounds and buildings erected thereon for the use of the said school shall be exempt from taxation.

1870, ch. 7, § 9.

COMMITMENT.

SEC. 3206. Who — Duties of managers.— 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 manifestly requisite that, from regard to the morals and future welfare of such

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SECS. 3207, 3208.] CHARITABLE INSTITUTIONS — STATE REFORM SCHOOL.

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 — 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.

When over sixteen.— * Whenever the said board of managers shall ascertain that any person has been received into said school pursuant to the sentence of the district court, who, at the time of said sentence, was over sixteen (16) years of age, they may cause said person to be returned by the person in charge of said school to the custody of the sheriff of the county in which he was sentenced; and it is hereby made the duty of said sheriff to receive the said person into his possession and to hold him in custody subject to the order of the court. Whenever the sheriff of any county shall have regained the custody of any such person, he shall forthwith notify the county attorney of his county of the fact, and said county attorney shall thereupon move the court at the earliest opportunity thereafter to order said person to be brought before it. The court shall thereupon cause the prisoner to be brought before it at such time as shall seem expedient, and if it shall then appear that the prisoner was more than sixteen (16) years of age when sentenced to said reform school the court shall then proceed to sentence him for the crime of which he was convicted, regardless of the erroneous sentence previously imposed.

1870, ch. 7, § 3, as amended 1889, ch. 261. Approved April 2, 1889. Amendment below *.

SEC. 3207. Expense.— That the children received by said managers, under the conviction of any court within this state, shall be clothed, maintained and instructed by said managers at the public expense of the state.

1883, ch. 37, § 3, as amended 1885, ch. 83. Amendment struck out proviso requiring county to pay expense when infant committed for incorrigibility. This section supersedes first part of § 3, and all of § 4, ch. 28, acts 1872, which provided that if infant committed for crime other than incorrigibility, commissioners' consent not necessary. If committed for incorrigibility, the expense of maintenance to be borne by county.

SEC. 3208. Commitment by justice.— That whenever any infant under the age of sixteen (16) 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.

Acts 1872, ch. 28, § 1: "An act to secure proper commitments to the Minnesota state reform school," approved February 26, 1872, as amended 1883, ch. 37. Same as before amendment.

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SEC. 3209. Same — Evidence — Incurrigibility.— That no justice of the peace shall have power to commit any infant to said reform school upon a charge of incurrigibility, unless such charge is proved by at least two (2) disinterested witnesses, and no commitment for incurrigibility shall be sufficient to justify the admission of said incurrigible infant into the reform school unless such commitment be * approved by the judge of the district court of the district to which the county from which such infant is committed belongs, and no other consent or approval of any officer whatever shall be necessary to authorize the commitment; † but in all cases of conviction before a justice of the peace, whether for incurrigibility, or any other crime, the justice shall reduce all the evidence taken by him to writing, and state the name, age and residence of each witness examined, and transmit the same forthwith to the judge of the district court aforesaid, 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 proceeding shall be had.

1872, ch. 28, § 2, as amended 1883, ch. 37, § 2. Amendment below *. Before amendment county commissioners' consent required. Below † is second part of § 3, ch. 28, acts 1872. This section supersedes § 4, ch. 7, acts 1870, as amended 1871, ch. 9, which required the justice to attach to commitment the names and testimony of the witnesses, and obtain the consent of one county commissioner.

SEC. 3210. By United States courts.— That 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, ch. 98: "An act to authorize the commitment of United States convicts under the age of sixteen years to the state reform school." Approved March 10, 1879.

SEC. 3211. Execution of commitment.— 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, ch. 7, § 5. Section 6 of this act, as amended by acts 1875, ch. 102, was repealed by acts 1883, ch. 37, § 4.

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SECS. 3212-3214.] CHARITABLE INSTITUTIONS — STATE REFORMATORY.

TITLE 4.

STATE REFORMATORY.

Acts 1887, ch. 208, and 1889, ch. 256, constitute this title. Both repeal all inconsistent acts. Section 20 of acts 1887 appropriated \$50,000 for 1888 and \$50,000 for 1889.

ESTABLISHED.

SEC. 3212. **Location.**— There is hereby established on section seven (7), township thirty-five (35), range thirty (30), in the county of Sherburne, in this state, a state reformatory.

1887, ch. 208, § 1: "An act entitled an act to establish the Minnesota reformatory at St. Cloud, Minnesota, and to provide for the government thereof." Approved March 2, 1887.

BOARD OF MANAGERS.

SEC. 3213. **Appointment — Term — Vacancy — Removal.**— The government of said reformatory shall be under the control of a board of managers, consisting of six (6) citizens of this state, which board shall have general superintendence of said reformatory and shall conduct the same on non-partisan principles. They shall have no compensation for their services, but shall be allowed their reasonable traveling and other official expenses. The following named persons shall constitute the first board of managers of said reformatory, whose term of office, set opposite their names herein, shall date from the approval of this act by the governor: Gordon E. Cole, of Rice county term of office six (6) years; John Cooper, of Stearns county, term of office five (5) years; Robert Smith, of Ramsey county, term of office four (4) years; H. S. Griswold, of Fillmore county, term of office three (3) years; T. H. Barrett, of Stevens county, term of office two (2) years; G. W. Holland, of Crow Wing county, term of office one (1) year. The succeeding members of said board of managers shall be appointed by the governor by and with the advice and consent of the senate as soon as the respective terms of office aforesaid shall expire. They shall hold their office for six (6) years each and until their successors are appointed, provided that not more than three (3) persons, comprising said board, shall be appointed from the same political party, and that the appointments to fill vacancies occurring before the expiration of the term shall be for the unexpired term. Whenever a vacancy shall occur in said board of managers, by the refusal of either of the members thereof to act, or otherwise, such vacancies shall be filled by the governor, by and with the advice and consent of the senate, and when the senate is not in session by the governor, subject to the consent and approval of the senate, when it shall convene. The governor may remove any of the managers for misconduct, incompetency or neglect of duty, after opportunity shall be given them to be heard on written charges.

1887, ch. 208, § 2.

SEC. 3214. **Powers — Receive and transfer prisoners.**— The board of managers shall have power to transfer to the state prison at Stillwater any prisoner who subsequently to his committal shall be shown to have been at the time of his conviction more than thirty (30) years of age or to have been previously convicted of crime, and may also transfer any apparently incorrigible prisoner whose presence in the reformatory appears to be seriously detrimental to the well being of the institution to the state prison, and such managers may by written requisition require the return to the reformatory of any person who may have been so transferred.

From state prison.— They may also cause to be transferred any person or prisoner confined in the state prison who is serving out his first sentence

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therein to the reformatory under such rules and regulations as the board of managers of said state reformatory, and the board of managers of the state prison in joint session shall prescribe.

From reform school.— They shall have authority to receive and imprison inmates of the state reform school who may be transferred by the board of managers of the state reform school to the state reformatory in accordance with the provisions of law in respect thereto, and such inmates, when transferred to the state reformatory, shall be under the guardianship of the board of managers of the said reformatory during their minority, subject to parole and release in like manner and under like conditions to persons sentenced to the said reformatory.

Rules and regulations.— Such board of managers shall have power to establish rules and regulations under which prisoners within the reformatory may be allowed to go upon parole outside of the reformatory buildings and enclosures and to remain while on parole in the legal custody and under the control of the board of managers, and subject at any time to be taken back within the enclosure of said reformatory, and full power to enforce such rules and regulations and to retake and to re-imprison any convict so upon parole is hereby conferred upon said board, whose written order, certified by its secretary, shall be a sufficient warrant for all officers named in it to authorize such officers to return to actual custody any conditionally released or paroled prisoner, and it is hereby made the duty of all officers to execute said order, the same as ordinary criminal process.

The said board of managers shall also have power to make all rules and regulations necessary and proper for the employment, discipline, instruction, education, removal, temporary or conditional, release or return as aforesaid of all convicts in said reformatory.

Good conduct.— The board of managers are hereby authorized to receive and retain, during their term of sentence to the state prison, such prisoners so transferred from said state prison as aforesaid, and the laws applicable to the convicts in the state prison, so far as they relate to the commutation of imprisonment for good conduct, shall be applicable to said convicts when so transferred.

1887, ch. 208, § 14, as amended 1889, ch. 256. Approved April 24, 1889.

SEC. 3215. General control of grounds, etc.— Said board of managers shall have the charge and general superintendence of the grounds, and the grading and improvement thereof, and of the construction of the reformatory and the necessary shops and appurtenances, and they are hereby authorized to purchase the necessary building materials for the same and employ all the necessary labor.

Supplies — Lowest bidder.— All purchases of materials and supplies to the amount exceeding five hundred (500) dollars shall be made by contract and awarded to the lowest responsible bidder, after notice published for two (2) weeks in one daily newspaper published at the capital of the state, and in each of the newspapers published in the county where the reformatory is located, when sealed proposals will be received for the supply of the materials and supplies required.

1887, ch. 208, § 5.

SEC. 3216. Control over prisoners — Duties.— It shall be the duty of said board of managers to maintain such control over all prisoners committed to their custody as shall prevent them from committing crime, but secure their self support and accomplish their reformation. When any person shall be received into the reformatory upon direct sentence thereto, the superintendent shall cause to be entered in a register the date of such admission, the name, age, nativity, nationality, with such other facts as can be ascertained of parentage, of early social influences, as seem to indicate the constitutional and

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SECS. 3217-3219.] CHARITABLE INSTITUTIONS — STATE REFORMATORY.

acquired defect and tendencies of the prisoner, and based upon these an estimate of the present condition of the prisoner, and the best probable plan of treatment. Upon such register shall be entered, quarter-yearly or oftener, minutes of observed improvement or deterioration of character, and notes as to methods of treatment employed, also all orders or alterations affecting the standing of such prisoner, the circumstances of the final release and any subsequent facts of his or her personal history which may be brought to the knowledge of said superintendent.

1887, ch. 208, § 15.

SEC. 3217. Education and instruction of prisoners.— The board of managers shall make suitable provision for the education and instruction of the prisoners in the trades or employments for which they shall seem best fitted, provided that said board shall retain the control of the convict labor in their own hands.

The system of convict labor is prohibited in said reformatory.

1887, ch. 208, § 18.

SEC. 3218. Credit for good conduct.— The board of managers shall, under a system of marks or otherwise, fix upon a uniform plan under which shall be determined what number of marks or what credit shall be earned by each prisoner confined in the reformatory under the provisions of this act, as the condition of increased privileges or of release from their control, which system shall be subject to revision from time to time. Each prisoner so confined shall be credited for good personal demeanor, diligence in labor and study and for results accomplished, and be charged for derelictions, negligences and offences. An abstract of the record in the case of each prisoner remaining under the control of said board of managers shall be made up semi-annually, considered by the managers at a regular meeting and filed with the secretary of state, which abstract shall show the date of admission, the age, the then present situation, whether in the reformatory or state prison or elsewhere, whether any and how much progress or improvement has been made, and the reason for the release or continued custody, as the case may be. The managers shall establish rules and regulations by which the standing of each prisoner's account of marks or credits shall be made known to him as often as once a month, and may make provision by which the prisoner may see and converse with some one of said managers during every month. When it appears to said managers that there is a strong or reasonable probability that any prisoner will live and remain at liberty without violating the law, and that his release is not incompatible with the welfare of society, they shall issue to such prisoner an absolute release from imprisonment, provided that the minimum term prescribed by law has expired, and shall certify the fact of such release and the grounds thereof to the governor. The governor may thereupon in his discretion restore such person to citizenship. But no petition or other form of application for the release of any prisoner shall be entertained by the managers.

1887, ch. 208, § 16.

SEC. 3219. Pecuniary assistance.— It shall be the duty of said board of managers either by the allotment of piece work to the convict and crediting him with all overwork at the current rates which similar labor commands, or in such other mode as may in their discretion seem most desirable; to make such provision for the pecuniary assistance of the prisoner on his discharge, or the support of his family while he is in confinement, as may seem to them proper. And it shall be the duty of said board of managers, either themselves or through some prisoners' aid society to be organized by them, to exercise a supervision over all discharged prisoners with a view to keeping them in paths of honesty.

1887, ch. 208, § 19, as amended 1889, ch. 257. Approved April 24, 1889. Amendment struck out the provision empowering the managers to regulate the money due for extra work.

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CHARITABLE INSTITUTIONS — STATE REFORMATORY. [SECS. 3220-3225.]

SEC. 3220. **Parole of life convicts.**— No life convict who shall have been transferred to the state reformatory shall be paroled until the approval and authority of the governor shall have been given for such parole, and no such paroled life convict shall be unconditionally released by the board of managers, but such convict shall remain in the legal custody of the said board of managers, and be subject at any time to be taken back within the enclosure of said reformatory during the term of his natural life, unless the governor shall sooner issue a pardon for such convict.

1889, ch. 256, § 2, which amended acts 1887, ch. 208, by adding above section.

SEC. 3221. **Examine accounts, etc.**— The board of managers shall examine all the accounts, expenditures and vouchers relating to the business of the reformatory, monthly, and shall certify their approval or disapproval of the same to the auditor of the state.

1887, ch. 208, § 4.

SEC. 3222. **Report to governor.**— It shall be the duty of such board of managers, on or before the tenth (10th) day of January in each year to report to the governor the condition of said reformatory and their proceedings in regard to the inmates, the progress of the work of construction, the amount of money expended, and of the current expenditures in the conduct and management of such reformatory, with a detailed statement thereof, with such recommendations as the board of managers may deem proper.

1887, ch. 208, § 6.

SEC. 3223. **Joint session with state prison managers.**— It shall be the duty of the board of managers of the state prison and board of managers of the state reformatory to meet in joint session at the state capitol, in the city of St. Paul, on the second (2nd) Tuesday in May, one thousand eight hundred and eighty-nine (1889), and as often thereafter as the governor may direct, and the governor shall be ex-officio president of such joint session. The said boards of managers in joint session shall prescribe rules and regulations for the transfer of convicts from the state prison to the state reformatory, and of inmates of the state reformatory school to the state reformatory. And they shall provide for the transfer of and cause to be transferred not less than fifty (50) nor more than [one hundred (100) seventy-five (75)] prisoners from the state prison to the state reformatory during the year eighteen hundred and eighty-nine (1889); and may transfer to the state prison any of such prisoners whenever there shall be more transferred and duly sentenced to said reformatory than can there be accommodated. *Provided*, that no life convicts shall be transferred from the state prison to the state reformatory until he shall have first served a term in the state prison of at least twenty-one (21) years, less the diminution which would have been allowed by law for good conduct had he been sentenced for a term of twenty-one (21) years. They shall also consider any matters which may be brought to their attention pertaining to the joint interest of the two (2) institutions, and shall take such action as they shall deem proper thereupon.

1889, ch. 256, § 2, which amended acts 1887, ch. 208, by adding thereto the above section.

OFFICERS.

SEC. 3224. **Appointment.**— The board of managers shall appoint a general superintendent and shall have power to remove him for cause, after opportunity shall be given him to be heard upon written charges. All other officers shall be appointed by the superintendent and removable at his pleasure.

1887, ch. 208, § 3.

SEC. 3225. **Appoint state agent.**— The said board of managers, in joint session, may at any time when they deem it necessary, appoint a state agent

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SECS. 3226-3229.] CHARITABLE INSTITUTIONS — STATE REFORMATORY.

for the aid and supervision of discharged prisoners. The said state agent shall receive such salary as they shall fix and determine, together with the necessary traveling expenses incurred in the discharge of his duties, and shall perform such duties as they may prescribe in behalf of the prisoners discharged from the state prison, the state reformatory or any other public prison in this state. It shall be his special duty to assist discharged prisoners in obtaining employment.

The salary and expense of the said state agent shall be paid from the current expense fund of the state prison and state reformatory, and shall be divided between the two institutions in proportion to the appropriation made by the legislature for their current expenses.

1889, ch. 256, § 2, which amended 1887, ch. 208, by adding above section.

SEC. 3226. Appoint supervisor of prisoners released on parol.— The said managers may appoint suitable persons in any part of the state charged with the duty of supervising prisoners who are released on paroles, and who shall perform such other lawful duties as may be required of them by the managers, and such persons shall be subject to direction and removal by said managers and shall be paid for the duties actually performed under the direction of said managers, a reasonable compensation for their services and expenses. The same shall be charged upon and paid from the earnings or other funds of the reformatory.

1887, ch. 208, § 17.

SEC. 3227. Oath and bond.— Every officer who shall be appointed in pursuance of the provisions of this act, shall take and file in the office of the secretary of state, within fifteen (15) days after his appointment, the constitutional oath of office, and the superintendent and such other officers, as shall be required by the state auditor so to do shall respectively give bonds to the state in such penalty and with such sureties as the state auditor shall approve conditioned for the faithful performance of their duty as required by law.

1887, ch. 208, § 8.

SEC. 3228. Compensation.— The annual compensation of the several officers, keepers, guards and teachers of the reformatory shall be fixed by the said board of managers, in their discretion, at sums not exceeding the following: For the superintendent, thirty-five hundred (\$3,500) dollars; to the physician, one thousand (\$1,000) dollars; to the principal keeper one thousand (\$1,000) dollars; to the clerk, one thousand (\$1,000) dollars; to the chaplain, one thousand (\$1,000) dollars, who shall perform such duties as teacher as shall be assigned to him by the board of managers, without additional compensation; to the storekeeper, six hundred (\$600) dollars; to the hall-keeper, six hundred (\$600) dollars; to the yard-keeper, six hundred (\$600) dollars; to the keepers, each, five hundred (\$500) dollars; to the guards, each, forty (\$40) dollars per month; to the sergeant of the guard, six hundred (\$600) dollars; to the teachers, each, three hundred (\$300) dollars; all of said officers, except the physician, shall be boarded and lodged at the expense of the state, and if, for any reason, the term of service of any of them shall terminate before the end of the year, their compensation shall be paid only for the term of service at the rate of the annual compensation above provided, and such salaries shall be in full for all services performed by them.

1887, ch. 208, § 7.

COMMITMENT.

SEC. 3229. Imprisonment.— Any person who shall be convicted of an offence, punishable by imprisonment in the Minnesota state reformatory, and who, upon such conviction, shall be sentenced to imprisonment therein, shall be imprisoned according to this act and not otherwise.

1887, ch. 208, § 9.

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CHARITABLE INSTITUTIONS — STATE REFORMATORY. [SECS. 3230-3233.]

SEC. 3230. Age of prisoner.— Any person not exceeding thirty (30) years of age, nor less than sixteen (16) years of age, who has never before been convicted of crime, may, in the discretion of the court before which such person is tried, be sentenced to said reformatory.

1887, ch. 208, § 10.

SEC. 3231. Sentence — Term.— Every sentence to the reformatory of a person hereafter convicted of felony or misdemeanor, shall be a general sentence to imprisonment in the Minnesota state reformatory at St. Cloud, and the courts of this state imposing such sentence shall not fix the limit or duration thereof. The term of such imprisonment of any person so convicted and sentenced shall be terminated by the managers of the reformatory as authorized by this act, but such imprisonment shall not exceed the maximum term provided by law for the crime for which the prisoner was convicted and sentenced, nor be less than the minimum term provided by law.

1887, ch. 208, § 11.

SEC. 3232. Record of conviction.— Every clerk of any court by which a criminal shall be sentenced to the Minnesota state reformatory shall furnish the officers having such criminal in charge a record, containing a copy of the indictment and of the plea, the name and residence of the judge presiding at the time, also the jurors and witnesses sworn on the trial, such synopsis of the testimony as the judge may direct, the charge of the court, the verdict, the sentence pronounced and the date thereof, which record, duly certified by the clerk under his hand and official seal, may be used as evidence against such criminal in any proceeding taken by him for a release from imprisonment by habeas corpus. The said synopsis of the testimony taken on the trial and of the charge of the court shall be furnished to the clerk for the purposes of this act by the stenographer acting upon the trial, or, if no stenographer be present, by the county attorney of the county. The stenographer or county attorney furnishing such copy shall be entitled to such compensation in every case in which they shall perform the duties required by this act as shall be certified to be just by the presiding judge at the trial, and shall be paid by the county in which the trial is had as part of the court expenses. The clerk shall also, upon any such conviction and sentence, forthwith transmit to the superintendent of the reformatory notice thereof.

1887, ch. 208, § 12.

SEC. 3233. Taking prisoner to reformatory.— Upon the receipt of such notice, the superintendent, in person, or a subordinate officer of the reformatory, by said superintendent for that purpose duly delegated, shall proceed to the place of the trial and conviction, and the sheriff, or keeper of the jail, having the custody of the convict, shall deliver him to such superintendent or delegated officer with the record of his trial and conviction, as made up by the clerk, and such convict shall thereupon be conveyed to the reformatory, the expense of which conveyance shall be charged against and paid out of the earnings of other funds of the reformatory.

1887, ch. 208, § 13.

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SECS. 3234-3239.] CHARITABLE INSTITUTIONS — STATE PUBLIC SCHOOL.

TITLE 5.

STATE PUBLIC SCHOOL.

HOME FOR DEPENDENT AND NEGLECTED CHILDREN ESTABLISHED.

SEC. 3234. **Commissioners to select and construct.**—The governor shall appoint five (5) commissioners for the purpose of selecting a suitable location and erecting thereon suitable buildings for a state school or temporary home for dependent and neglected children, such institution to be known as the state public school.

1885, ch. 146, § 1: "An act to provide for establishing and conducting a state public school." Approved March 9, 1885. Section 4 of this act appropriated \$10,000 for 1886, and \$10,000 for 1887, for the purpose of carrying into effect the provisions of this act.

SEC. 3235. **Give bond.**—Said commissioners, before they enter upon the duties of their office, shall each take and subscribe an oath of office and file the same in the office of secretary of state, and the treasurer of said commissioners shall execute an official bond to the state of Minnesota in the penal sum of ten thousand (10,000) dollars with two (2) good and sufficient sureties approved by the governor, conditioned for the faithful performance of the duties required of him, and to properly account for all moneys received by him under this act.

1885, ch. 146, § 7.

SEC. 3236. **Commissioners' powers.**—The said commissioners shall have the superintendence of the grounds and the design and construction of the necessary buildings with power to appoint an architect, superintendent and other necessary agents and assistants, and to fix the compensation for their services, subject to the approval of the governor; the principal building to have a capacity for not less than one hundred (100) children.

1885, ch. 146, § 6.

SEC. 3237. **Proposals for donation.**—The said commissioners shall have power to receive proposals for the donation of land to the state for such site, and to receive the same by gift, or they may purchase such site if no proper location shall be given for that purpose; and they may receive donations of money or other securities in behalf of the state of Minnesota for the benefit of such school, and they may locate the same at such point as they shall deem for the best interests of this state. They shall receive no pay for their services under this act except their traveling and other official expenses. That the governor shall be *ex-officio* a member of such board.

1885, ch. 146, § 2.

SEC. 3238. **Deeds — Secretary and treasurer.**—That the deeds for such site shall be duly executed to the state of Minnesota and delivered to the state auditor, and the state treasurer thereupon is hereby directed to pay on the warrant of the state auditor to such grantor of whom such site shall be purchased, in case of the purchase of the same, such sums of money as may be required to pay for the site; *provided*, that not over one thousand (1,000) dollars shall be paid for that purpose. The said commissioners shall, at their first meeting, appoint from their members a secretary and treasurer.

1885, ch. 146, § 3.

SEC. 3239. **Secretary to report.**—It shall be the duty of the secretary of said commissioners to render annually to the state auditor accounts current of all cash transactions and all moneys received, with the proper vouchers, and no money shall be drawn by said commissioners unless they shall have

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CHARITABLE INSTITUTIONS — STATE PUBLIC SCHOOL. [SECS. 3240-3242.]

first filed with the state auditor an estimate and statement showing the purpose for which money is required.

1885, ch. 146, § 5.

SEC. 3240. Public notice when ready for children.— When the state public school shall be finished, the said commissioners shall make under their hands a certificate thereof, which shall be transmitted to the governor, who shall thereupon give public notice that the same is ready for the reception of dependent and neglected children. That after the completion of the state public school building, and until the last day of the session of the legislature next succeeding such completion, said commissioners shall have the control and government of said public school with the same authority and duties as are given to the board named in section nine (9)¹ of this act.

1885, ch. 146, § 8.

BOARD OF CONTROL.

SEC. 3241. Appointment — Term — General powers.— The general supervision and government of said state public school shall be vested in a board of control, to consist of three (3) members, who shall be appointed by the governor, by and with the advice and consent of the senate, the members of which board shall hold their offices for the respective terms of two (2), four (4) and six (6) years from the last day of the session of the legislature next after the completion of the state public school building, and until their successors shall be appointed and qualified, said respective terms of office to be designated in their several appointments, and thereafter there shall be one (1) of the said board appointed every two (2) years whose term of office shall continue for six (6) years, or until his successor is appointed and qualified; the members of the said board shall constitute a body corporate, under the name and style of the board of control of the state public school, with the right of suing and being sued, of making and using a common seal and altering it at pleasure. That said board of control shall have the power of taking and holding by purchase, gift, donation, devise or bequest real or personal estate to be applied to the use of the institution.

1885, ch. 146, § 9.

SEC. 3242. Meetings — Officers — Rules.— It shall be the duty of said board of control to meet once in three (3) months on its own adjournments, and oftener if necessary, that the said board shall elect from its own number a president and secretary; also, a treasurer, who may or may not be a member of the said board, each of whom shall hold his office during the pleasure of the said board; that the said treasurer shall give his bond to the people of this state, with two (2) or more sufficient sureties, to be approved by the said board and the governor, in the penal sum of at least ten thousand dollars (\$10,000), or in such additional penal sum as said board may require, conditioned for the faithful performance of the duties required of him by law, and to account for and pay over, as required by law, all moneys received by him as such treasurer, and when not a member of said board may be paid for his services as other employes of said institution.

Rules.— The said board of control shall establish a system of government for the institution, and shall make all necessary rules and regulations for enforcing discipline, imparting instruction, preserving health and for the proper physical, intellectual and moral training of children.

Officers of institution.— The said board shall appoint a superintendent, a matron and such other officers, teachers and employes as shall be necessary, who shall severally hold their offices or places during the pleasure of said

¹Sec. 3241, *post*.

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SECS. 3243-3245.] CHARITABLE INSTITUTIONS — STATE PUBLIC SCHOOL.

board, and said board shall prescribe their duties and fix their salaries subject to the approval of the governor.

1885, ch. 146, § 10.

SEC. 3243. General duties of board.— It is declared to be the object of this act, to provide for such children a temporary home only in said school until homes can be procured for them in good families. The said board of control is hereby made the legal guardian of all children, who shall become inmates of the said school. It shall be the duty of said board of control to use special diligence in providing suitable homes for such children, and it is hereby authorized to place them in such families on a written contract during minority or until eighteen (18) years of age in the discretion of said board of control; providing for their education in the public schools where they may reside, for teaching them some useful occupation, for kind and proper treatment as members of the family where placed, and for the payment on the termination of such contract to said board of control for the use of the child any sum of money that may be provided for in said instrument.* When [ever] any ward of said board, who is not indentured has become self-supporting, the said board may so declare by resolution, and the guardianship of said board shall thereupon cease, and the child shall thereafter be entitled to its own earnings. Whenever one or both of the parents of any ward of said board, who is not indentured, have become able to support and educate it; the child may by resolution of said board be restored to its parents, in which case the suitability of the home shall be certified in the same manner as herein required for placing children on indentures; and thereupon the guardianship of said board shall cease.

1885, ch. 146, § 13, as amended 1889, ch. 167, § 4. Amendment below*.

SEC. 3244. Record of children.— It shall be the duty of said board of control to provide and keep in said institution a record in which shall be entered the names, residence and ages of the children received, the residence, business habits and character of the parents, if living and known, the date of reception in school, the date of indenture contract, and the name, occupation and residence of the person with whom the child is placed. A brief history of each child shall be maintained during its minority.

1885, ch. 146, § 17, as amended 1889, ch. 167, § 8, by changing number of section to 21.

SEC. 3245. Reports — Expenses of board.— The said board of control shall biennially report to the governor, legislature, and superintendent of public instruction, presenting a detailed statement of the operations of said institution for the two (2) fiscal years preceding the regular session of the legislature, which shall include the report of the treasurer of said board of control of all receipts and disbursements in his office for the same period, and the report of the superintendent for the same period, setting forth the condition of said school, the names of regular employes and the salary of each, the number of children who have received instruction, the average number during each year in the school, the discipline prescribed, the studies pursued, the books used, the expense *per capita* for average attendance, the expense *per capita*, estimating therein the expenses additional for those indentured, and such other information as he may deem important or the governor or superintendent of public instruction may request. The members of said board of control shall be allowed the expenses necessarily incurred by them in the discharge of their official duties, and three (3) dollars per day for their official services actually and necessarily performed, which shall be audited by the state auditor and paid from the funds appropriated for the use of the institution.

1885, ch. 146, § 19, as amended 1889, ch. 167, § 10, by striking out "general fund" and inserting "funds appropriated for the use of the institution," and changing the number to section 22.

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CHARITABLE INSTITUTIONS — STATE PUBLIC SCHOOL. [SECS. 3246-3249.]

ADMISSION.

SEC. 3246. **Age of admission.**— There shall be received into said school those children who have been declared dependent on the public for support, abandoned, neglected, or ill-treated as provided in this act, who are over two (2) and under fourteen (14) years of age, and sound in mind and body. That said board is authorized in admitting children to give preference to those under twelve (12) years of age.

1885, ch. 146, § 11, as amended 1889, ch. 167, § 2. This section and the new matter in § 12 as amended constituted § 11 in acts 1835.

SEC. 3247. **Age of retention.**— That those admitted to said school, unless sent from the school as provided by this act, shall be retained therein until they are sixteen (16) years of age, and may be retained after that age in the option of said board, until a home is procured for them. * While in said school they shall be maintained and educated in the branches usually taught in the common schools; they shall have proper moral and physical training,* and shall be taught how to labor so far as their age and condition will reasonably permit. The said board is authorized to return to the county sending it, any child when it shall become sixteen (16) years of age, and no home has been procured, or whenever, after its admission, it shall be ascertained to the satisfaction of said board, that the child is of unsound mind or of unsound body, or if for any other reason said board shall consider said child an improper inmate of said school; that in case of the return of any child, as herein provided, to the county sending it, the guardianship of this board shall cease, and the child shall again become a charge upon the county sending it. The superintendent of said school in returning any child to its county shall report in writing to the county commissioners of the proper county the action of said board and the reason therefor.

1885, ch. 146, § 12, as amended 1889, ch. 167, § 3. Between ** is this section before amendment. Remainder is substantially § 11 before amendment.

SEC. 3248. **Duty of county commissioners.**— Whenever the county commissioners of any county shall find in their county any child who in their opinion belongs to the class of children described in this act, it shall be the duty of said county commissioners to inquire of the superintendent of said school whether any children can be received into said school from their county.* That whenever there shall be sufficient room in said school for the reception of such children, it shall not be lawful to place or maintain them in any county poor house. That in receiving children into said school preference shall be given first to dependent and indigent orphans or half orphans of deceased soldiers of this state.

1885, ch. 146, § 14, as amended 1889, ch. 167, § 5. Amendment above *.

SEC. 3249. **Duty of superintendent.**— Whenever inquired of by the county commissioners of any county, and whenever there is room for one or more children in said school from any county, it shall be the duty of the superintendent of said school to notify the county commissioners of such county how many children they can send to such school. That whenever there are more admissible children in the several counties than can be received in said schools, it shall be the duty of the superintendent of said school to divide such admission pro rata among the counties according to the number of admissible children in each at the time of such admission, giving preference to counties of the same or larger population that have had less children admitted into said school. That whenever the commissioners of any county shall be informed by the superintendent of said school that any children from their county can be received into said school, it shall be their duty to forward them to said school, as provided in this act, as soon as practicable. * In those counties in which the distinction between the township and county poor is maintained, it shall be the duty of the commissioners of such county, on the written

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SECS. 3250, 3251.] CHARITABLE INSTITUTIONS — STATE PUBLIC SCHOOL.

request of the supervisor of any such township, to act for such township in securing the admission of children to this school in all respects as though such children were supported by the county.* That the expense of transportation of children to said school from any county pursuant to law, and the expense of returning any of said children to the county from which they came, after their admission as proper inmates, as herein provided, shall be audited by the board of county commissioners of such county and paid by the treasurer of such county as other county expenses are paid.

1885, ch. 146, § 15, as amended 1889, ch. 167, § 6. Amendment between **, and payment changed from general fund to county in last paragraph.

SEC. 3250. Application to judge of probate.—That whenever the county commissioner of any county shall bring any child before the judge of probate for examination as provided in section sixteen (16) of this act, they shall present to said judge an application in writing, which shall be filed in his office for such examination, which shall be signed by at least two (2) of said county commissioners, in which they shall certify that in their opinion the child named in said petition is dependent upon the public for support,* or that he is in a state of habitual vagrancy or mendicity, or ill treated and in peril of life, health or morality, by continued cruel personal injury, or by the habitual intemperance or grave misconduct of the parents or guardian. They shall also therein give the names, nationality, residence and occupation of the parents or either of them so far as they are able, whether either is dead or has abandoned the child; requesting therein an examination and determination by said court as to such alleged condition; and should the child be found by said court to be in such alleged condition, that an order be entered sending it to the state public school.

Citation.—That upon the filing of said petition, if it shall appear therein that one or both of said parents reside in said county, the judge of said court shall issue a citation fixing the time and the place for the hearing of said petition, which shall be served on one or both of said parents, if either can be found in said county, not less than two (2) days before the time fixed for the hearing of said petition, requiring them to appear on said day and hour and show cause if any why said child should not be sent to said state public school as herein provided. That in case it shall appear by such petition that neither of said parents are living, or do not reside in said county, or in case one or both of said parents shall endorse on said petition a request that the child be sent to said state public school as requested therein, then the citation herein provided for need not be issued and the court may thereupon proceed to the examination herein provided for. It shall be the duty of the officer receiving said citation to use due diligence to find and serve the same on one or both of the parents; yet the proceedings under such petition shall not be deemed invalid by reason of any failure to serve such citation or by any informality or irregularity in such petition or service.

1885, ch. 146, § 20, as amended 1889, ch. 167, § 11, which also changed the number to section 17. Amendment below *.

SEC. 3251. Duty of probate judge.—Before the county commissioners shall send any child to said school they shall cause him to be brought before the judge of probate in the county wherein the child resides, for examination as to his alleged dependent or neglected condition. It shall be the duty of the county commissioners of each county to bring before the judge of probate of said county for said examination those children between two (2) and fourteen (14) years of age who are sound in mind and body, and who in their opinion, are dependent on the public for support, or who are found to be abandoned or neglected and in a state of habitual idleness, vagrancy or mendicity; or other children who shall be found in a state of want or suffering or being in the peril of life, health or morality by cruel or bad treatment, or by the habitual intemperance or grave misconduct of parents or guardian.

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CHARITABLE INSTITUTIONS — STATE PUBLIC SCHOOL.

[SEC. 3252.]

It shall thereupon be the duty of said judge of probate to investigate the facts in each case and ascertain whether such children are dependent, neglected, abandoned or ill treated, the residence, and, so far as possible, the whereabouts of the parents, when and how long the child has been maintained in whole or in part by public or private charity, the occupation of the parents, if either are living, whether they are supported by the public or have abandoned the child; and to ascertain, so far as possible, if the child be found dependent, the causes thereof. The said judge of probate is authorized to compel the attendance of witnesses on such examination, and it shall be the duty of the county attorney, when requested by said judge of probate, to attend any such examination on behalf of the petition. Any friend of said child may appear in its behalf in said probate court, and the said judge of probate may, in his discretion, request the supervisor of any township or ward to appear in behalf of the child, yet it shall not be necessary to issue any citation or other notice to other than parents. The records of the proceedings should show who, if any one, appeared in behalf of the child on such examination.

Order for admission.—If on such examination the said judge of probate shall find that any child is dependent on the public for support, or neglected so as to be in a state of habitual vagrancy or mendicacy, or ill treated so as to be in peril of life, health or morality, by continued personal injury, or by the grave misconduct or habitual intemperance of the parents or guardian, he shall enter such finding, by a proper order, in the journal of the probate court in his office, certifying that the child is entitled to admission to the state public school at Owatonna, and ordering that it be taken to said school and admitted therein, and shall deliver to the county commissioners procuring such examination, a certified copy of such order, which shall contain, besides such findings, a statement of the facts, so far as ascertained, as to the age of the child, names, nationality, residence and occupation of the parents, or either of them, so far as they are able, whether either is dead or has abandoned the child; and said certified copy of said order shall be delivered at said school, with each child, to the superintendent thereof.*

Parental duties.—That upon entering such order, the parents of said child shall be released from all parental duties [towards] and responsibility for such child, and shall thereafter have no rights over or to the custody, services or earnings of such child, except in cases where said board may, as herein provided, restore the child to its parents.

Refusal to surrender custody.—That in case any parents or other persons having the custody of said child, shall refuse to surrender said child to said county commissioners or their agent, said judge of probate is hereby authorized and empowered to request the sheriff of the county to take possession of said child; and if so requested, it shall be the duty of said sheriff to deliver said child to said county commissioners or their agent.

1885, ch. 146, § 16, as amended 1889, ch. 167, § 7. Amendment below *.

SEC. 3252. Examination by physician.—That whenever on the examination provided for in this act the judge of probate shall determine that the child is dependent on the public for support, or neglected, he shall cause it to be examined by the county physician, if there be one, and if not, then by a respectable practicing physician, and shall in no case enter the order in his journal, showing the child is admissible to this school, unless the physician making such examination shall certify in writing, under oath, filed in said court, that the child examined by him is in his opinion of sound mind, and has no chronic or contagious disease, and in his opinion has not been exposed to any contagious disease within fifteen (15) days previous to such examination before the judge of probate. That a copy of such certificate shall be attached to the other papers provided by this act, to accompany each child to this school.

1885, ch. 146, § 22, as amended 1889, ch. 167, § 13, by changing number to § 18.

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SECS. 3253-3255.] CHARITABLE INSTITUTIONS — SOLDIERS' HOME.

AGENT OF BOARD OF CONTROL.

SEC. 3253. **Appointment—Duties—Salary.**—The said board of control is authorized to designate some officer, teacher or other employe connected with said school to be the agent thereof, who shall act in that capacity during the pleasure of said board. That his duties as such agent shall be prescribed by said board, and shall include visiting at such times as said board shall direct the wards of said board which have been placed in families, and reporting to said board the condition of such children, and any failure to comply with the indenture contracts; and that it shall also be his duty to provide suitable homes for the children of this school, to investigate applications for such children, and to enter into contracts in writing on behalf of said board with persons taking such children; such contracts to contain a clause reserving to said board the right to cancel the same and withdraw the child from said person having him when in the opinion of said board the interest of said child requires it,* and may also contain a clause authorizing the person taking the child to cancel the same at any time within sixty (60) days from the date of the contract on returning the said child to said school free of all expense. That the authority herein given the said agent is also conferred upon the superintendent of said school. That the salary and necessary traveling expenses of said agent shall first be audited and allowed by said board and shall then be audited by the state auditor and paid from the general revenue fund of the state; and the sum of fifteen hundred (1,500) dollars or as much thereof as may be necessary be and is hereby appropriated annually, out of any moneys in the treasury belonging to the general revenue fund, to pay the services and expenses of said agency.

1885, ch. 146, § 18, as amended 1889, ch. 167, § 9, and changing the number to § 19. Amendment below *.

SEC. 3254. **Agent consent to adoption.**—That the superintendent, or agent, or board of control of the state public school, is hereby authorized to consent to the adoption of any child who has or shall become an inmate of said institution, by any person or persons, pursuant to the provisions of an act entitled "An act to provide for changing the names of minor adopted children and of other persons," approved February twenty-sixth (26th), A. D. one thousand eight hundred and seventy-six (1876), and that on such adoption the said board of control shall cease to be the guardian of the child adopted.

1885, ch. 146, § 21, as amended 1889, ch. 167, § 12, by changing the number to § 20.

TITLE 6.

SOLDIERS' HOME.

Sections 2, 5, 8, 9, 10, 11, 12, 13, 14, 15, 17, of this law, providing for the purchase of a site and construction of buildings, and appropriating \$50,000 therefor, are omitted, the purposes thereof having been accomplished. The home is located at Minnehaha Falls, on a tract of fifty acres.

ESTABLISHED — OBJECT.

SEC. 3255. **Name.**—That there is hereby established in the state of Minnesota an institution under the name and style of the "Minnesota Soldiers' Home," which shall be under the supervision and management of a board of trustees hereinafter provided for.

1887, ch. 148, § 1: "An act for the relief of honorably discharged indigent ex-soldiers, sailors and marines, and the widows, minor orphans, and dependent parents of such deceased soldiers, sailors or marines, and for making an appropriation for the purchase of land and the construction of the necessary building or buildings therefor, for a soldiers' home, and for maintenance thereof, and providing a revenue therefor." Approved March 2, 1887.

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CHARITABLE INSTITUTIONS — SOLDIERS' HOME. [SECS. 3256—3260.]

SEC. 3256. Object — Admission.— The object of the soldiers' home shall be to provide a home for all honorably discharged ex-soldiers, sailors and marines, who served in the army or navy of the United States during the war of the rebellion, or the Mexican war, who now are or may hereafter become citizens of the state of Minnesota, who, by reason of wounds, disease, old age or infirmities are unable to earn their living, and who have no adequate means of support. *Provided*, that no applicant shall be admitted to the soldiers' home who has not been a resident of the state of Minnesota for one (1) year next preceding the time of making his application, unless he served in a Minnesota regiment, or was accredited to the state of Minnesota. *Provided further*, that all persons who are otherwise entitled under the provisions of this section to admission to said soldiers' home, who actually served in any campaign against the Indians in Minnesota in one thousand eight hundred and sixty-two (1862) shall be entitled to admission to such soldiers' home notwithstanding such persons were not regularly enlisted, mustered into or discharged from the military service of the United States.

1887, ch. 148, § 3.

BOARD OF TRUSTEES.

SEC. 3257. Appointment — Term of office.— Within thirty (30) days after the passage of this act, the governor, by and with the advice and consent of the senate, shall appoint seven (7) trustees for said soldiers' home, not more than four (4) of whom shall be members of the same political organization, and who, with their successors, and all officers, officials, appointees, and employes who shall at any time be appointed or employed, by any one under the provisions of this act, shall be preferably, honorably discharged ex-United States soldiers, sailors, or marines. Said trustees so appointed shall hold their offices, three (3) for two (2) years, two (2) for four (4) years, and two (2) for six (6) years from the first (1st) Monday of January one thousand eight hundred and eighty-seven (1887) and until their successors shall have been duly appointed and qualified as hereinbefore provided. Said respective terms of office shall be designated in their several appointments, and the members of said board thereafter appointed, shall hold their office for the term of six (6) years and until their successors are appointed and qualified.

1887, ch. 148, § 4.

SEC. 3258. Give bond.— Each trustee shall, before entering upon the duties of his office, file in the office of the secretary of state his bond, with two (2) sufficient sureties, to be approved by the governor, for the sum of five thousand (5,000) dollars, conditioned for the faithful discharge of his duties under this act, and for the economical expenditure of any money that may be appropriated for the soldiers' home, or for the soldiers' relief funds.

1887, ch. 148, § 22.

SEC. 3259. No compensation.— The said trustees and their successors shall perform the duties imposed upon them by the provisions of this act, without any compensation for their services; but their actual necessary expenses, incident to the location of said home and their duties as trustees of the funds hereinafter provided, shall be paid from said appropriations herein provided for.

1887, ch. 148, § 6.

SEC. 3260. Meetings.— Said board of trustees shall meet annually on the second (2d) Tuesday in August, which meeting shall be styled the annual meeting; and they shall also meet annually on the second (2d) Tuesday in February, which shall be styled the "semi-annual" meeting.

At each of these regular meetings they shall examine into the condition of all soldiers, sailors or marines in the care of the state, and at their annual meeting they shall make a full report to the governor of all their proceedings

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under this act, which report shall be published, as are the reports of other state institutions.

1887, ch. 148, § 20.

SEC. 3261. Same—Place for.—The principal office of said trustees, and place of holding all regular meetings, shall at all times, after the erection thereof, be located at the soldiers' home.

1887, ch. 148, § 28.

SEC. 3262. General powers—Commandant.—The said board of trustees shall have the general supervision over and shall prescribe rules for the government and management of said soldiers' home. They shall make, subject to the approval of the governor, all needful by-laws and regulations governing the admission, maintenance, and discharge of the inmates of said home, which shall not be inconsistent with the spirit and provisions of this act. They shall appoint a commandant for said soldiers' home. Said commandant shall nominate for the action of said board of trustees all necessary subordinate officials and employes, who may be suspended by said commandant for inefficiency or misconduct, but in the case of the suspension of such subordinate official, a statement of the case shall be reported by the commandant to the board of trustees, who shall offer such suspended official a hearing, and whose action thereon shall be final. The board shall fix the salary of the commandant and of all subordinate officials and employes. *Provided*, the amount so paid shall not exceed such reasonable compensation as is paid for the like service in similar institutions.

1887, ch. 148, § 18.

SEC. 3263. Officers.—Said board of trustees shall appoint a secretary, and from their number a president and an executive committee, to serve for such period, and to perform their duties under such regulations and restrictions, as may be prescribed in the by-laws of said board not inconsistent with the provisions of this act.

Treasurer.—The treasurer of the state shall be *ex-officio* the treasurer of the board.

Secretary—Salary.—The secretary shall keep a faithful record of all transactions of the board of trustees, and the books, records and accounts pertaining to said soldiers' home, and to the administration of the soldiers' home fund and the soldiers' relief fund hereinafter provided for, under rules and regulations to be established by said board of trustees, and shall receive such salary as said board of trustees may determine.

Extra meeting.—The president of the board shall have the power at any time to call extra meetings of the board, and shall call such extra meetings on receiving a written request to make such call from not less than two (2) members of said board.

Executive committee.—The executive committee shall regularly meet at least once in each month, and shall be authorized to draw such warrants upon the funds which may be, from time to time, appropriated for the maintenance of "soldiers' home," or for soldiers' relief, as may be directed by the board of 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.

1887, ch. 148, § 19.

SEC. 3264. Receive donations.—The said trustees are hereby authorized and empowered to receive in behalf of the state, any donations of money, personal property or real estate, offered for the purpose of aiding in the establishment of such home; but such donation shall not alone determine the location of such home at any particular place.

1887, ch. 148, § 7.

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SEC. 3265. **Receive grant or devise of property.**— Said board of trustees are hereby authorized and empowered to receive in behalf of the state any grant or devise of real estate, and any donations or bequests of money or other personal property to be applied to the fulfilling the purposes of this act.

1887, ch. 148, § 21.

SEC. 3266. **Not to be interested in contracts.**— No trustee or officer of the said institution shall be in any way interested in any contracts for the erection of said building or buildings, or furnishing any materials for said building or buildings, or supplies for said home; and if any trustee or officer shall at any time be so interested, he shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine in any sum not exceeding five thousand (5,000) dollars.

1887, ch. 148, § 16.

SEC. 3267. **Report to legislature.**— It shall be the duty of said board of trustees to report to the next and each succeeding legislature such information as they may be able to procure as to the number of indigent soldiers, sailors or marines, and their dependent widows, orphans, and parents residing in this state, and such other recommendations in regard thereto as to them may seem advisable.

1887, ch. 148, § 23.

FUNDS.

SEC. 3268. **Home fund.**— There is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the support and maintenance of said soldiers' home and of the ex-soldiers, sailors, and marines admitted to the said soldiers' home, the sum of ten thousand (10,000) dollars, or so much thereof as may be needed, for the fiscal year ending July thirty-first (31st) one thousand eight hundred and eighty-eight (1888), and the sum of twenty thousand (20,000) dollars annually thereafter, which appropriation and fund shall be known as the soldiers' home fund, and shall be kept separate and distinct from the soldiers' relief fund hereinafter provided for.

1887, ch. 148, § 24.

SEC. 3269. **Relief fund — Tax for.**— The state auditor shall annually hereafter add to the tax levy of the state one-tenth (1-10) of one (1) mill on each dollar of the valuation of the state, both real and personal, to constitute a "soldiers' relief fund," * and he shall, at the close of each fiscal year, transfer from the revenue fund to the soldiers' relief fund the amount of such levy not already credited to said relief fund.

1887, ch. 148, § 25, as amended 1889, ch. 202. Amendment below *.

SEC. 3270. **Disbursement.**— The said fund shall be under the control of, and be disbursed in manner as provided for disbursing soldiers' home fund, by the trustees herein provided for, for the relief, outside of the soldiers' home, and at their own homes, of honorably discharged indigent ex-soldiers, sailors, or marines, who served in the army or navy of the United States in the war of the rebellion, the Mexican war; or any campaigns against the Indians in the state of Minnesota; and the widows, minor orphans, and dependent parents of such deceased soldiers, sailors, and marines. *Provided*, that all ex-soldiers, sailors or marines entitled to any part of this relief fund shall be such as would, under the provisions of section three (3) of this act, be entitled to admission at the Minnesota state soldiers' home, did they choose to apply for such admission.

* Except that the trustees in their discretion may grant or provide transportation and rations en route for any honorably discharged ex-United States soldier, sailor or marine, or the dependent families of the same.*

And *provided further*, that in case such soldiers, sailors, or marines have no

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parents, wife or children dependent upon them, the trustees aforesaid may, in their discretion, require that such soldiers, sailors, or marines become inmates of the soldiers' home, as a condition upon which they shall share in the benefits of this act.

1887, ch. 148, § 26, as amended 1889, ch. 202, § 2. Amendment between *. Acts 1865, ch. 3, established a home for soldiers' orphans at Winona, which was subsequently amended and supplemented by acts 1869, chs. 18, 19; 1870, ch. 12; 1871, ch. 10; 1872, ch. 33; 1873, ch. 31; 1874, ch. 21; 1879, ch. 94. This institution was conducted until its objects were accomplished.

SEC. 3271. **Same.**— This fund shall be administered and applied by said board of trustees for the purposes indicated, and in accordance with such rules and regulations as may hereafter be made and provided by said board of trustees. *Provided*, that no salary shall be paid any person for aid or assistance in disbursing and applying this soldiers' relief fund for the relief intended; and *provided further*, that when and wherever found necessary, the county auditors of any county in this state shall aid and assist in their respective counties in applying this fund for the relief intended, and without compensation for such special service, and *provided further*, that at least one person shall in each county in this state, be designated by said board of trustees as a person to whom applications for relief shall be made, and who shall be the direct medium of communication between the recipient of this relief and the trustees of this fund.

1887, ch. 148, § 27.

SEC. 3272. **Present relief.**— For the purposes of this relief fund herein provided for, and to provide for relief which is now required or which may be needed before the tax levy hereby authorized can be made available, there shall be, and hereby is appropriated out of any funds in the state treasury not otherwise appropriated, the sum of twenty thousand (20,000) dollars, or so much thereof as may be required before said tax levy becomes available.

1887, ch. 148, § 29.

SEC. 3273. **Transfer of funds.**— The board of trustees may by an unanimous vote of all the trustees transfer any surplus moneys either from the "soldiers' home fund" to the "soldiers' relief fund," or from the "soldiers' relief fund" to the "soldiers' home fund," when in their judgment such transfer will better enable them to enforce the spirit and intent of this act.

1887, ch. 148, § 30, as amended 1889, ch. 202, § 3. Amendment struck out the provision that the amount transferred shall operate as a reduction of the current appropriation.

TITLE 7.

GENERAL PROVISIONS.

LIBERTY OF CONSCIENCE AND RIGHTS OF RELIGION.

SEC. 5274. **Free exercise of religious belief.**— 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 min-

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istering 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, ch. 46, § 1: "An act to secure liberty of conscience and equal rights in matters of religion to the inmates of state institutions." Approved March 5, 1874. As applicable to reform school, this section substantially § 8, ch. 7, acts 1870.

SEC. 3275. Hours and facilities.— 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 administer 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.

1874, ch. 46, § 2.

SEC. 3276. Sectarian practices.— All sectarian practices, except by said clergyman 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 respected 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, ch. 46, § 3.

POSTAL RIGHTS OF INSANE PERSONS.

This law repealed acts 1887, ch. 146.

SEC. 3277. Selection of correspondent.— That it shall be the privilege of each and every inmate committed to any public or private hospital or asylum for the insane in this state, on entering the institution, or at any time thereafter, to choose one (1) individual not connected with the said institution as a correspondent, with whom the said inmate shall be allowed to com-

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communicate freely in writing; and there shall be no censorship exercised or allowed by any of the officers or employes of any such institution over letters written by inmates to such correspondents. Each inmate shall have the right to choose a new correspondent instead of the one previously chosen every three (3) months if he or she desires so to do. *Provided*, that whenever it shall appear to the state board of corrections and charities, or to their secretary, that the person chosen as correspondent by any inmate is not a fit person to be so chosen, the said board or its secretary may require the said inmate to choose a new correspondent.

1889, ch. 262, § 1: "An act to secure postal rights to inmates of hospitals or asylums for insane." Approved April 24th. In force May 1, 1889. Substantially § 1, ch. 146, acts 1887.

SEC. 3278. **List of, registered and posted.**— It shall be the duty of the superintendent of each hospital or asylum for the insane, to keep registered and posted in some public place at the said institution the name and post office address of each individual chosen as correspondent under this act, and the name of the inmate choosing such correspondent. When any person is chosen as correspondent by any inmate, the superintendent shall notify the said correspondent within three (3) days that he has been so chosen and inquire whether he will act as such correspondent. In case the correspondent shall decline to act, the superintendent shall notify the inmate without delay and give opportunity for a new choice.

1889, ch. 262, § 2. Substantially § 2, ch. 146, acts 1887.

SEC. 3279. **Registers and stationery.**— It shall be the duty of the superintendent of each hospital or asylum for insane to furnish each assistant physician with a pocket register of correspondence in such form as the state board of corrections and charities may prescribe and to keep on hand a supply of stamped envelopes, paper and postal cards which shall be used for such correspondence.

Such registers and stationery shall be furnished on requisition of the assistant physicians and shall be paid for from the current expense fund of the said institutions.

1889, ch. 262, § 4. No § 3 in this act.

SEC. 3280. **Duties of assistant physicians.**— It shall be the duty of each assistant physician or the superintendent if there be no assistant physicians, in any hospital or asylum for the insane, to carry with him during his daily rounds through the wards of the institution the pocket register of correspondence which shall be furnished by the superintendent.

The said assistant physicians shall on the day when any inmate is committed to the institution or at any time thereafter when the said inmate shall so request record correctly in the said register the name and post office address of the person chosen by the said inmate as correspondent in accordance with this act and shall report the same to the superintendent.

It shall be the duty of the said assistant physicians on their daily rounds to receive the requests of any inmate who may desire to write to the correspondents so chosen, to record the same then and there on the said register of correspondence and, within twenty-four (24) hours thereafter, to furnish or cause to be furnished to the said inmate one (1) or more sheets of writing paper, a stamped envelope, and a postal card addressed to the superintendent and having printed on the reverse side a receipt in the following form:

"Received of the superintendent of the hospital (or asylum) for the insane at —, Minnesota, a letter written by — —, an inmate of the institution.
Signed — —."

Provided, that the said assistant physician shall not be required to furnish stationery for this purpose to any one (1) inmate oftener than once a week. The inmate shall enclose the said postal card with the letter in the stamped envelope, which shall be legibly addressed to the said correspondent, and shall deliver the same sealed to the said assistant physician, who shall deliver the

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said letter on the same day to the superintendent, taking his receipt therefor on the register of correspondence.

Whenever any letter or postal card from any correspondent chosen under this act shall be delivered to any assistant physician by the superintendent he shall deliver the same to the inmate to whom it is addressed without unnecessary delay, taking the receipt of the said inmate therefor.

1889, ch. 262, § 5.

SEC. 3281. Inmates correspond with governor and state board of corrections and charities.— Each and every inmate of any hospital or asylum for insane in this state shall have the privilege of communicating in writing with the governor and the secretary of the state board of corrections and charities in the same manner and under the same regulations as with the correspondents chosen under this act.

1889, ch. 262, § 7.

SEC. 3282. Superintendent to mail and deliver letters.— It shall be the duty of the superintendent upon receipt of such letter from the assistant physician if he shall find that the said letter is addressed to a correspondent duly chosen under this act to place such letter or cause it to be placed in the United States mail without opening or reading the same.

It shall be the duty of the said superintendent to request the said correspondents to write their names on the outside of letters sent by them to inmates. The said superintendents shall deliver such letters to the assistant physicians to be given to the inmates to whom they are addressed, unless in the judgment of the said superintendents the receipt of such letters would be injurious to such inmates, in which case they shall forthwith notify such correspondents that such letters are withheld, stating the reasons therefor and record the facts in the register of correspondence.

No letter written by a correspondent to an inmate shall be opened by any superintendent unless he has reason to suspect that it contains such matter as ought not to be delivered to the said inmate, in which case he shall record the fact that such letter has been opened and the reasons therefor, in the register of correspondence.

1889, ch. 262, § 6.

SEC. 3283. Investigation.— It shall be the duty of the superintendent of each hospital or asylum for the insane in this state, every trustee of such institution, every member of the state lunacy commission, every member of the state board of corrections and charities, to investigate any alleged violation of the provisions of this act which may be brought to their attention when visiting any asylum or hospital for insane in this state.

1889, ch. 262, § 9.

SEC. 3284. Law posted in every ward.— A copy of this act, printed in pica type, shall be framed and posted in every ward of every insane hospital or asylum, public or private, in the state of Minnesota.

1889, ch. 262, § 10. Substantially § 4, ch. 146, acts 1887.

SEC. 3285. Penalties.— Any superintendent, assistant physician or employe of any hospital or asylum for insane, or any person refusing or neglecting to comply with or willingly or knowingly violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment not less than thirty (30) or more than (90) days, or by a fine not less than fifty (50) or more than one hundred (100) dollars, and shall be thereafter disqualified from holding any office or position in any hospital or asylum for the insane in this state.

1889, ch. 262, § 8. Substantially § 3, ch. 146, acts 1887.