

THE 79  
GENERAL STATUTES

OF THE  
STATE OF MINNESOTA

As Amended by Subsequent Legislation, with which are Incorporated  
All General Laws of the State in Force December 31, 1894

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AND A GENERAL INDEX BY THE EDITORIAL STAFF OF THE NATIONAL  
REPORTER SYSTEM

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COMPLETE IN TWO VOLUMES

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VOL. 1

CONTAINING THE CONSTITUTION OF THE UNITED STATES, THE ORDINANCE OF 1787,  
THE ORGANIC ACT, ACT AUTHORIZING A STATE GOVERNMENT, THE STATE  
CONSTITUTION, THE ACT OF ADMISSION INTO THE UNION, AND

Sections 1 to 4821 of the General Statutes

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CHAPTER 35.

CHARITABLE INSTITUTIONS.

1. Agricultural College (repealed).
2. Institute for Deaf, Dumb, and Blind [Institute for Defectives], §§ 3437-3446.
3. Hospitals for the Insane, §§ 3447-3499.
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TITLE 1.

AGRICULTURAL COLLEGE.

This title was repealed by Sp. Laws 1868, c. 114. A college of agriculture is one of the departments of the University of Minnesota. See §§ 3903, 3910, 3914.

[TITLE 2.]

[INSTITUTE FOR DEFECTIVES.]

For annual appropriation, see Laws 1877, c. 163 (§ 7971.)

§ 3437. Name—Departments.

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, c. 205, § 1;<sup>1</sup> G. S. 1878, v. 2, c. 35, § 1.)

§ 3438. Same—Board of directors—Term of office—Vacancies.

Said institute shall be controlled by a board of five 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 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, c. 205, § 2; G. S. 1878, v. 2, c. 35, § 2.)

§ 3439. Same—Officers—Quorum—Meetings.

Said board of directors shall annually elect from their number a president, treasurer, and secretary, who shall hold their offices until their successors are

<sup>1</sup> An act for the better regulation of the Minnesota Institute for the Deaf, the Blind, and the Feeble-Minded. Approved March 3, 1887. § 11 repeals title 2, c. 35, G. S. 1878, c. 145, Laws 1881, and all inconsistent acts, "saving and excepting all rights that have accrued thereunder."

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chosen and qualified; and they shall annually elect a steward, whose compensation shall be fixed by the said board. Three of said directors shall constitute a quorum, and they shall hold monthly meetings for the transaction of business.

(1887, c. 205, § 3; G. S. 1878, v. 2, c. 35, § 3.)

**§ 3440. Same—Powers and duties.**

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, c. 205, § 4; G. S. 1878, v. 2, c. 35, § 4.)

**§ 3441. Superintendents—Subordinates.**

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, c. 205, § 5; G. S. 1878, v. 2, c. 35, § 5.)

**§ 3442. Pupils—Admission—Personal expenses.**

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, c. 205, § 6; G. S. 1878, v. 2, c. 35, § 6.)

**§ 3443. Indigent pupils—Admission—Expenses a county charge.**

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 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 dollars, and annually thereafter, on or before the first day of October of each year, upon 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 day of August to the board of directors and to such county auditors a strict and detailed account thereof.

(1887, c. 205, § 7; G. S. 1878, v. 2, c. 35, § 7.)

Laws 1885, c. 160, "An act to provide clothing and transportation for indigent pupils of the Minnesota Deaf, Dumb, and Blind Institute," appears to be superseded by the above section. See, also, Laws 1887, c. 205, § 11.

**§ 3444. Treasurer—Bond—Duties—Compensation—Secretary.**

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 of the General Laws of eighteen hundred and eighty-three, 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 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 dollars per annum.

(1887, c. 205, § 8; G. S. 1878, v. 2, c. 35, § 8.)

**§ 3445. Gifts and conveyances to institute—Moneys in state treasury.**

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 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, c. 205, § 9; G. S. 1878, v. 2, c. 35, § 9.)

**§ 3446. Annual reports.**

On or before the first 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 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 thirty-first. 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 copies for each, and shall deliver to the officers of said institute the number estimated by them to be necessary for the use thereof, not to exceed five for each member enrolled therein.

(1887, c. 205, § 10; G. S. 1878, v. 2, c. 35, § 10.)

[TITLE 3.]

[HOSPITALS FOR THE INSANE.]

Certain provisions of this act, which prescribe the course of procedure, and authorize the commitment of persons to hospitals for the insane, are invalid, because in conflict with those provisions of the state and federal constitution which forbid that any person shall be deprived of life, liberty, or property without due process of law. State v. Billings (Minn.) 57 N. W. Rep. 794. The court, in its opinion in that case, especially refers to §§ 17-21 of the act (§§ 3463-3467); but certain other sections are within the reason of the decision, or are so connected with the sections referred to that they must fall with them. See, particularly, §§ 3469, 3483-3486, 3488, 3495. The act has been printed in full.

§ 3447. Location—Board of trustees, how constituted.

The location and establishment of the three present hospitals for the insane, at St. Peter, Rochester and Fergus Falls, and all conveyances and transfers of land, buildings, property and funds heretofore made to, or for either of said hospitals, is hereby ratified and confirmed, and continued in force under a board of trustees consisting of five members, of whom at least two shall not be of the same political party as the governor, to be appointed as hereinafter provided, and the superintendent and corps of physicians at the Fergus Falls hospital shall continue to be of the school of homeopathy.

(1893, c. 5, § 1.2)

§ 3448. Names.

The hospital at St. Peter shall be known and designated as the St. Peter state hospital; the hospital at Rochester shall be known and designated as the Rochester state hospital; and the hospital at Fergus Falls shall be known and designated as the Fergus Falls state hospital.

(1893, c. 5, § 2.)

§ 3449. Quorum of trustees—Term of office—Vacancies.

These hospitals shall be under the charge and supervision of five trustees, three of whom shall constitute a quorum for the transaction of business; such trustees shall be appointed by the governor, by and with the advice and consent of the senate, as follows: Two for the term of one year; two for the term of two years and one for the term of three years; and at the expiration of their respective terms of office their successors shall be appointed by the governor, by and with the advice and consent of the senate, for the full term of three years. Vacancies occurring at any time shall be filled by the governor for the unexpired term. The governor may remove any or all of such trustees for good cause shown.

(Id. § 3.)

§ 3450. Appropriations, how drawn.

All appropriations made in any act which have heretofore or shall hereafter be passed for the benefit, care or treatment of the insane of this state, for the purchase of land, or for the erection, purchase or lease of any buildings for their accommodation, shall be placed under the charge of the board of trustees, and shall be drawn from the state treasury by the treasurer of the hospital in accordance with the provisions of chapter two hundred and sixty-nine, General Laws of one thousand eight hundred and eighty-nine.

(Id. § 4.)

See Laws 1883, c. 96, for purchase of land for first and second hospitals; Laws 1885, c. 161, for commission to locate third hospital; 1885, c. 165, for sale of land at St. Peter; 1885, c. 166, for repairs upon second hospital; 1887, c. 254, for appropriation for third hospital.

<sup>2</sup> An act to confirm the location and establishment of the Minnesota hospitals for the insane, to provide for commitment thereto, the management and supervision thereof, and the licensing and supervision of all other hospitals for the insane. Approved April 19, 1893. By § 53, G. S. 1875, c. 35, §§ 11 to 41, inclusive, and all inconsistent acts and parts of acts, are repealed.

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**§ 3451. Trustees—Oath—Meetings—Officers—Not to be interested in purchases, etc.**

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 that of this state, and to faithfully discharge the duties required of them by law. They shall be paid their necessary expenses during the time they are actually engaged in the discharge of their official duties, out of any money appropriated for the support of the insane. They shall hold an annual meeting on the second Wednesday in August of each year, at one of the state hospitals, and such other regular or special meetings as they shall provide in their by-laws. At the annual meeting they shall choose one of their number president and another secretary, and shall elect a treasurer for each hospital, who shall hold their offices for one year and until their successors are elected and qualified. No member of the board of trustees or any other officer or employe of said hospitals or either of them, shall be interested directly or indirectly in any contract, purchase or sale, for or on account of said hospitals or either of them, with which he is connected, and any such trustee or other officer or employe offending against the provisions of this section in relation to such contracts, purchases or sales, shall be deemed guilty of a misdemeanor, and upon conviction thereof, in addition to the other penalties prescribed by law, shall be thereafter disqualified from holding any office or position in or connected with any state hospital mentioned herein.

(1893, c. 5, § 5.)

**§ 3452. Trustees—Powers—Hospital staff.**

The said trustees shall have the general control of these hospitals, and such others as hereafter may be placed under their charge. They shall have power to make all by-laws necessary for the government of the same, not inconsistent with the constitution and laws of the state of Minnesota, and to conduct the affairs of these institutions in accordance with the laws and by-laws regulating the same. They shall appoint for each hospital a medical superintendent and an assistant medical superintendent, who shall be well educated and regular physicians; a steward or accounting officer; such assistant physicians as in their judgment are necessary, and such other officers as they may deem necessary for the welfare of the hospitals. All officers so appointed by the board of trustees shall be governed by, and subject to, all the laws and by-laws established for the government of the hospitals. The board of trustees shall fix all salaries not otherwise determined by law, and may, at their pleasure, remove all officers appointed by them, save and except the superintendent, who shall only be removed for good cause shown, and then only with the approval of the governor.

(Id. § 6.)

**§ 3453. Property may be held in trust.**

The board of trustees may take and hold in trust for any one of the hospitals, any lands conveyed or devised, and any money or other personal property given or bequeathed, to be applied in any way for the benefit of any hospital or the welfare of the inmates thereof.

(Id. § 7.)

**§ 3454. Report to governor—Estimates.**

The trustees shall report to the governor after their annual meeting in August of each alternate year, and before the meeting of the legislature, and as much oftener as the governor may require, or they may deem necessary, the condition and wants of the hospitals under their charge. The biennial reports shall be accompanied by the reports of the superintendents, stewards and treasurers. They shall account for the disbursements of the biennial period just ended, and submit an estimate of the current expenses of the hospitals for the ensuing biennial period, and an estimate of the appropriations needed for building, repairing and other purposes.

(Id. § 8.)

**§ 3455. Division of territory—Notice to probate judges—  
Estimate of coal.**

The board of trustees are authorized to district the state between the several state hospitals, determining from what counties patients shall be committed to each, and to change the same from time to time as they may deem advisable; but they shall keep the probate judge of each county advised as to the hospital to which patients are to be sent from his county. They shall furnish to all probate judges in the state any new by-laws adopted by them, and shall notify such judges of the time when any institution or department will be open for the reception of patients. They shall report to the board of fuel commissioners on or before the nineteenth day of June in each year an estimate of the amount of coal necessary for each institution under their charge for the fiscal year next ensuing, as provided in chapter one hundred and eighteen, General Laws of one thousand eight hundred and eighty-three. (Id. § 9.)

**§ 3456. Annual inventory—Appraisal—Insurance.**

The board of trustees shall cause an annual inventory to be taken of all property of the state belonging to the institutions under their charge on the last day of each fiscal year. In such inventories, lands and buildings shall be listed at their actual cost to the state, as nearly as known. Movable property shall be listed at its actual estimated value when the inventory is taken. Said inventories shall be kept on file with the records of such trustees, and an abstract of the same published in their biennial reports. They shall see that the buildings under their charge are insured in accordance with the provisions of the law relating to such institutions. (Id. § 10.)

**§ 3457. Contracts—Advertised, when—Advertisements for proposals.**

The said board of trustees, before letting any contract for the erection of any new building, or the enlarging or improving of any building, where the expense of the building or improvement shall exceed two thousand dollars, shall advertise for proposals for four consecutive weeks prior to said letting in a newspaper published at the place where said building is to be erected or improved, and also for the same length of time in some newspaper having a general circulation, published at the capital of the state, stating the time and place when said proposals will be received and opened, and said contract so advertised for shall be let to the lowest responsible bidder. (Id. § 11.)

**§ 3458. Superintendent—Oath—Powers and duties.**

The superintendent of each state hospital shall, before entering upon the duties of his office, take and subscribe an oath or affirmation to support the constitution of the United States and of this state, and to faithfully and diligently discharge the duties required of him by law and the by-laws regulating the institution. He shall have the control and management of the hospital, and may employ and discharge all attendants, servants and employes at his pleasure, and may, at his pleasure, suspend any subordinate officer until an examination is had before the board of trustees, and immediately upon such suspension he shall report the fact to said board. He shall have the care and custody of any funds of inmates which may come into his hands, as provided in section four, chapter two hundred and sixty-nine, General Laws of eighteen hundred and eighty-nine. He shall report to the board of trustees from time to time, as shall be provided in the by-laws. (Id. § 12.)

**§ 3459. Same—Notice to next of kin—Certificate of death.**

The superintendent of each state hospital shall 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 answer promptly and fully all letters of inquiry received from the relatives of any patient in said hospital. He shall forthwith after the decease of any person dying in said hospital furnish for registration to the proper clerk or health officer, and to

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the judge of probate of the county from which he was committed, a certificate of the duration of the last illness, the name of the deceased, his age, the disease of which he died and the date of his death. The expense of all coroner's inquests held at the various state hospitals upon the bodies of inmates dying therein or while under commitment thereto, shall be paid from the current expense fund of such hospitals.

(Id. § 13.)

**§ 3460. Report of treasurer, etc.**

The accounting officer and treasurer of each state hospital shall report to the board of trustees from time to time, as shall be provided for in the by-laws. They shall, in the performance of their official duties, follow the system of accounting provided for such officials in chapter two hundred and sixty-nine, General Laws of eighteen hundred and eighty-nine.

(Id. § 14.)

**§ 3461. Admission to hospital—Nonresidents adjudged insane.**

Every insane person who is a legal resident of this state, and who is recommended for commitment under the provisions of section seventeen of this act, may be admitted to one of the state hospitals for the insane and maintained at the public expense, free of charge to his or her relatives or friends, and upon equal terms with every other insane persons. Every person adjudged to be insane under the provisions of this act, who is not an actual legal resident of this state, shall, by order of the probate court, duly made and entered, be taken by the sheriff of the county where such person is adjudged insane to the state where such person has a legal residence and delivered either to the friends or relatives of such person, or to the sheriff of the county where such person has a legal residence.

(Id. § 15.)

This section appears to be invalid. See State v. Billings, cited at beginning of title.

**§ 3462. Definition of "insane."**

The term "insane" as used in this act includes every species of insanity, but does not include idiocy or imbecility.

(1893, c. 5, § 16.)

**§ 3463. Insanity must be established before commitment.**

No person shall be deprived of his liberty in this state by being committed to custody as insane, unless his insanity be established in manner and form as prescribed in this act, and his commitment to custody be recommended either because (1) he has perpetrated acts dangerous to himself or to others, or to property; or (2) it is reasonably certain, by his threats or otherwise, that he has dangerous tendencies or uncontrollable propensities towards crime; or (3) he wanders about and is exposed to want of food or shelter, or to accidents; or (4) he is ill-treated or neglected by relatives or friends; or (5) his disease is of such a nature, or in such a stage, as to require, for his recovery, care and treatment while under legal restraint.

(Id. § 17.)

This section is invalid. State v. Billings, cited at beginning of title.

**§ 3464. Examiners in lunacy—Qualifications—When disqualified from acting.**

After the first day of January, A. D. 1894, it shall not be lawful for any physician to certify to the insanity of any person for the purpose of securing his commitment to custody unless said physician be of reputable character, a graduate of some incorporated medical college, a permanent resident of the state, and shall have been in the actual practice of his profession for at least one year next preceding the making of such certificate, and shall at the time of making such certificate be registered as licensed by the state board of medical examiners. The possession of such qualifications shall be certified to by the judge of probate of the county in which such examiner resides, according to form "A" appended to this act, and such certificate shall

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constitute said physician an examiner in lunacy for the purpose of this act. A copy of said certificate shall be filed in the office of the judge of probate of the county in which such physician resides. But it shall be unlawful for any examiner in lunacy to certify to the insanity of any person for the purpose of committing him to a hospital or institution devoted to the custody, care and treatment of the insane, of which said examiner is either the superintendent, proprietor, an officer or regular medical attendant, or when said examiner is a near relative of the alleged insane person.

(1893, c. 5, § 18.)

This section is invalid. State v. Billings, cited at beginning of title.

**§ 3465. Examination in lunacy—Procedure—Commitment to hospital.**

Whenever the probate judge, or in his absence the court commissioner of any county, shall receive information in writing that there is an insane person in his county needing care and treatment (form "B"), the said judge or court commissioner shall, by an order in writing (form "C"), direct two examiners in lunacy to examine the alleged insane person, and certify to him within one day after their respective examinations (form "D") the result of such examination, with their recommendation as to the special action necessary to be taken in the case. If the examiners certify that the person so examined is not insane, the judge or court commissioner shall dismiss the case. If they disagree, he shall call other examiners, or take further testimony. But if they certify that he is insane and a proper subject for commitment for any of the reasons specified in section seventeen of this act, said judge or court commissioner shall visit the alleged insane person, or require him to be brought into court, but he shall cause him to be fully informed of the proceedings being taken against him. He may, if he deem it advisable, take further testimony or call other examiners; but in all cases before issuing a warrant of commitment the judge of probate or court commissioner shall notify the county attorney, who shall appear on behalf of the alleged insane person, and take such action as he may deem necessary to protect the rights of such person. If satisfied that the person is insane and that the reason for his commitment is sufficient under the provisions of this act, he shall approve the certificate of the examiners and issue a duplicate order and warrant (form "E"), committing said person to the custody of the superintendent of the proper state hospital for the insane, or to the superintendent or keeper of any private licensed institution for the care of the insane, and shall place said order and warrant, together with a certified copy of the certificate of the examiners in lunacy, in the hands of the sheriff, or some other suitable person whom he shall authorize to convey said insane person to the hospital; provided, that in case said insane person is a female, she shall be accompanied, while being conveyed to the hospital, by her husband, father, mother, brother or son, daughter, or by a woman designated by the judge of probate or court commissioner. Said order and warrant shall be issued within two days after the date of the last medical certificate, or, if any further hearing is had by the court, within two days after the completion of said examination, which shall in no case be more than ten days after the filing of the information of insanity, in the office of the judge of probate, and said sheriff, or authorized person, shall forthwith execute said warrant after its reception by him. The duplicate warrant and certified copy of examiners' certificate shall be filed in the office of the superintendent, and the original, with the superintendent's indorsement thereon, shall be returned to the judge of probate and filed in his office; provided, that until the first day of January, A. D. 1894, the judge of probate or court commissioner, with whom such information of insanity is filed, shall appoint as examiners, in each case, two physicians who, in his judgment, have the necessary qualifications.

(1893, c. 5, § 19.)

This section is invalid. State v. Billings, cited at beginning of title.

**§ 3466. Certificate of insanity—Contents.**

Each certificate of insanity must contain, in addition to other information, answers to the following inquiries as far as they can be obtained:

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Inquiries were made and answers obtained as follows:

What is the patient's name and age? Single, married or widowed? If children, how many? If a mother, age of youngest child.

2. Where was the patient born? Where was the patient's father born? Where was the patient's mother born?

3. Where is his or her place of residence? (Legal settlement.)

4. What has been the patient's occupation? If a woman, husband's or father's occupation?

5. Is the patient a church member? If so, what church?

6. Is the patient educated? If so, to what extent?

7. Were the patient's parents or grandparents related, and if so, in what degree?

8. Is this the first attack? If not, when did others occur, and what were their duration? If sent to a hospital, state where, and result of treatment?

9. When were the first symptoms of this attack manifested, and in what way?

10. Does the disease appear to be increasing, decreasing or stationary?

11. Is the disease variable, and are there rational intervals? If so, do they occur at regular intervals? (Avoid definitions, but describe conditions.)

12. On what subject, or in what way, is derangement now manifested? State fully.

13. Has the patient shown any disposition to injure others?

14. Has suicide ever been attempted? If so, in what way? Is the propensity now active?

15. Is there a disposition to filthy habits, destruction of clothing, furniture, etc.?

16. Has the patient's father or mother or any relative, on either side, been insane?

17. Did the patient manifest any peculiarities of temper, habits, disposition or pursuits before the accession of the disease; any predominant passions, religious impressions, etc.?

18. Was the patient, or were either of his parents, ever addicted to intemperance in any form, or the habitual use of any narcotic?

19. Has the patient been subject to any severe disease, to epilepsy, to convulsions in any form, or had any injury of the head?

20. Has any constraint or confinement been employed? If so, what kind and how long?

21. What is supposed to be the cause of the disease?

22. What treatment has been pursued for the relief of the patient? (Mention particulars and the effects.)

23. Facts learned on personal examination. (Mention every appearance or condition of the patient bearing on the question of existing insanity.)

Recommendations. (Give the special reasons for recommending commitment, according to section seventeen.)

Name and address of family physician, if any.

(1893, c. 5, § 20.)

This section is invalid. State v. Billings, cited at beginning of title.

## § 3467. Same—How executed.

The examiners in lunacy may jointly execute the certificate provided for in section nineteen of this act, or each one may execute a separate certificate. In either case the certificate shall be duly sworn to or affirmed before the judge of probate or court commissioner issuing the commission, who shall, when he approves the certificate, certify to the genuineness of the signature, and to the fact that the signers are duly-qualified examiners in lunacy.

(1893, c. 5, § 21.)

This section is invalid. State v. Billings, cited at beginning of title.

## § 3468. Additional information as to patients—How obtained.

Whenever the superintendent of any state hospital shall require, for the better understanding and treatment of a patient, more medical information than

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is contained in the certificate accompanying the order of commitment, he shall prepare a blank, containing such additional questions as he deems necessary to secure the requisite information, concisely and categorically arranged, and forward the same to the judge of probate of the county from which the patient was committed, with the request that these additional questions be answered as fully as possible. The judge of probate, on receipt of such blank, shall immediately employ the family physician of such patient, or in case he had none, some qualified examiner in lunacy, to prepare, with the aid of the family and relatives of such patient, as full and responsive answers as can be obtained, which shall be properly verified.

(1893, c. 5, § 22.)

**§ 3469. False representations or certificate—Penalty for making.**

Whosoever for any corrupt consideration or advantage to himself, or through malice, shall make, or join in, or advise the making of any certificate aforesaid, or shall knowingly or willfully make any false representation for the purpose of causing any such certificate to be made, whereby any person is declared to be insane, and committed to, or held in, any institution for the custody, care and treatment of the insane, shall be deemed guilty of a felony.

(Id. § 23.)

This section appears to be invalid. State v. Billings, cited at beginning of title.

**§ 3470. Arrest of insane persons.**

No alleged insane person shall be arrested and committed to jail unless he has committed some crime, or is dangerous or disorderly, or there are reasonable grounds to believe that he will do injury to himself or others, or to property, and when arrested and committed to jail for any of the reasons herein enumerated, it shall not be lawful to confine him in the same room with any charged with or convicted of any crime.

(1893, c. 5, § 24.)

**§ 3471. Verdict of acquittal for insanity to so state.**

When any person indicted for any offense is, on trial, acquitted by the jury by reason of insanity, the jury in giving their verdict of not guilty shall state that it was given for such cause; and thereupon, if the discharge or going at large of such insane person is considered by the court manifestly dangerous to the peace and safety of the community, the court may order him to be committed to any of the state hospitals for the insane for safekeeping and treatment, or may order him to be committed to prison, or may give him into the care of his friends, if they shall give bonds with surety, to the satisfaction of the court, conditioned that he shall be well and securely kept. Otherwise he shall be discharged.

(Id. § 25.)

**§ 3472. Insanity of person indicted—Inquiry by district judge.**

Whenever any district judge shall be informed by the affidavit of any reputable affiant that any person indicted or held for hearing before the grand jury for any criminal offense is in such state of idiocy, imbecility, lunacy or insanity as to be incapable of understanding the proceedings or making his defense, said judge shall immediately proceed (whether it be term or vacation time) to determine the fact, either by testimony before himself, or by a jury, in his discretion; and if it shall be found on such hearing that said defendant is at the time incapable of understanding the proceeding in the case and making his defense therein, he shall order said defendant to be committed to the care and custody of the proper state hospital for the insane, to be there safely kept, cared for and treated, until he so far recovers his reason as to be capable of understanding the proceedings and making his defense in said case; and that when he so recovers his reason, the superintendent of the hospital to which he has been committed shall notify the sheriff of the county in which said defendant was indicted or held for ex-

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amination. On the receipt of such notice said sheriff shall take charge of said defendant and commit him to the jail in said county until the further order of the district court.

(Id. § 26.)

**§ 3473. Custody of persons for commitment to hospital.**

Any officer or authorized person who shall receive into his custody any person for the purpose of conveying him to any hospital for the insane in the state of Minnesota, under any of the provisions of this act, who shall not in due time deliver him into the lawful care and custody of the proper officer of such hospital, taking his receipt therefor, provided he be admitted, or who shall willfully leave, abandon, neglect or abuse such patient, either going to or returning from the hospital, shall be deemed guilty of a misdemeanor.

(Id. § 27.)

**§ 3474. Inmates of asylum—Choice of correspondent—  
Censorship of letters.**

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 individual not connected with the said institution as a correspondent with whom the said inmate shall be allowed to communicate freely in writing; and there shall be no censorship exercised or allowed by any of the officers or employes of 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 months if he or she desires so to do.

(Id. § 28.)

**§ 3475. Same—List to be posted—Notice to correspondent.**

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 institution the name and postoffice 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 days that he has been 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.

(Id. § 29.)

**§ 3476. Same—Register of correspondence.**

It shall be the duty of the superintendent of each hospital or asylum for insane to provide a register of correspondence.

(Id. § 30.)

**§ 3477. Same—Entries—Duty of asylum official.**

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, on the day when any inmate is committed to the institution, or at any time thereafter when the said inmate shall so request, to record correctly in the said register the name and postoffice address of said person chosen by said inmate as correspondent in accordance with this act. It shall be the duty of said assistant physicians on their daily rounds to receive the requests of any inmates who may desire to write to the correspondents so chosen, and forthwith furnish or cause to be furnished to the said inmates one 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 \_\_\_\_\_ state hospital, 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 inmate oftener than once a week. The inmate shall inclose 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 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 said inmate therefor.

(Id. § 31.)

**§ 3478. Same—Mailing letters without opening—Letters for inmates.**

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 name 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 said correspondent 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 good 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.

(Id. § 32.)

**§ 3479. Inmates may write to governor, etc.**

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 board of trustees in the same manner and under the same regulations as with the correspondents chosen under this act.

(Id. § 33.)

**§ 3480. Violation of preceding sections—Penalty.**

Any superintendent, assistant physician or employe of any hospital or asylum for the insane, or any person refusing or neglecting to comply with or wilfully or knowingly violating any of the provisions of sections twenty-eight to thirty-six, both inclusive, of this act, shall be deemed guilty of a misdemeanor.

(Id. § 34.)

**§ 3481. Duty to investigate alleged violations of act.**

It shall be the duty of the superintendent of each hospital or asylum for the insane in this state, and every trustee of such institution, 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 or otherwise.

(Id. § 35.)

**§ 3482. Part of act to be posted in asylum.**

A copy of sections twenty-eight to thirty-six, both inclusive, 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.

(Id. § 36.)

**§ 3483. Relatives may take charge of insane, when—  
Bond.**

The relatives of any person who shall be found insane under section nineteen of this act shall, in all cases where, in the opinion of the judge of probate or court commissioner by whom he is found insane, it is prudent and advisable, have the right to take charge of and keep said insane person if they shall desire so to do; but the judge of probate or court commissioner

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may require a bond of such relatives, conditioned for the proper and safe keeping of such person; and if the relatives or friends of any patient, kept in any of the state hospitals, shall request his discharge, unless such patient stands charged with or convicted of some criminal offense, the superintendent of such hospital may, in his discretion, require a bond to be executed to the state of Minnesota, in such sum and with such sureties as he may deem proper, conditioned for the safe keeping of such patient, and on receipt and approval by him of said bond he may discharge the patient.

(Id. § 37.)

This section appears to be invalid. *State v. Billings*, cited at beginning of title.

#### § 3484. Convicts becoming insane—Procedure.

Whenever any person who now is, or hereafter becomes, a convict in the state prison or state reformatory, shall, in the opinion of the board of inspectors or managers thereof, have become insane, said board of inspectors or managers shall file with the judge of probate of the county in which said prison or reformatory is located information thereof in writing. Upon receiving such information from said board said judge of probate shall proceed to determine the question of insanity in the manner provided in section nineteen of this act, and, if satisfied that the convict is insane and a proper subject to be committed to a state hospital for care and treatment, he shall approve the certificate of the examiners, and issue his duplicate order and warrant committing said insane convict to the custody of the superintendent of the proper state hospital for the insane, and shall place such order and warrant, and the duplicate certificate of the examiners in lunacy, in the hands of the warden of the state prison, or the superintendent of the state reformatory (if the convict is in the reformatory.)

(1893, c. 5, § 38.)

This section appears to be invalid. *State v. Billings*, cited at beginning of title.

#### § 3485. Same—Removal to state hospital.

Upon the receipt of such duplicate warrant and certificate by said warden or superintendent, he shall cause said convict to be removed to the state hospital named in the warrant, and shall also cause the duplicate warrant and certified copy of examiners' certificate, and a certified copy of the prison records relating to such convict, to be filed in the office of the superintendent of the hospital, and the original, with the superintendent's indorsement thereon, to be returned to the judge of probate issuing the same. Said warden or superintendent shall cause the substantial facts contained in said warrant and certificate, including the dates thereof, to be entered upon the prison records. Said warrant and the superintendent's indorsement thereon shall each specify that the said insane person is a state prison or state reformatory convict.

(1893, c. 5, § 39.)

This section appears to be invalid. *State v. Billings*, cited at beginning of title.

#### § 3486. Recovery of convicts—Return to prison.

Whenever, in the opinion of the hospital superintendent, such convict has sufficiently recovered from the mental disability, on account of which such committal was made, his term of sentence not having expired, he shall notify the warden of the state prison, or superintendent of the state reformatory, and such warden or superintendent shall immediately cause such convict to be returned to said prison or reformatory.

(1893, c. 5, § 40.)

This section appears to be invalid. *State v. Billings*, cited at beginning of title.

#### § 3487. Escape of convicts committed to hospital—Notice.

Whenever a state prison or state reformatory convict who has been committed to a state hospital for the insane shall escape therefrom or die therein, the superintendent of such hospital shall immediately notify the warden of the state prison or superintendent of the state reformatory (in case he was committed from the reformatory) of the fact.

(1893, c. 5, § 41.)

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**§ 3488. Fees of examiners, how paid.**

The fees of the examiners in lunacy, hereinafter provided, shall be certified by the judge of probate before whom the examination was had, to the warden of the state prison or superintendent of the state reformatory, and they, together with the other expenses incurred in committing a convict to a state hospital for the insane, shall be paid from the current expense fund of the institution from which he was committed.

(Id. § 42.)

This section appears to be invalid. State v. Billings, cited at beginning of title.

**§ 3489. Incurable insane—Care of, in families.**

Whenever the superintendent of any state hospital shall report to the board of trustees that any insane person in the hospital under his charge is manifestly incurable, that his disease has become chronic and that he is not likely to be further benefited by treatment therein, and that he may safely and properly be taken care of in a private family, but whose own family are not able to support him, said board of trustees may authorize said superintendent to procure said person to be boarded and taken care of in some suitable private family, at an expense not to exceed three dollars per week, which shall be paid out of the current expense fund of said hospital. Said superintendent shall by himself or some one of the medical staff of such hospital, or some one delegated by him, cause such insane person to be visited as often as once in three months, and whenever, in the judgment of said superintendent, he is not properly cared for in the family where he has been placed, or for any reason he deems it best that he should be again cared for and treated in the hospital, he shall immediately cause his return thereto.

(1893, c. 5, § 43.)

**§ 3490. Patient absent on parole.**

Whenever in the judgment of the superintendent of any state hospital for the insane it will be beneficial to any patient therein, as part of the treatment, and that it is prudent so to do, or that it will be conducive to the recovery of any patient to return home or to his friends, or to be absent on trial, in case such patient has not been committed while under charge of any criminal offense, said superintendent may allow such patient to be absent on parole for such specified time as he may deem advisable, not exceeding six months. The order of commitment in such case shall remain in full force until the patient is discharged according to law, and his parole may be at any time revoked, in the discretion of the superintendent.

(Id. § 44.)

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**§ 3491. Discharge from asylum, when.**

The superintendent of any state hospital for the insane shall discharge any patient certified by him to be recovered, unless such patient stands charged with or convicted of some criminal offense. In all other cases patients shall be discharged only by the board of trustees, and three trustees shall constitute a quorum to discharge a patient. When patients, improved or unimproved, are reported to the board of trustees and recommended for discharge by the superintendent, such recommendation shall in each case state the reason why a discharge is advised. Whenever a patient is discharged in any of the ways herein provided, the superintendent of the hospital from which he has been discharged shall immediately mail to the judge of the probate court of the county in which the warrant of commitment was issued, and to the guardian or next of kin, a certificate signed by him, stating that such person has been discharged and the date thereof, which certificate, when received by such judge of probate, shall be filed in his office.

(Id. § 45.)

**§ 3492. Feeble-minded children—Transfer of.**

It shall be the duty of the superintendent of any such state hospital to select from time to time from the patients of the hospital under his management such idiotic and feeble-minded children and youths as in his opinion are proper subjects for training and instruction, and to transfer the same to the directors or managers of the Minnesota institute for defectives

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at Faribault, provided there is room for the reception of such persons in said institute for defectives, subject to the approval of the board of trustees.

(Id. § 46.)

## § 3493. Clothing and money to be supplied, when.

Every person committed to a state hospital for the insane shall, while he remains in the hospital, be furnished with proper and suitable clothing at the expense of the state; and, when discharged, he shall be furnished by the accounting officer of the hospital, upon the order of the superintendent, with suitable clothing, and also a sum of money sufficient to defray his expenses home, or to his friends; all of which shall be paid out of the current expense fund of said hospital.

(Id. § 47.)

## § 3494. Biennial report of trustees.

There shall be printed by the state one thousand copies of each biennial report of the trustees of the state hospitals for the insane, of which 700 shall be at the disposal of the trustees and 300 at the disposal of the secretary of state.

(Id. § 48.)

## § 3495. Fees of examiners and of officers.

The judge of probate or court commissioner shall allow the following fees for services provided for in this act: To the examiners in lunacy, for every examination, five dollars each, and for every mile traveled by each of them in making such examination fifteen cents. To the examiners jointly, or to the one answering the questions specified in section twenty of this act, five dollars. To the family physician or examiner procuring answers to the questions specified in section twenty-two, five dollars. To the person authorized to convey an insane person to a state hospital, or to the place of his legal residence, two dollars per day for the time necessarily employed, and all necessary disbursements for travel, and for the support of himself, the insane person and authorized assistants. Such amounts to be audited by the judge of probate or court commissioner, and judgment entered of record therefor, to be paid out of the county treasury by the county treasurer upon the written order of the judge of probate or court commissioner under seal of the court; and upon the payment thereof, said judgment shall be satisfied of record by the judge of probate or court commissioner; provided, that the said written order shall be filed with the county auditor, who shall issue his warrant on the county treasurer in payment of said sums.

(Id. § 49.)

This section, so far as it relates to fees for examination and commitment under §§ 3463-3467, appears to be invalid. State v. Billings, cited at beginning of title.

## § 3496. Private asylums licensed and controlled by board of trustees.

No person or association shall establish or keep an institution for the care, custody or treatment of the insane or persons of unsound mind, for compensation or hire or otherwise, without first obtaining a license therefor from the board of trustees; provided that this section shall not apply to any state institution; and provided also that it shall not apply to cases where an insane person or persons of unsound mind is detained and treated at his own home or that of some relative. Every application for such license shall be accompanied by a plan of the premises proposed to be occupied, describing the capacities of the buildings for the uses intended, the extent and location of grounds appurtenant thereto, and the number of patients of either sex proposed to be received therein, together with such additional information as the trustees may require; and it shall not be lawful for said board of trustees to grant any such license without first having caused an examination by at least three of its members of the premises proposed to be licensed, and being satisfied by such examination that they are as described, and are otherwise fit for and suitable for the purposes for which they are designed to be used. It shall be the duty of the board of trustees at their first visit to each institution licensed in accordance with the laws

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of the state to have the care, custody or treatment of the insane or persons of unsound mind to examine the terms of the existing license, and determine how far the institution is conducted in compliance with said license; the board of trustees shall have power to continue, amend or revoke any existing license, as in their opinion the interests of the insane in the respective institutions demands.

(1893, c. 5, § 50.)

**§ 3497. Investigation by trustees—Their powers—Report—Notice to attorney general, when.**

In all cases where the board of trustees has reason to believe that any person is wrongfully deprived of his liberty, or is cruelly, negligently or improperly treated in any institution for the care and custody of the insane, or inadequate provision is made for the skillful medical care or proper supervision and safekeeping of the insane, it shall, in its discretion, order an investigation of the facts in the case by one or more of its members and the attorney general or his deputy. The trustee or trustees conducting such inquiries are hereby empowered to issue compulsory process for the attendance of witnesses and the production of papers, to administer oaths, and to examine persons under oath, and to exercise the same general powers as belong to referees appointed by the courts of the state. Upon the completion of such investigation said trustee or trustees shall make a concise statement of the facts found by him or them, with such suggestions and recommendations as to him or them seem advisable, and transmit a copy of the same, together with the whole or such portion of the testimony taken by him or them as they deem necessary to the governor. Upon the receipt by the governor of the report of such investigation he shall, if in his opinion the facts and conclusions warrant, order the attorney general to prosecute the superintendent, officers, managers, servants or employes of such institution or any of them that have in any manner been guilty of any offense punishable by the laws of this state. Whenever said board of trustees shall make investigation into the general management and administration of any institution for the custody and care of the insane, it shall give due notice thereof to the attorney general to appear at such investigation personally or by deputy, in behalf of the people, and examine all witnesses who may be in attendance thereat, and it shall also give due notice of the time and place of holding such investigation.

(Id. § 51.)

**§ 3498. Annual report of superintendent—Contents.**

The superintendent of every institution where insane are kept shall, on or before the first day of September in each and every year, report to the board of trustees the number of male and female insane, idiotic and epileptic in custody on the last day of July last passed, together with a statistical exhibit of the number of admissions, discharges and deaths that have occurred within the past year; the actual condition of those discharged, the causes of death of those dying in the institution, and such other facts and information as the board of trustees may require; and whoever shall neglect to report as above directed shall be guilty of a misdemeanor.

(Id. § 52.)

**§ 3499. Forms.**

**A. Judge's Certificate of Qualification.**

State of Minnesota, }  
County of \_\_\_\_\_, } ss.

I hereby certify as follows:

1. I am judge of probate within and for the county of \_\_\_\_\_, within the state of Minnesota, and reside at \_\_\_\_\_.

2. That (from the evidence laid before me) \_\_\_\_\_, of \_\_\_\_\_, is a permanent resident of said state; that he is personally known to me; that he is a person of reputable character; that he is a graduate of \_\_\_\_\_, which is an incorporated medical college at \_\_\_\_\_, in the state of \_\_\_\_\_; that he graduated from said college on or about the \_\_\_\_\_ day of \_\_\_\_\_, 18—; that he

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has been duly licensed to practice by the board of medical examiners of the state of Minnesota; and that he has been in the actual practice of his profession for at least three years last past, and he is on the \_\_\_\_\_ day of \_\_\_\_\_, 18—, hereby duly constituted an examiner in lunacy.

## B. Information of Insanity.

To the Hon. \_\_\_\_\_, Judge of Probate of the County of \_\_\_\_\_, State of Minnesota,

Sir: Your informant respectfully represents that one \_\_\_\_\_, residing at \_\_\_\_\_, is insane, and a proper subject for custody and treatment in a hospital for the insane as he verily believes; and he therefore asks that the necessary steps be taken to investigate \_\_\_\_\_ condition, as provided by law in such cases.

## C. Commission to Physicians.

State of Minnesota, }  
County of \_\_\_\_\_ } ss.

Office of the Judge of Probate of said County.

To \_\_\_\_\_, a legally qualified physician and examiner in lunacy, \_\_\_\_\_ county, state of Minnesota,

Information in due form of law having been filed in my office, alleging that one \_\_\_\_\_, residing at \_\_\_\_\_, is insane, and a proper subject for custody and treatment in a hospital for the insane, you are hereby appointed to visit or see said person, and make a personal examination as to the truth of such allegations, and as to \_\_\_\_\_ actual condition. \_\_\_\_\_ is the other examiner.

Accepting this appointment, you will proceed at once to make such examination and forthwith report thereon to me, as required by law, for which purpose the necessary blanks accompany this commission.

Witness my hand and official seal hereto attached this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 189—.

[Seal.]

\_\_\_\_\_  
Probate Judge.

## D. Certificate of Physicians.

State of Minnesota, }  
County of \_\_\_\_\_ } ss.

To Hon. \_\_\_\_\_, Judge of Probate for the County of \_\_\_\_\_,

Sir: Pursuant to your commission to us, dated \_\_\_\_\_, 189—, we did on the \_\_\_\_\_ day of \_\_\_\_\_, 189—, personally examine \_\_\_\_\_, a resident of \_\_\_\_\_, in the state of Minnesota, the person named in said commission.

Inquiries were made and information obtained as follows:

(Here insert the questions specified in section twenty.)

As the result of the examination, we find, and hereby certify, that said \_\_\_\_\_ is insane, and a proper person for care and treatment in a hospital for the insane.

We have found the above opinion upon the following facts:

The patient said (here state what the patient said to either or both examiners).

The patient did (here state what the patient did in the presence of either or both examiners).

The patient's appearance and manner was \_\_\_\_\_

Other facts indicating insanity, including those communicated to us by others, as follows:

That the address of the family physician is \_\_\_\_\_ (or that said patient has no regular family physician).

That the answers obtained to the foregoing questions are true to the best of our knowledge, information and belief.

We recommend the commitment of said \_\_\_\_\_ to a hospital for the insane, because (here give one of the reasons named in section seventeen).

\_\_\_\_\_  
\_\_\_\_\_  
On this \_\_\_\_\_ day of \_\_\_\_\_, 189—, personally appeared before me \_\_\_\_\_ and \_\_\_\_\_, the signers of the above certificate, and made oath to the truth

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CHARITABLE INSTITUTIONS.

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and correctness of the same, and I certify that the signatures thereto are genuine and that the signers are duly qualified examiners in lunacy.

[Seal.]

\_\_\_\_\_,  
Probate Judge.

E. Order of Commitment.

State of Minnesota, }  
County of \_\_\_\_\_, } ss.

Office of the Judge of Probate of said County.

To the Superintendent of the \_\_\_\_\_ State Hospital:

On receipt of the certificate of two duly qualified examiners in lunacy, appointed by me, certifying to the insanity of \_\_\_\_\_, of \_\_\_\_\_, and recommending \_\_\_\_\_ commitment to a hospital for the insane, and having caused \_\_\_\_\_ to be fully informed of the proceedings taken in \_\_\_\_\_ case, and having (here state whether he personally saw said alleged insane person, or took any further testimony).

It appears to me upon full consideration of the certificate of the examiners, and other evidence, that \_\_\_\_\_ is insane and a proper subject for custody and treatment in an insane hospital, and I so find, and hereby approve said examiners' certificate.

Therefore it is ordered that \_\_\_\_\_ be committed to the \_\_\_\_\_ state hospital, there to be detained until discharged according to law.

\_\_\_\_\_,  
Judge of Probate.

Warrant to Remove to Hospital.

This order and warrant, with the custody of the said \_\_\_\_\_, is delivered to \_\_\_\_\_ for execution.

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 189-.

\_\_\_\_\_,  
Judge of Probate.

Return to Superintendent.

\_\_\_\_\_ State Hospital, \_\_\_\_\_, 189-.

I have this day received the within named patient, with a duplicate of this warrant, and a certified copy of certificate of the examiners in lunacy at the hands of \_\_\_\_\_, attended by \_\_\_\_\_.

The patient is in \_\_\_\_\_ condition.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 189-.

\_\_\_\_\_  
(Id. § 54.)

[TITLE 4.]

[STATE PUBLIC SCHOOL.]<sup>a</sup>

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## § 3500. Commissioners—Designation of school.

The governor shall appoint five 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, c. 146, § 1; G. S. 1878, v. 2, c. 36, § 184.)

## § 3501. Same—Powers—Compensation—Governor ex officio member.

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

<sup>a</sup> An act to provide for establishing and conducting a state public school. Approved March 9, 1885. § 4 appropriates \$20,000 for the years 1886-87. See, also, Laws 1887, c. 244, for appropriation for the years 1888-89.

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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, c. 146, § 2; G. S. 1878, v. 2, c. 36, § 185.)

## § 3502. Site—Price—Payment—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 dollars shall be paid for that purpose. The said commissioners shall, at their first meeting, appoint from their members a secretary and treasurer.

(1885, c. 146, § 3; G. S. 1878, v. 2, c. 36, § 186.)

## § 3503. Secretary—Duties—Drawing money.

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

(1885, c. 146, § 5; G. S. 1878, v. 2, c. 36, § 187.)

## § 3504. Superintendence—Employes—Capacity of building.

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 children.

(1885, c. 146, § 6; G. S. 1878, v. 2, c. 36, § 188.)

## § 3505. Commissioners' oath—Treasurer's 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 dollars, with two 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, c. 146, § 7; G. S. 1878, v. 2, c. 36, § 189.)

## § 3506. Completion of building.

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 of this act.

(1885, c. 146, § 8; G. S. 1878, v. 2, c. 36, § 190.)

## § 3507. Board of control—Appointment—Term—Powers.

The general supervision and government of said state public school shall be vested in a board of control, to consist of three members, who shall be appointed by the governor, by and with the advice and consent of the senate,

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[Ch. 35]

the members of which board shall hold their offices for the respective terms of two, four, and six 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 of the said board appointed every two years, whose term of office shall continue for six 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, c. 146, § 9; G. S. 1878, v. 2, c. 36, § 191.)

## § 3508. Same—Meetings—Officers and employes—Treasurer's bond—Rules and regulations.

It shall be the duty of said board of control to meet once in three 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 or more sufficient sureties, to be approved by the said board and the governor, in the penal sum of at least ten thousand dollars, 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. 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. 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 board; and said board shall prescribe their duties, and fix their salaries, subject to the approval of the governor.

(1885, c. 146, § 10; G. S. 1878, v. 2, c. 36, § 192.)

## § 3509. Pupils—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 and under fourteen years of age, and sound in mind and free from disease. That said board is authorized in admitting children to give preference to those under twelve years of age.

(1885, c. 146, § 11; G. S. 1878, v. 2, c. 36, § 193; as amended 1889, c. 167, § 2; 1891, c. 124, § 1.)

By Laws 1839, c. 167, § 14, all inconsistent acts are repealed.

## § 3510. Same—Instruction.

That those admitted to said school, unless sent from the school as provided by this act, shall be retained therein until they are sixteen 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 years of age, and no home has been procured, or whenever,

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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, c. 146, § 12; G. S. 1878, v. 2, c. 36, § 194; as amended 1889, c. 167, § 3.)

**§ 3511. Object of act—Duties of board—Release of pupil.**

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 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, c. 146, § 13; G. S. 1878, v. 2, c. 36, § 195; as amended 1889, c. 167, § 4.)

**§ 3512. Duty of county commissioners—Unlawful to place children in poor house, when—Soldiers' orphans.**

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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, c. 146, § 14; G. S. 1878, v. 2, c. 36, § 196; as amended 1889, c. 167, § 5.)

**§ 3513. Admission — Candidates — Distribution — Transportation.**

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 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, c. 146, § 15; G. S. 1878, v. 2, c. 36, § 197; as amended 1889, c. 167, § 6.)

**§ 3514. Judge of probate—Duty of investigation—Findings—Penalty for interference with pupil.**

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 and fourteen years of age who are sound in mind and free from disease, 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. 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 the parents. The records of the proceedings should show who, if any one, appeared in behalf of the child on such examination. 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 mendicity, 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. 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. 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. Any parent, guardian or other person who shall abduct, conceal, entice or carry away, or improperly interfere with a child which has been placed by order of the judge of probate in said school, is hereby declared guilty of a misdemeanor.

(1885, c. 146, § 16; G. S. 1878, v. 2, c. 36, § 198; as amended 1889, c. 167, § 7; 1901, c. 124, § 1; 1903, c. 117, § 1.)

### § 3515. Application to judge of probate—Citation to parent.

That whenever the county commissioners of any county shall bring any child before the judge of probate for examination as provided in section sixteen 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 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 mendicancy, 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. 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 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 such 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, c. 146, § 20; G. S. 1878, v. 2, c. 36, § 202; as amended 1889, c. 167, § 11.)

Where in the application or petition the only averment in regard to the situation or condition of the child is that he "belongs to one of the classes enumerated by the statutes of the state as admissible" to such school, the probate court does not acquire jurisdiction. State v. Kinmore, 54 Minn. 135, 55 N. W. Rep. 830.

### § 3516. 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 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, c. 146, § 22; G. S. 1878, v. 2, c. 36, § 204; as renumbered 1889, c. 167, § 13.)

**§ 3517. Agent of school—Duties and powers—Compensation.**

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 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. The said agent is hereby authorized to enter any dwelling house or other building wherever he has reasonable cause to believe that any ward of the school is detained, concealed or kept in hiding, and recover possession of the person of such ward, and to that end he may forcibly open any door of such house or building. Any person who shall resist, obstruct or willfully interfere with the said agent in his attempt to recover the possession of such ward is hereby declared guilty of a misdemeanor. 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 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, c. 146, § 18; G. S. 1878, v. 2, c. 36, § 200; as amended 1889, c. 167, § 9; 1893, c. 117, § 2.)

**§ 3518. Adoption of pupils.**

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, A. D. one thousand eight hundred and seventy-six; and that on such adoption the said board of control shall cease to be the guardian of the child adopted.

(1885, c. 146, § 21; G. S. 1878, v. 2, c. 36, § 203; as amended 1889, c. 167, § 12.)

**§ 3519. Pupils—Record.**

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, c. 146, § 17; G. S. 1878, v. 2, c. 36, § 199; as renumbered 1889, c. 167, § 8.)

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# MINNESOTA STATUTES 1894

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STATE REFORM SCHOOL.

§§ 3520-3521

**§ 3520. Board—Biennial report—Compensation.**

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 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 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, c. 146, § 19; G. S. 1878, v. 2, c. 36, § 201; as amended 1889, c. 167, § 10.)

[TITLE 5.]

[STATE REFORM SCHOOL.]<sup>4</sup>

**§ 3521. Board of managers—Appointment—Term.**

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 managers, three of whom shall constitute a quorum for the transaction of business. The persons now constituting said board shall continue to serve as managers for the term for which they were respectively appointed. Within thirty 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 years from and after the second Monday in January, one thousand eight hundred and eighty-nine; and on the second 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 years, provided that the person appointed as such manager to succeed that member of said board whose term of office expired on the second Monday of January, one thousand eight hundred and eighty-nine, shall be so appointed for the term of four years, and within twenty days after such annual appointment the governor shall designate one of said managers to act as president of said board for the term of one year, and until his successor shall be designated; and the governor shall duly notify said board of such appointment at their first regular meeting thereafter; and the said managers shall always, at their first regular meeting after the appointment of 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, c. 7, § 1;<sup>5</sup> G. S. 1878, c. 35, § 42; as amended 1889, c. 260, § 1.)

<sup>4</sup>See "An act to remove the State Reform School, and relocate the same" (Laws 1887, c. 200).

<sup>5</sup>An act entitled "An act to consolidate the various acts relating to the Minnesota State Reform School, and to amend the same." Approved March 3, 1870 (Laws 1870, c. 7).

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§ 3522. Same—Rules and regulations.

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Said board of managers shall have the care, control and management of said institution, and shall establish such regulations respecting the religion and moral education, training, employment, discipline and safe keeping of its inhabitants as may be deemed expedient and proper.

(1870, c. 7, § 2; G. S. 1878, c. 35, § 43; as amended 1889, c. 260, § 1.)

§ 3523. Who to be received.

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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 infant, he or she should be placed under the guardianship of the managers of the Minnesota state reform school.

Second—Infants committed by the authority aforesaid, when complaint and due proof have been made that such infant is a proper subject for the guardianship of the managers of the said Minnesota state reform school, in consequence of vagrancy, or incorrigibly vicious conduct, and that, from the moral depravity or other insuperable obstacle, on the part of the parent, guardian, or next friend, in whose custody such infant may be, such parent, guardian or next friend is incapable or unwilling to exercise the proper care and discipline over such incorrigible and vicious infant.

Third—Infants who shall be taken and committed as vagrants, or upon any criminal charge, or duly convicted of any criminal offences, such as, in the judgment of the court before which such conviction may be had, may be deemed proper reasons for such commitment.

**Powers of managers over children committed—Apprenticing.**

And the said managers shall have the power to place the said children committed to their care during their minority, at such employment, and cause them to be instructed in such branches of useful knowledge, as may be suitable to their years and capacities; and they shall have the power, at their discretion, to bind out the said children, with their consent, as apprentices, for the period of their minority, to such persons and at such places, to learn such trades and employments, as, in the judgment of the said managers, will be most conducive to their reformation and amendment, and will tend to the future benefit and advantage of such children.

**Persons over sixteen years, when committed.**

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 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 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, c. 7, § 3; G. S. 1878, c. 35, § 44; as amended 1889, c. 261, § 1.)

The provisions conferring on justices power to commit infants for terms exceeding a period of three months are not repugnant to Const. art. 6, § 7, relating to the jurisdiction of probate courts, or to § 8 of the same article, relating to the jurisdiction of justices of the peace. *State v. Brown*, 50 Minn. 353, 52 N. W. Rep. 935.

Subd. 2. As to the necessity of making the parent, guardian, or next friend a party. *Id.*

**§ 3524. Infant criminals—Commitment.**

That whenever any infant under the age of sixteen years shall have been duly convicted in any of the courts of this state of any crime punishable by imprisonment, except of the crime of murder, it shall be the duty of the magistrate before whom such conviction is had to commit the said infant so convicted to the guardianship of the board of managers of the Minnesota State Reform School.

(1872, c. 28, § 1; G. S. 1878, c. 35, § 48a; re-enacted 1883, c. 37, § 1.)

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**§ 3525. Commitment for incorrigibility—Evidence—Approval by district court.**

That no justice of the peace shall have power to commit any infant to said reform school upon a charge of incorrigibility unless such charge is proved by at least two disinterested witnesses, and no commitment for incorrigibility shall be sufficient to justify the admission of said incorrigible 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 incorrigibility 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, c. 28, § 2; G. S. 1878, c. 35, § 48b; as amended 1883, c. 37, § 2.)

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**§ 3526. Maintenance a public charge.**

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.

(1872, c. 28, § 3; G. S. 1878, c. 35, § 48c; as amended 1883, c. 37, § 3; 1885, c. 83.)

Failure to submit the evidence to the district judge renders the commitment void. *State v. Brown*, 47 Minn. 472, 50 N. W. Rep. 920. See *State v. Brown*, 50 Minn. 353, 52 N. W. Rep. 935.

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**§ 3527. Commitment—From federal courts.**

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 convicted; and for the support

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<sup>4</sup> An act to amend an act entitled "An act to secure proper commitments to the Minnesota State Reform School," approved February 26, 1872. Approved March 2, 1883. The act of 1883, §§ 3524-3526, does not in terms amend the act of 1872, except by said title. The act of 1872 is contained in Gen. St. 1878, c. 35, §§ 45-48.

and keeping of such infant prisoner the United States shall be liable to the same charges as may by law be chargeable against the counties from which similar commitments may be made by the courts of this state.

(1879, c. 98, § 1; 7 G. S. 1878, v. 2, c. 35, § 48d.)

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**§ 3528. Execution of warrant of commitment—Fees.**

It shall be the duty of the sheriff or any constable of the respective counties, or, in case of their absence, of any suitable person appointed by the court for such purpose, to convey any infant committed as aforesaid, to said school; and justices of the peace and constables and sheriffs performing services under this act shall be paid the same fees as are allowed for similar services in criminal cases; and the officer conveying any infant committed as aforesaid, to said school, shall receive therefor the same compensation as is allowed for the conveyance of prisoners to the state prison; such fees and compensation to be paid out of the treasury of the county from which such infant was committed.

(1870, c. 7, § 5; G. S. 1878, c. 35, § 49.)

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**§ 3529. Powers and duties of managers—Annual report.**

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.

**Transfer of inmates to state 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, c. 7, § 7; G. S. 1878, c. 35, § 51; as amended 1889, c. 259, § 1.)

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**§ 3530. Property exempt from taxation.**

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

(1870, c. 7, § 9; G. S. 1878, c. 35, § 52.)

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**§ 3531. No roads through grounds, without consent of managers.**

That no person or persons, corporation or body politic, shall be permitted to open, lay out or construct any road or highway, either public or private, under any pretence whatever, upon or through any ground owned and occupied by said school, without the consent of the managers thereof.

(1870, c. 7, § 10; G. S. 1878, c. 35, § 53.)

3531

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<sup>1</sup>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.

**§ 3532. Platting of old site in Ramsey county.**

The board of managers of the state reform school are hereby authorized and required to employ a competent surveyor and cause the lands now occupied as the site of said institution in the county of Ramsey to be surveyed, platted and laid out into lots and blocks with such intervening and adjacent streets and alleys, and also cause the same to be numbered, named and designated respectively in such manner as they may deem desirable for promoting the sale thereof as herein provided. They shall also cause to be planted at each corner of the entire tract so surveyed and platted, suitable stone or other permanent monuments. The precise location of such monuments and the precise length and width of such lots, and the width and courses of such streets and alleys shall be distinctly specified on such plat. Such lands so platted shall be known and designated by such name as said board may select. The said plat shall contain thereon the certificate of such surveyor to the effect that the same is an accurate plat and survey of the said lands, and a full description by metes and bounds of the same. The said board of managers, or a majority of them, shall also upon said plat certify that they have caused the said lands to be surveyed, platted and laid out into lots, blocks, streets and alleys, and to be numbered, named and designated as on said plat set forth; and that the said lands so platted constitute and shall be known by such name as said board in and by such certificate may select and determine.

(1889, c. 258, § 1.9)

**§ 3533. Plat to be filed.**

Within ninety days from the approval of this act the said board of managers shall file said plat in the office of the register of deeds of the county of Ramsey; and the said register is hereby authorized to and shall record the same in the public records in his office. And thereafter all conveyances of or references to any part or parts of said lands by lots or blocks, according to such plat, shall for all purposes be a valid and sufficient description of the part or parts of said lands so conveyed or referred to.

(Id. § 2.)

**§ 3534. Plat to be recorded.**

That the register of deeds of Ramsey county is hereby authorized and required to duly file and record in his office the plat of the lands now occupied by the state reform school of Minnesota, made pursuant to an act of the legislature of this state, approved February twenty-eighth, A. D. eighteen hundred and eighty-nine, when offered to him for that purpose, notwithstanding any local improvement assessments now due against and affecting said lands.

(1889, c. 155, § 1.9)

**§ 3535. Assessment and taxes to be paid, how.**

That the managers of said reform school are hereby authorized and required to pay into the treasury of the city of St. Paul in said Ramsey county, out of the first moneys that shall come into their hands from the sale of said lands or any part thereof, such sum or sums as shall hereafter be found to be now legally due and chargeable against said lands on account of assessments and taxes for local improvements; and upon the payment of the same the treasurer of the city of St. Paul in said county shall give his receipt therefor to said managers, and the same shall be received in every accounting for the sale of said lands as sufficient evidence of the facts therein recited.

(Id. § 2.)

<sup>8</sup>An act relating to the State Reform School. Approved February 23, 1889.

<sup>9</sup>An act to provide for the recording of the plat of the lands now occupied by the State Reform School, and the payment of certain taxes now existing against said lands. Approved April 24, 1889. By § 40, all acts and parts of acts inconsistent with this act are repealed.

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**§ 3536. Plat—Dedication of streets, etc.**

The making and recording of said plat shall be and operate as a dedication for public use as a street or alley of the streets and alleys laid out upon such plat.

(1889, c. 258, § 3.)

**§ 3537. Plat—To deliver copy to land commissioner.**

The said board of managers shall also within said ninety days make and deliver to the commissioner of the land office a copy of such plat so certified, together with a statement by them thereto attached of such lots, blocks and intervening or adjacent streets and alleys as they may desire to reserve for the temporary use of said institution, which shall not exceed twenty-three acres in extent.

(Id. § 4.)

**§ 3538. Appraisers—Oath.**

The said commissioner shall within five days after the delivery to him of said copy or said plat appoint three disinterested citizens of this state as appraisers of said lands. Said appraisers shall take and subscribe and file with said commissioner an oath or affirmation that they will faithfully and impartially discharge their duties as appraisers according to the best of their ability, and that they are not directly or indirectly interested in any of such lands, and have not entered into any combination to purchase the same or any part thereof. If any person so appointed as appraiser shall fail to so qualify within five days after his appointment the said commissioner shall forthwith appoint some other citizen in his place, who shall qualify in the manner aforesaid.

(Id. § 5.)

**§ 3539. Same—Duties—Compensation.**

The said commissioner shall deliver to such appraisers the said copy of said plat; and within ten days thereafter the said appraisers shall view the said lands and appraise each lot and the improvements thereon, if any, (except those so reserved by the board of managers as aforesaid) and make and file with said commissioner their report of such appraisement and return to him the said plat. As compensation for their services the said appraisers shall receive five dollars each per day, to be paid out of the state treasury.

(Id. § 6.)

**§ 3540. Appraisal of lots may be raised.**

The said board of managers may examine and review the report of said appraisers, and may raise the price of each lot as fixed by said appraisers to such sum as to them may seem just and proper; and shall report any changes so made by them to said commissioner at least ten days before the time fixed for the sale of such lands.

(Id. § 7.)

**§ 3541. Sale of lots—Notice.**

Upon the filing of the report of said appraisers the commissioner shall fix upon a time and place at which he will sell the said lots in said report described, which time shall be within forty days from the filing of such report, and shall give public notice thereof. Such notice shall be so given by publishing the same at least once in each week for four successive weeks in a newspaper published in the city of St. Paul, and also in a newspaper published in the city of Minneapolis. And he is also hereby authorized to give such other and additional publicity to such notice as he may deem desirable. Such notice shall specify the time at which such sale will commence, the succeeding days during which the same will be continued, which shall not be more than three days, a description of the lots to be offered on each day respectively, and a general statement of the terms of sale.

(Id. § 8.)

**§ 3542. Sale at auction—Manner of.**

Such sale shall be at auction on said lands in the city of St. Paul, and shall be made by said commissioner or such person or persons as he may authorize

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for that purpose. It shall commence at the time and on the day in such notice specified, and be continued on the succeeding days therein stated. On each such day the said lots shall be offered for sale in consecutive order, beginning with the smallest numbered lot in the smallest numbered block, and so continuing until all the lots and blocks in such notice advertised to be sold on such day shall be sold or offered for sale. Each lot shall be sold separately, and no lot shall be sold for less than the minimum price thereof as specified in the said report of said appraisers.

(Id. § 9.)

## § 3543. Terms of sale.

The terms of payment for all lots so sold shall be twenty per cent. of the purchase price thereof at the time of sale, and interest on the unpaid balance as hereafter stated to June first, of the ensuing year, and the balance of such purchase price at any time within twenty years from June first, one thousand eight hundred and eighty-nine, at the option of the purchaser, with interest annually in advance at the rate of not less than six per cent. per annum on such unpaid balance, payable to the state treasurer on or before June first, in each year.

(Id. § 10.)

## § 3544. Certificate of purchase—Contents.

At the time of the sale of said lots the commissioner shall make out and deliver to the respective purchasers thereof a certificate of purchase, in which he shall certify the description of the lot sold and the price thereof, the consideration paid and to be paid therefor, the rate of interest, and the times and terms of payment. Such certificate shall be numbered and made assignable; but no certificate shall be delivered to the purchaser until the sum of money required by this act to be paid at the time of sale is actually paid to the state treasurer. And in case such purchaser fails to pay such sum before the close of such sale on said day the commissioner shall again offer such lot for sale upon such day, but no bid therefor shall be received from the person so failing to pay as aforesaid. Such purchase certificate shall further set forth that in case of the nonpayment of the annual interest due in each year by the purchaser, or any person claiming under him, then the said certificate, from the time of such failure, shall be utterly void, and the said commissioner may take possession of said lot and resell the same as hereafter provided.

(Id. § 11.)

## § 3545. Same—To be recorded—Evidence.

Certificate of purchase issued pursuant to this act, and any assignments thereof executed and acknowledged in manner as provided by law for the execution and acknowledgment of deeds, shall be recorded in the office of the register of deeds of said Ramsey county in the same manner and with like effect as deeds are therein recorded. Such certificate shall entitle the purchaser therein named, his heirs, and assigns, to the exclusive possession of the land therein described. And the same and the record thereof shall be conclusive evidence of title in such purchaser, his heirs and assigns, for all purposes and against all persons except the state of Minnesota in case of forfeiture as aforesaid.

(Id. § 12.)

## § 3546. Patents to be issued, when.

The governor shall sign and cause to be issued under the seal of the state land office and attested by the commissioner thereof, patents for the lands described in such certificate of purchase whenever the same are presented to him, with the further certificate of said commissioner thereon endorsed that the whole amount of principal and interest specified therein, and all taxes due on said lands, have been paid, and that the holder of such certificate is entitled to such patent. And the governor shall in like manner cause to be issued patents for said land to any purchaser of the right, title and interest of the original purchaser, his heirs or assigns, at any execution, judicial or mortgage sale, or to any person redeeming the same from any such sale, upon presentation to him of the certificate of said commissioner that the whole amount of principal and interest and taxes due thereon has been

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paid according to law, and that such purchaser at execution or mortgage sale or redemptioner therefrom is entitled to a patent for the land described in such certificate.

(Id. § 13.)

## § 3547. Fee to remain in state until patents are issued.

The fee of such lot so sold shall be and remain in the state until patents are issued for the same as aforesaid. And in case of the non-compliance by the purchaser, his heirs and assigns, with the terms of the certificate of purchase and the provisions of law applicable thereto, any and all persons being or continuing in possession of such lands after a failure to comply with the terms of the certificate and provisions of law as aforesaid, without a written permission of said commissioner, shall be deemed and held to detain such land forcibly and without right, and to be trespassers thereon.

(Id. § 14.)

## § 3548. Lots sold to be listed for taxation.

The commissioners shall transmit to the auditor of said Ramsey county a detailed description of the lots sold and the names of the purchasers, and the said auditor shall cause the same to be extended upon the tax duplicate for the purposes of taxation; and all the provisions of law relating to taxes upon school lands sold by said commissioner shall be in force and apply with like effect to the said lands so sold under the provisions of this act.

(Id. § 15.)

## § 3549. Forfeiture—Redemption before resale.

In all cases where the rights of a purchaser have become forfeited under the provisions of this act by failing to pay the amount due upon his certificate of purchase, if such purchaser, his heirs or assigns, shall before the time appointed for a resale of said lands as hereinafter provided pay to the state treasurer the amount of interest then due and payable on such certificate, with twelve per cent interest thereon, and all costs which have been incurred in addition thereto, such payment shall operate as a redemption of the rights of such purchaser, his heirs and assigns; and such certificate from the time of such payment shall be in full force and effect as if no forfeiture had occurred.

(Id. § 16.)

## § 3550. Unsold lots—Reappraisal.

In case any of said lots remain unsold at the conclusion of said commissioner's sale the said commissioner shall at any time thereafter whenever requested by said board of managers at any other sale to be by him held sell the same in like manner and upon the same terms as herein provided. Such sale and the payments therefor to be so made and certificates therefor issued upon the same terms and with like effect as though such lots had been sold at auction sale as aforesaid. And the said commissioner may at any time, in case he shall consider that said lands have advanced or depreciated in value since the appraisalment thereof, cause reappraisements to be made from time to time substantially as provided in this act for the first appraisalment thereof.

(Id. § 17.)

## § 3551. Managers may sell as deemed expedient.

The said board of managers may and are hereby authorized to, if in their judgment the interests of said institution are thereby best subserved, sell the said lands as one entire tract or in such tracts or parcels, or lots, or blocks as they may deem desirable at any time before the said commissioner's sale thereof, but no such sale shall be made for less than the minimum price fixed by said appraisers. And if, upon the conclusion of said commissioner's sale any of said lots remain unsold, may sell the same as in this section provided. Said sales may be so made by said board of managers upon such terms and in such manner as they may deem expedient; provided, that at least one-half of the agreed purchase price of the lot, block, tract or parcel so sold shall be paid at the time of such sale. And the said board are hereby authorized to make and deliver to such purchasers such deeds of conveyance thereof in the name of the state as they may deem proper.

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And they are further hereby authorized to accept for the unpaid balance of the purchase price of any such lot, block, tract or parcel the promissory notes of any such purchasers secured by a first mortgage upon the lands so sold, which notes and mortgage shall be made and run to the said board of managers, and may be by them sold and assigned to any person or persons in such manner and on such terms as they may deem expedient; but no such sale shall be made for less than the face value of such notes with accrued interest. All the proceeds of any such sales shall be paid into the state treasury and credited to said state reform school fund. In the event of any such sale so being made by said board of managers before the said commissioner's sale they shall forthwith notify the said commissioner thereof and the lots sold or embraced in the tracts or parcels so sold shall be withdrawn from said commissioner's sale.

(Id. § 18.)

## § 3552. Actions for recovery of land—Limitation.

No action for the recovery of said lands or any part thereof, or for the recovery of the possession of the same founded upon any right, claim or interest therein existing in the plaintiff, or those under or by whom he claims prior to the passage of this act, shall be maintained against any person purchasing such lands, or his heirs or assigns, at any sale herein provided for, unless such action shall be commenced within one year from the passage of this act.

(Id. § 19.)

## § 3553. Reserved lots, when sold—Report of sale.

Whenever the buildings to be erected upon the site purchased for the permanent location of said institution, as herein provided, shall be substantially ready for use and occupancy by said school, the said board of managers may at any time sell the said part of said platted lands by them reserved, as aforesaid, upon such terms and in such manner, and in lots, tracts or bulk, and at public or private sale, as they may deem expedient. Upon making such sale they shall report the same to said commissioner, who, upon payment to the state treasurer of the amount required by the terms of such sale to be paid at the time thereof, shall issue to the purchaser his certificate of purchase, substantially in accordance with the provisions of section eleven of this act, which certificate shall have the same force and effect, shall be subject to the same conditions and proceedings, and entitle the owner thereof, his heirs and assigns, to a patent for said lands as certificates in said section provided for.

(Id. § 20.)

## § 3554. Forfeited lots to be resold.

In case any of the said lots, blocks, parcels or tracts of said land, sold as aforesaid, shall in any manner, by reason of default in the payment of the purchase price thereof or interest thereon, become again the property of the state, the same shall be resold in the same manner and with like effect as it was originally sold.

(Id. § 21.)

## § 3555. Reform school fund.

The principal, interest, penalties, and all sums in any manner derived or arising from the sale of said lands, shall be paid into the state treasury, and shall constitute a fund to be known as the Reform School fund; and the same is by this act set aside and appropriated for the purchase of a site for said reform school, in the county of Goodhue, and for the erection and maintenance thereon of suitable necessary buildings, properly furnished and equipped for the use of said institution, and for the support and maintenance of said institution.

(Id. § 22.)

## § 3556. Purchase of new site—Where.

The said board of managers of the state reform school are hereby authorized and required to purchase in the name and for the state of Minnesota, on or before the fifteenth day of June, A. D. eighteen hundred and eighty-nine, the lands, or so much or such part thereof as they may deem de-

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sirable for the use of said institution, situate in the county of Goodhue, and selected as the permanent site for said school, by the commissioners for that purpose, appointed by and acting under chapter two hundred of the general laws of eighteen hundred and eighty-seven, entitled, "An act to remove the state reform school, and to relocate the same," approved March seventh, eighteen hundred and eighty-seven, at such prices and on such terms as they may deem best. Provided, however, that the said board of managers may, and they are hereby authorized to, if in their judgment the interests of the state would be subserved thereby, select and purchase other lands situate in said county of Goodhue, and within four miles of the court house in the city of Red Wing, in said county, instead and in the place of the said lands so selected by said commissioners. But, in such case, such selection and purchase, or commencement of condemnation proceedings as hereafter provided, of such other lands, shall be made on or before June tenth, A. D., eighteen hundred and eighty-nine.

(Id. § 23.)

### § 3557. Condemnation of land selected, when.

In the event the said board of managers shall be unable by agreement with the owners thereof to purchase the lands selected or to be selected, as in the preceding section provided, or any part of the same, at such prices as they may deem just and reasonable within the time specified, they shall within four days thereafter determine and designate the lands that it is necessary for the state to acquire for the use of such institution, and which they are unable to acquire by agreement, and forthwith notify the attorney general of their determination and designation as aforesaid. The attorney general shall thereupon institute and prosecute proceedings for the condemnation of the lands so designated under and in accordance with the provisions of chapter thirty-six of the general laws of one thousand eight hundred and seventy-four, and the several acts amendatory thereof.

(Id. § 24.)

### § 3558. Condemnation awards—Moneys to be set aside.

In the event of the condemnation of any lands as herein provided for, the attorney general, upon the delivery to him of the copy of the award of the commissioners appointed by the court in such condemnation proceedings, shall notify the state treasurer of the amounts of said awards and the persons to whom the same are awarded respectively; and the state treasurer shall thereupon charge to and set aside from said reform school fund and hold as security for the respective owners of and persons interested in said lands, double the amount so awarded. Upon the expiration of the time allowed by law for an appeal from the award of said commissioners, and if no appeal shall have been taken therefrom, or if such appeal be taken, then upon the final determination thereof the state treasurer shall pay out of said fund to the several parties entitled thereto the said amounts of said awards or judgments respectively; and the balance, if any, of such amounts set aside as security as aforesaid shall be returned to said fund.

(Id. § 25.)

### § 3559. Amounts so set aside to be full compensation.

The charging to and setting aside from said reform school fund of the amounts aforesaid by the state treasurer shall for all purposes be held and construed to be full and just compensation to the respective owners of and persons interested in the lands so acquired by condemnation. And the said board of managers of said reform school shall thereupon have the right, and are hereby directed to forthwith enter upon, take possession of, and occupy and use said lands for the purposes of said school.

(Id. § 26.)

### § 3560. Erection of buildings.

The lands so acquired or purchased shall constitute and be the permanent site for said reform school. As soon as practicable upon such acquisition or purchase thereof the said board of managers shall cause to be erected and made thereon such buildings, structures and other improvements, and fur-

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nish, provide for and equip the same in such manner as they may deem best for the use and purposes of said institution. Nothing in this act shall be so construed as to authorize the said board to make or incur in or about the erection and completion of said buildings any indebtedness or cost in excess of the aggregate amount ultimately derived from the sale of all of said lands as aforesaid.

(Id. § 27, as amended 1891, c. 129, § 1.)

## § 3561. Contracts—Terms of payment.

In the construction upon such site of the buildings for said school the said board of managers are hereby authorized and empowered to make and enter into any and all such contracts relative thereto for and in the name of the state as they may deem expedient; provided, that the total amount of liabilities by them so incurred shall never exceed the amount at such times in the state treasury to the credit of said reform school fund. And in purchasing said site the said board of managers may by agreement with the owners thereof provide for the payment of the purchase price of the same at such times and in such instalments and on such terms as they may deem expedient.

(1889, c. 258, § 29.)

## § 3562. Managers may borrow, when.

For the purpose of acquiring such site for said institution and erecting such buildings and making such other improvements thereon as they may deem desirable, the said board of managers are hereby authorized to at any time anticipate the revenue accruing to said reform school fund from the unpaid purchase price and interest thereon of the lots and lands so sold as aforesaid, by borrowing money upon the credit of such sales and the revenue therefrom; provided, that the amounts so borrowed shall not be less than two-thirds of the then unpaid part of said purchase price, nor shall the interest to be paid upon such loans exceed the rates received by said board on sales of said lands.

(Id. § 29.)

## § 3563. Loans, how made.

Whenever the said board of managers shall desire to effect any such loan they shall by resolution determine the total amount of the loan desired, the times when the same and any instalments thereof shall become due and be payable respectively, and the maximum rate of interest to be paid annually thereon. A copy of such resolution embraced in a certificate signed by the president and secretary of said board, or any three members thereof, reciting the fact and date of the adoption of such resolution, shall be delivered to and filed with the said commissioner of the land office.

(Id. § 30.)

## § 3564. Certificates of land commissioner—Contents.

The said commissioner shall thereupon issue and deliver to the state treasurer certificates which shall contain descriptions of certain of the lots of lands sold as in this act provided, the date of such sale, the total amount of the purchase price thereof, the total amount of the then unpaid part of such purchase price, and the times and terms of the payment thereof, and of the annual interest thereon. Such certificate shall also recite that under and by virtue of this act the said board of managers are authorized to borrow upon such certificate the amount of money to be therein specified with interest thereon at a rate not exceeding that in said resolution of said board stated, and also that such amount and interest is payable out of the said reform school fund, and that all moneys received as interest upon and in payment of said unpaid part of the purchase price of the lands therein described are by virtue of this act pledged to the payment of the amount so borrowed and the interest thereon; and when received will be set aside in the state treasury for that purpose. Such certificates shall be numbered and shall be issued under the hand of the said commissioner and the seal of his office, and shall be so adjusted that the amount of said unpaid purchase price embraced in each certificate shall not exceed sixteen hundred dollars.

(Id. § 31.)

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## § 3565. Same—Indorsement—Managers.

The said board of managers shall endorse upon such certificate of said commissioner their certificate signed by them, or a majority of them, as such board, to the effect that they have caused to be borrowed thereon for the use of said institution the amount therein stated, that the same is payable and becomes due at the times respectively and bears interest at the rate therein to be specified, and that the same is payable to the person therein to be named or his order at the office of the state treasurer.

(Id. § 32.)

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## § 3566. Proceeds of certificates credited to fund—Register.

Upon payment to the state treasurer by the person from whom such loan is obtained of the amount in such certificate stated the said treasurer shall insert in such certificate of said board the date thereof and the name of the person to whom the same shall be payable, and shall countersign the same and deliver such certificate to such person. The amount so paid shall be placed to the credit of said reform school fund. And the said treasurer shall make and keep a register of such certificates and any assignment thereof in books to be by him provided for that purpose. If any of said certificates shall not be used as aforesaid within six months after the delivery thereof to him, the said treasurer shall return the same to said commissioner, and the same shall be by him cancelled.

(Id. § 33.)

## § 3567. Form of certificates.

The certificates of the said commissioner and of the said board of managers may be in substance as follows, to-wit:

### Commissioner's Certificate.

To all men to whom these presents shall come—greeting:

I, A. B., Commissioner of the land office of the state of Minnesota, as such do hereby certify that under and by virtue of an act of the legislature of the state of Minnesota, approved —, and entitled "an act relating to the state reform school," the following described real estate situate in the county of Ramsey, in said state, being part of the lands now owned and occupied by the state as the site of the state reform school, to-wit:

Lot No. —, in block No. —, in (name designated on plat,) were on the — day of —, A. D., 18—, duly sold pursuant to said act; that the total amount of the purchase price thereof was the sum of — dollars; that the total amount of the unpaid part of said purchase price is the sum of — dollars; that said unpaid part is payable within twenty years from June first, one thousand eight hundred and eighty-nine; and that the rate of interest thereon is six per cent. per annum, payable annually in advance on the first day of June, in each year.

I do hereby further certify that under and by virtue of the act aforesaid the board of managers of the state reform school are authorized to borrow upon this certificate the sum of — dollars, with interest thereon at a rate not exceeding — per cent per annum, payable annually; that said amount and interest is so payable by the treasurer of the state of Minnesota out of the reform school fund; and that all moneys received as interest upon or in payment of said unpaid part of the purchase price of the above described lands are by virtue of said act pledged to the payment of the amount borrowed on this certificate and the interest thereon and when received will be set aside in the state treasury for that purpose.

In witness whereof I have hereunto set my hand and affixed the seal of my office at the city of St. Paul this — day of —, A. D. 18—.

Commissioner of the land office of the state of Minnesota.

Certificate of the Board of Managers.

We, the board of managers of the state reform school of the state of Minnesota, do hereby certify that we have caused to be borrowed for the use of the state reform school the sum of — dollars; that the same is payable

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in not less than — years, and not more than — years from the first day of July, 18—, at the option of said board, upon giving notice as is in said act provided, and bears interest at the rate of — per cent. per annum from date payable on the first day of July in each year; and that the said amount and interest is payable as aforesaid to — or his order on presentation of this certificate to the state treasurer of the state of Minnesota, at his office in the city of St. Paul, Minnesota.

Issued and dated this — day of —, A. D. 18—

\_\_\_\_\_,  
\_\_\_\_\_,  
\_\_\_\_\_,  
\_\_\_\_\_,  
\_\_\_\_\_.

Board of Managers of the State Reform School.

Countersigned and registered.

State Treasurer.

(Id. § 34.)

## § 3568. What pledged for payment of certificate.

Upon the issuance of said certificates as aforesaid the unpaid part of the purchase price therein mentioned and all interest thereon accruing shall be and hereby is pledged for the payment of the amount and interest represented by such certificate; and whenever any money is paid into the state treasury on account of said unpaid purchase price, and the interest thereon, the state treasurer shall set aside and reserve the same for the payment of such certificate and the interest thereon; Provided, that the amount so set aside from the interest paid upon such purchase price in any year shall not exceed the amount of interest maturing in such year upon such certificate. And in case of the forfeiture and a resale of any of the lands described in any such certificate as in this act provided, the entire proceeds of such resale are hereby pledged and shall be set aside and reserved for the payment of said certificate and the interest thereon in the same manner and with like effect as in this section provided in reference to the unpaid part of the original purchase price thereof and interest thereon.

(Id. § 35.)

## § 3569. How to be paid.

The state treasurer shall pay such certificates and the annually maturing interest thereon, according to the terms thereof, upon presentation of the same by the owner, out of the said moneys pledged and set aside therefor as aforesaid; and if such money pledged and set aside is not at the time sufficient for that purpose, he shall pay the same, or so much thereof as may be necessary, out of any money belonging to said reform school fund not otherwise pledged or appropriated.

(Id. § 36.)

## § 3570. Redemption of certificates—When—Notice.

Whenever, in the judgment of said board of managers, it may be desirable to pay the principal of any of such certificate which by the terms thereof is payable, and there are moneys to the credit of said reform school fund available for that purpose, they shall notify the state treasurer thereof, and said treasurer shall thereupon call in and redeem such certificate. For this purpose, he shall publish once in each week for three successive weeks, in a newspaper published in the capital of the state, a notice which shall specify the date, number and amount of the certificate so to be redeemed, and shall also state that the interest thereon will cease at the expiration of thirty days from the date of such notice, and also notify the holder thereof by mail; if his post office address be known to such treasurer. Such publication shall be sufficient notice to the owner and holder of such certificate of the said call therefor; and the certificate so called for shall be paid and redeemed by the state treasurer, upon surrender thereof to him, at any time after the date of said notice; but in no event shall such certificate bear any interest from and after the expiration of such thirty days from the date of said notice. Upon the surrender of any such certificate, as aforesaid, the same shall be cancelled

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by said treasurer, and the pledge of the revenues arising from the sale of the lands therein described shall thereby cease.

(Id. § 37.)

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## § 3571. Payment of fund to board treasurer, when.

The state treasurer shall, whenever requested by the board of managers, pay to the treasurer of said board, all moneys in his hands standing to the credit of said reform school fund; Provided, that no such payment shall be made so as to impair the charges against said fund in this act set aside as security in condemnation proceedings, aforesaid, until such proceedings are determined, nor the charges against said fund set aside and pledged for the payment of said certificates as aforesaid.

(Id. § 38.)

## § 3572. Expense of platting, etc.—Sale.

The expenses of platting said lands, recording said plat, and advertising and making the sales aforesaid, shall be paid out of the said reform school fund.

(Id. § 39.)

## § 3573. Mortgage upon the permanent site.

If the board of managers of the Minnesota State Reform School are at any time unable or deem it inexpedient to sell any part of the lands described in section one of the act hereby amended, in the manner provided in said act, or are unable or for any reason deem it inexpedient to effect the loans provided for in sections twenty-nine to thirty-five, inclusive, of said act, they may and are hereby authorized to negotiate and make a loan or loans for the purpose of completing the erection and equipment of the buildings for the use of said school, upon the permanent site therefor in the county of Goodhue, in form and manner as follows, to-wit:

First—The said board shall, by resolution, declare that in their judgment it is necessary to make a loan, specifying the amount thereof, for the purpose of putting in condition for occupancy the reform school buildings. Such resolution shall also designate such lots, blocks and tracts of the present site of said reform school, in St. Paul, and now known as "D. W. Ingersoll's addition to St. Paul, Minnesota," as may then be unsold; and shall set aside and reserve the same, and all proceeds thereafter derived from the sale thereof, to the state of Minnesota, for the payment of the principal and interest of said loans and the reimbursement to said state of any and all moneys by it paid or advanced on account thereof.

Second—A copy of such resolutions, embraced in a certificate, signed by the president and secretary of said board, reciting the fact and date of adoption of such resolution, shall be delivered to and filed with the commissioner of the land office of the state.

Third—The said commissioner shall thereupon issue and deliver to the state treasurer certificates under his hand and official seal, which shall recite the fact that the said board are by this act authorized to negotiate and make a loan of the aggregate amount in said resolution stated, and that they have set aside and designated the lots, blocks and tracts of land in said resolution described, and all proceeds to be derived from the sale thereof, to the state as security for the prompt and full payment of said loan, and that in consideration of such designation and setting aside of said lands and proceeds, the state of Minnesota guarantees the payment of said loan.

Said certificate shall also state that under and by virtue of this act the said board of managers are authorized to borrow upon said certificate the amount of money to be therein specified, with interest thereon not exceeding the rate of six per cent, payable semi-annually; and that such principal and interest are so payable, upon presentation of said certificate to the state treasurer, out of the proceeds derived from the sale of said lands, if the same be sufficient therefor, and if not, then the deficiency shall so be paid out of any other moneys in the state treasury not otherwise appropriated.

Fourth—The said board of managers shall endorse upon such certificates of said commissioner their certificate signed by them, or a majority of them as such board, to the effect that they have caused to be borrowed thereon, for the use of said school, the amount therein stated; that the same is paya-

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ble and becomes due at the times specified, and bears interest at the rate therein to be specified, and is so payable to the person therein to be named, or his order, at the office of the state treasurer.

Fifth—The certificates of said commissioner and of the board of managers may be in substance as follows, to-wit:

## “Commissioner’s Certificate

“To all men to whom these presents shall come—Greeting: I, A. B., commissioner of the land office of the state of Minnesota, do hereby certify that the board of managers of the Minnesota State Reform School are by an act of the legislature of said state, approved —, entitled ‘An act to amend Chapter two hundred and fifty-eight of the General Laws of Minnesota for one thousand eight hundred and eighty-nine,’ authorized to negotiate and make a loan of the aggregate amount of \$—; and that they have duly set aside and designated the following described lots, blocks and tracts of land, situate in the county of Ramsey, in the state of Minnesota, to-wit: [here describe the designated lands], and all proceeds to be derived from the sales thereof, to the state of Minnesota as security for the prompt and full payment of said loan; and that in consideration of such designation and setting aside of said lands and proceeds as aforesaid the state of Minnesota does hereby guarantee the payment of said loan and interest thereon.

“I do further certify that under and by virtue of the act aforesaid the said board of managers of the Minnesota State Reform School are hereby authorized to borrow, upon this certificate and as a part of the said loan, the sum of \$—, with interest thereon at the rate not exceeding six per cent per annum, payable semi-annually; and that such interest and principal are so payable upon presentation of this certificate to the state treasurer, out of the proceeds derived from the sale of said lands, if the same be then sufficient therefor, and if not, then the deficiency shall be so paid out of any other moneys in the state treasury not otherwise appropriated.

“In witness whereof, I have hereunto set my hand and affixed the seal of my office at the city of St. Paul, Minnesota, this — day of —, 189—.

“Commissioner of the land office of the state of Minnesota.”

## “Certificate of the Board of Managers.

“We, the board of managers of the Minnesota State Reform School, do hereby certify that we have caused to be borrowed upon this certificate, for the use of said school, the sum of \$—; that the same is payable on the first day of —, A. D. 189—, and bears interest at the rate of six per cent per annum, from this date, payable semi-annually, on the first day of July and January in each year; and that said amount and interest is so payable as aforesaid to —, or his order, on presentation of this certificate to the state treasurer of the state of Minnesota, at his office at the city of St. Paul, Minnesota.

“Issued and dated this — day of —, A. D. 189—.

“Board of managers of the Minnesota State Reform School.

“Countersigned and registered.

“State Treasurer.”

(1891, c. 129, § 1.)

By § 51 all acts and parts of acts inconsistent with this act are repealed “so far as they effect the provisions thereof.”

## § 3574. Same—Limitations.

The said loan and loans herein provided for shall not in the aggregate exceed the sum of one hundred and fifty thousand dollars. They shall be so adjusted that not more than fifty thousand dollars thereof shall become payable in any one year, nor shall any part of the principal thereof become payable within one year nor after ten years from the passage of this act, or bear interest at any rate exceeding six per cent per annum, payable semi-annually. Subject to these limitations, the said board of managers are hereby author-



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ized to negotiate and make such loans upon such time, terms and in such amounts as they may deem expedient.

(1891, c. 129, § 1.)

## § 3575. Certificates to be countersigned and delivered, when—Evidence.

Upon payment to the state treasury, by the person from whom any such loan is obtained, of the amount in such certificate stated, the said treasurer shall insert in the certificate of said board the date thereof and the name of the person to whom the same shall be payable, and shall number and countersign the same and deliver such certificate to such person. Said treasurer shall make and keep in books, by him to be provided for that purpose, a register of said certificates and of any assignments thereof. Such certificate, when so countersigned and issued by said treasurer, shall for all purposes be conclusive evidence that all the requirements of law relative to the issuing of the same have been fully complied with, and that the owner thereof is lawfully entitled to receive the amount and interest therein specified from the state, in accordance with the terms and contents of such certificate.

(Id.)

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## § 3576. Proceeds of loans to be credited to fund—Warrants.

The moneys obtained upon such loans shall by the state treasurer be placed to the credit of the reform school fund, and is hereby set aside and appropriated for the purpose of the erection and completion of the necessary buildings for said school, and the equipment of the same, and the suitable preparation of the permanent site for said school in the county of Goodhue for the uses and purposes thereof. The state auditor, whenever so requested by the board of managers, shall draw and deliver to them his warrants upon the treasurer therefor, and said treasurer shall pay such warrants out of said funds delivered from said loans.

(Id.)

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## § 3577. Proceeds of sales pledged to payment of loans.

Upon the issuance of the certificates aforesaid, the said lands in said resolutions described shall be thereby set aside as security, and shall be disposed of for the payment of the said loans so made. And all the proceeds hereafter arising from the sale of any of said lands shall be paid into the state treasury, and shall therein be held and used for the payment of the principal and interest of said loans, and also to reimburse the state for any moneys it may have at any time paid or advanced on account of said loans or interest thereon; Provided, however, That whenever the whole amount of such proceeds of such sales shall be more than sufficient to fully pay said loans and interest and all advances thereon made by the state, the excess of such proceeds shall by the treasurer be set aside and credited to the reform school fund; and shall be drawn, paid out and used in the same manner and for the same purposes as is provided in section forty-five of this act; and Provided further, That the words 'proceeds of such sales,' as used in this section, shall be construed to mean and embrace the actual cash payments received at the time of such sales, and also the unpaid part of such purchase price of the land so sold.

(Id.)

## § 3578. Payment of certificates.

The state treasurer shall pay said certificates and the semi-annually accruing interest thereon, according to the terms thereof, upon presentation of the same, out of any moneys at that time in the treasury derived from the sale of said lands as aforesaid; and if at any time such moneys are insufficient for that purpose, he shall advance and pay the deficiency out of any other moneys in the treasury not otherwise appropriated; and an amount sufficient to meet such deficiency, if any such exist, is hereby appropriated for that purpose, such appropriation to be an annually continuing appropriation until such loans are fully paid.

(Id.)

**§ 3579. Sale of lands.**

The board of managers, whenever they deem it expedient, may offer for sale and sell any or all of the said lands in said resolution and certificate described in manner as is provided for in sections seventeen, eighteen and twenty of the act hereby amended; and the said board shall once in each year hereafter offer for sale, as in said section seventeen provided, all of the aforesaid lands, except such parts thereof as may have been by them reserved for the temporary uses of said school, as in section four of said act is provided.

(Id.)

**§ 3580. Construction of act as to selling lands—Payment of assessments and taxes.**

Nothing in this act contained shall be so construed as to in any manner prevent or restrain the said board of managers from selling any of the lands in section one of the act hereby amended described, or of disposing of the proceeds thereof, as is in said act provided, at any time before the loans herein provided for are made, nor to prevent or restrain the said board from so selling and disposing of the proceeds of any of said lands which may remain unsold after the said loans have been fully paid. Said board of managers are hereby authorized and directed to pay into the treasury of the city of St. Paul, from time to time, as same becomes due, all charges and assessments heretofore or hereafter made by the city of St. Paul for local assessments, and also for water tax, against any part of said Ingersoll's addition owned by the state of Minnesota or said managers as such.

(Id.)

[TITLE 6.]

[STATE REFORMATORY.]

**§ 3581. Location.**

There is hereby established on section seven, township thirty-five, range thirty, in the county of Sherburne, in this state, a state reformatory.

(1887, c. 208, § 1; 10 G. S. 1878, v. 2, c. 35, § 53<sup>a</sup>.)

Cited, State v. Colwell, 43 Minn. 378, 45 N. W. Rep. 847.

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**§ 3582. Board of managers—Appointment—Term of office—Vacancies—Powers.**

The government of said reformatory shall be under the control of a board of managers, consisting of six 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 years; John Cooper, of Stearns county, term of office, five years; Robert Smith, of Ramsey county, term of office, four years; H. S. Griswold, of Fillmore county, term of office, three years; T. H. Barrett, of Stevens county, term of office, two years; G. W. Holland, of Crow Wing county, term of office, one 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 years each, and until their successors are appointed: *provided*, that not more than three persons, comprising said board, shall be appointed from the same political party, and that

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<sup>10</sup> 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. § 20 appropriates \$50,000 for each of the years 1888 and 1889, for carrying out the provisions of the act. § 21 repeals all inconsistent acts.

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, c. 208, § 2; G. S. 1878, v. 2, c. 35, § 53<sup>10</sup>.)

**§ 3583. General superintendent—Other officers.**

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, c. 208, § 3; G. S. 1878, v. 2, c. 35, § 53<sup>11</sup>.)

**§ 3584. Auditing accounts.**

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, c. 208, § 4; G. S. 1878, v. 2, c. 35, § 53<sup>12</sup>.)

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**§ 3585. Board of managers—Powers—Superintendence.**

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. All purchases of materials and supplies to the amount exceeding five hundred dollars shall be made by contract, and awarded to the lowest responsible bidder, after notice published for two 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, c. 208, § 5; G. S. 1878, v. 2, c. 35, § 53<sup>13</sup>.)

**§ 3586. Same—Annual report.**

It shall be the duty of such board of managers, on or before the tenth 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, c. 208, § 6; G. S. 1878, v. 2, c. 35, § 53<sup>14</sup>.)

**§ 3587. Officers, teachers, employes—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 dollars; to the physician, one thousand dollars; to the principal keeper, one thousand dollars; to the clerk, one thousand dollars; to the chaplain, one thousand dollars, who shall perform such duties as teacher as shall be assigned to him by the board of managers, without additional compensation; to the store-keeper, six hundred dollars; to the hall-keeper, six hundred dollars; to the yard-keeper, six hundred dollars; to the keepers, each, five hundred dollars; to the guards, each, forty dollars per month; to the sergeant of the guard, six hundred dollars; to the teachers, each, three hundred

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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, c. 208, § 7; G. S. 1878, v. 2, c. 35, § 53<sup>15</sup>.)

#### § 3588. Officers—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 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, c. 208, § 8; G. S. 1878, v. 2, c. 35, § 53<sup>16</sup>.)

#### § 3589. Convicts—Sentence to reformatory.

Any person who shall be convicted of an offense 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.

(1878, c. 208, § 9; G. S. 1878, v. 2, c. 35, § 53<sup>17</sup>.)

#### § 3590. Same.

Any person not exceeding thirty years of age nor less than sixteen years of age, who has never before been sentenced to the reformatory or the state prison, may, in the discretion of the court before which such person is tried and convicted of any crime, be sentenced to said reformatory. (1887, c. 208, § 10; G. S. 1878, v. 2, c. 35, § 53<sup>18</sup>; as amended 1891, c. 113, § 1.)

#### § 3591. Sentence—Term of imprisonment.

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, c. 208, § 11; G. S. 1878, v. 2, c. 35, § 53<sup>19</sup>.)

#### § 3592. Commitment—Papers—Clerk's duties—Stenographer's compensation.

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 pre-

siding 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, deliver to the sheriff of his said county a certified commitment, directing said sheriff to deliver said prisoner to the state reformatory, state prison or other place of confinement, specified in such commitment.

(1887, c. 208, § 12; G. S. 1878, v. 2, c. 35, § 53<sup>20</sup>; as amended 1893, c. 114, § 1.)

**§ 3593. Same—Sheriff's duty and compensation.**

Said sheriff or his deputy shall convey said convict, with a record of his trial and conviction, as made up by the clerk, to the state reformatory, and said sheriff or his deputy shall receive like compensation as for conveying prisoners to the state prison, the same to be paid by the state.

(1887, c. 208, § 13; G. S. 1878, v. 2, c. 35, § 53<sup>21</sup>; as amended 1893, c. 114, § 2.)

**§ 3594. Transfer of prisoners—Prisoners on parole.**

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 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. They may also cause to be transferred any person or prisoner confined in the state prison who is serving out his first sentence 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. 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. 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. 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, c. 208, § 14; G. S. 1878, v. 2, c. 35, § 53<sup>22</sup>; as amended 1889, c. 256, § 1.)

By § 2 (Laws 1839, c. 256) all inconsistent acts and parts of acts are repealed.

**§ 3595. Control of convicts—Register.**

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 reforma-

tion. 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 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, c. 208, § 15; G. S. 1878, v. 2, c. 35, § 53<sup>23</sup>.)

### § 3596. Record of behavior—Release.

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 offenses. 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, c. 208, § 16; G. S. 1878, v. 2, c. 35, § 53<sup>24</sup>.)

### § 3597. Paroled convicts—Supervision.

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, c. 208, § 17; G. S. 1878, v. 2, c. 35, § 53<sup>25</sup>.)

### § 3598. Instruction in trades—Cutting granite—Contract system prohibited.

The board of managers shall make a suitable provision for the education and instruction of the prisoners in trades or employments for which they

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shall seem best fitted, but during any year shall not employ or engage, on the average, to exceed thirty-three per cent of such prisoners in the quarrying, manufacturing, and cutting of granite for sale; Provided, That the whole or any number of the prisoners may, at any time, be employed in the quarrying or cutting of granite for any of the public buildings of said state and for the building of walls and improvements on the grounds of said reformatory; and Provided further, That nothing herein contained shall be construed to interfere with or prevent the filling of existing contracts to furnish granite heretofore made by or on the authority of the board of managers. Said board shall retain control of the labor of the prisoners or convicts, and to that end the contract system for convict labor in said reformatory is hereby prohibited. Providing, That no convict shall be obliged to labor at stone cutting and stone work more than eight hours per day. (1887, c. 208, § 18; G. S. 1878, v. 2, c. 35, § 53<sup>2d</sup>; as amended 1891, c. 112, § 1.)

**§ 3599. Same—Extra work—Supervision of discharged convicts.**

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, c. 208, § 19; G. S. 1878, v. 2, c. 35, § 53<sup>2d</sup>; as amended 1889, c. 257, § 1.)

**§ 3600. Board of managers shall meet in joint session.**

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 Tuesday in May, one thousand eight hundred and eighty-nine, 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 nor more than [one hundred seventy-five] prisoners from the state prison to the state reformatory during the year eighteen hundred and eighty-nine; 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 years, less the diminution which would have been allowed by law for good conduct had he been sentenced for a term of twenty-one years. They shall also consider any matters which may be brought to their attention pertaining to the joint interest of the two institutions, and shall take such action as they shall deem proper thereupon.

(1889, c. 256, § 2.)

**§ 3601. 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.

(Id.)

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## § 3602. State agent may be appointed.

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

(Id.)

## § 3603. Repealing clause.

All acts and parts of acts inconsistent with this act are hereby repealed.

(Id.)

### [TITLE 7.]

#### [SOLDIERS' ORPHANS' HOME.]

For the legislation relating to this institution, which was established at Winona, and successfully conducted until its objects had been fully accomplished, see Laws 1865, c. 3; 1869, cc. 13, 19; 1870, c. 12; 1871, c. 10; 1872, c. 33; 1873, c. 31; 1874, c. 21. See, also, Laws 1879, c. 94, appropriating for support of soldiers' orphans all moneys paid to the state by the Soldiers' Orphans' Home.

### [TITLE 8.]

#### [SOLDIERS' HOME.]

## § 3604. Establishment—Management.

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, c. 148, § 1; <sup>11</sup> G. S. 1878, v. 2, c. 35, § 72.)

## § 3605. 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 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'

<sup>11</sup>An act for the relief of honorable 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. § 2 appropriates \$50,000 for the purchase of a site and the erection of buildings. § 29 appropriates \$30,000 for relief.

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Home, who actually served in any campaign against the Indians in Minnesota in one thousand eight hundred and sixty-two, 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, c. 148, § 3; G. S. 1878, v. 2, c. 35, § 73.)

### § 3606. Trustees—Appointment—Term of office.

Within thirty days after the passage of this act the governor, by and with the advice and consent of the senate, shall appoint seven trustees for said Soldiers' Home, not more than four 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 for two years, two for four years, and two for six years from the first Monday of January, one thousand eight hundred and eighty-seven, 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 years, and until their successors are appointed and qualified.

(1887, c. 148, § 4; G. S. 1878, v. 2, c. 35, § 74.)

### § 3607. Same—Duties—Oath.

Said trustees shall be charged with the duty of selecting and locating the site of said Soldiers' Home. Said trustees shall take and file in the office of the secretary of state the following oath: "I do solemnly swear that I will support the constitution of the United States and of the state of Minnesota, and will faithfully discharge the duties of trustee of the 'Minnesota Soldiers' Home,' according to the best of my ability; that I have not received and will not knowingly and intentionally, directly or indirectly, receive any money or other consideration from any source whatever, for any vote or influence I may give or withhold, or for any other official act I may perform as such trustee." On or before June first, one thousand eight hundred and eighty-seven, or as soon thereafter as practicable, said trustees shall select a site for said Soldiers' Home at such place as shall at the time be most economical to the state, and best adapted to the wants of the institution, having regard, in the selection thereof, to elevation, sewerage, and drainage, and abundant supply of living water, facilities of access, the quantity of the soil, and the price asked for the land.

(1887, c. 148, § 5; G. S. 1878, v. 2, c. 35, § 75.)

### § 3608. Same—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, c. 148, § 6; G. S. 1878, v. 2, c. 35, § 76.)

### § 3609. 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 donations shall not alone determine the location of such Home at any particular place.

(1887, c. 148, § 7; G. S. 1878, v. 2, c. 35, § 77.)

**§ 3610. Plans and specifications.**

The said trustees are directed and required to cause to be prepared suitable plans and specifications by a competent architect, who shall be selected after due competition, but no plan shall be adopted by the trustees which shall not first have been approved by the governor. Said plans shall be accompanied by specifications and by a detailed estimate of the amount, quality, and description of all material and labor required for the erection and full completion of the building or buildings according to said plans.

(1887, c. 148, § 8; G. S. 1878, v. 2, c. 35, § 78.)

**§ 3611. Proposals—Advertisement.**

Whenever the said plans and specifications shall have been approved and adopted, the trustees shall cause to be duly published an advertisement or advertisements for sealed bids for the construction of the building or buildings herein authorized, and shall furnish a printed copy of this act and of the specifications to all parties applying therefor, and all parties interested, who may desire it, shall have free access to the plans, with the privilege of taking notes and making *memoranda*.

(1887, c. 148, § 9; G. S. 1878, v. 2, c. 35, § 79.)

**§ 3612. Same—Opening—Contract—Bond.**

Not less than thirty days after the publication of said proposals for bids, on the day and hour to be named in said advertisement, at the place where the said institution shall be located, in the presence of the bidders, or so many of them as may be present, the bids shall be opened for the first time, and the contract for the building shall be let to the lowest and best bidder: *provided*, that no contract shall be made, and no expense incurred, for any building or buildings requiring for the completion of the same a greater expense than is provided for in the appropriation made in this act; nor before the appropriations therefor are available; *and provided, further*, that no bid shall be accepted which is not accompanied by a good and sufficient bond in the penal sum of \$5,000, signed by at least three good and sufficient sureties, conditioned as a guaranty for the responsibility and good faith of the bidder, and that he will enter into contract and give bond as provided in this act in case his bid is accepted.

(1887, c. 148, § 10; G. S. 1878, v. 2, c. 35, § 80.)

**§ 3613. Contract—Provisions—Bond.**

The contract to be made with the successful bidder shall be accompanied by a good and sufficient bond, to be approved by the governor before accepted, conditioned for the faithful performance of his contract; shall provide for the appointment of a superintendent of construction who shall receive not more than five dollars per day for his services, and be paid by the state, and who shall carefully and accurately measure the work done, and the materials upon the grounds, at least once a month, and for the payment of the contractor on the aforesaid measurement, and for the withholding of fifteen per centum of the value of the work done and materials on hand until the completion of the building or buildings, and for the forfeiture of a stipulated sum per diem for every day that the completion of the work shall be delayed after the time specified for the completion in the contract, and for the full protection of all persons who may furnish labor or materials, by withholding payment from the contractor and by paying the parties to whom any moneys are due for services or materials as aforesaid, directly, for all work done or materials furnished by them, in case of notice given to the trustees that any such party apprehends or fears that he will not receive all money due, and for the settlement of all disputed questions as to the value of alterations and extras by arbitration, at the time of the final settlement, as follows: One arbitrator to be chosen by the trustees, one by the contractor, and one by the governor of

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the state; all three of said arbitrators to be practical mechanics and builders, and for the power and privilege of the trustees under the contract to order changes in the plans at their discretion, and to refuse to accept any work which may be done not fully in accordance with the letter and spirit of the plans and specifications; and all work not accepted shall be replaced at the expense of the contractor; and for a deduction from the current price of all alterations ordered by the trustees, which may and do diminish the cost of all buildings. They may also make such other provisions and conditions in said contract, not herein above specified, as may seem to them necessary or expedient: *provided*, that no conditions shall be inserted contrary to the letter and spirit of this act, and that in no event shall the state be liable for a greater amount of money than is appropriated for such building or buildings and its appurtenances, nor prior to the time when by the provisions of this act the appropriations thereto are subject to auditor's warrants.

(1887, c. 148, § 11; G. S. 1878, v. 2, c. 35, § 81.)

## § 3614. Same—Execution.

The said contract shall be signed by the president of the board of trustees, on behalf of the board; after a vote, authorizing him to so sign, shall have been entered upon the minutes of the board, and it shall be attested by the signature of the secretary of the board. It shall be drawn in triplicate, and one copy of the same shall be deposited in the office of the state auditor.

(1887, c. 148, § 12; G. S. 1878, v. 2, c. 35, § 82.)

## § 3615. Proposals—Contents.

All bids shall show the estimated cost of the work to be done of each description in detail, and the trustees shall have the right and power at their discretion to accept bids for particular portions of the work, if for the advantage of the state, and all measurements and accounts as the work progresses shall show in detail the amount and character of the work for which payment is made.

(1887, c. 148, § 13; G. S. 1878, v. 2, c. 35, § 83.)

## § 3616. Site—Limit of cost.

The cost to the state of the site for said Soldiers' Home shall be paid out of the appropriation herein made, but shall not exceed the sum of ten thousand dollars.

(1887, c. 148, § 14; G. S. 1878, v. 2, c. 35, § 84.)

## § 3617. Moneys—How paid.

The moneys herein appropriated for purchasing the site and constructing said Soldiers' Home shall be paid to the parties to whom they may become due and payable, directly from the treasury of the state, on the warrant of the state auditor, and the state auditor is hereby authorized and required to draw the said warrants for money due under this act, upon the order of the board of trustees or their executive committee, accompanied by vouchers therefor.

(1887, c. 148, § 15; G. S. 1878, v. 2, c. 35, § 85.)

## § 3618. Contracts—Officers not to be interested.

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 dollars.

(1887, c. 148, § 16; G. S. 1878, v. 2, c. 35, § 86.)

## § 3619. Abstract of title—Deed.

Before making payments for the lands, for the purchase of which provision is herein made, the seller shall furnish to the trustees an abstract of title which

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shall be submitted by the trustees to the attorney general for examination, and to the governor for his approval, and no money shall be paid for the said lands without a perfect conveyance of title in fee-simple to the state by warranty deed. Any deeds of conveyance for the same shall be placed in and remain in control of the state treasurer.

(1887, c. 148, § 17; G. S. 1878, v. 2, c. 35, § 87.)

### § 3620. Board of trustees—Powers—Officers—Salaries.

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 officials, 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, c. 148, § 18; G. S. 1878, v. 2, c. 35, § 88.)

### § 3621. President of board—Executive committee—Duties—Secretary—Treasurer.

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. The treasurer of the state shall be *ex officio* the treasurer of the board. 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. 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 members of said board. 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, c. 148, § 19; G. S. 1878, v. 2, c. 35, § 89.)

### § 3622. Board of trustees—Meetings—Report.

Said board of trustees shall meet annually on the second Tuesday in August, which meeting shall be styled the "annual meeting;" and they shall also meet annually on the second 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 under this act, which report shall be published as are the reports of other state institutions.

(1887, c. 148, § 20; G. S. 1878, v. 2, c. 35, § 90.)

§ 3623. **Donations.**

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, c. 148, § 21; G. S. 1878, v. 2, c. 35, § 91.)

§ 3624. **Trustees—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 sufficient sureties, to be approved by the governor, for the sum of five thousand 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, c. 148, § 22; G. S. 1878, v. 2, c. 35, § 92.)

§ 3625. **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, c. 148, § 23; G. S. 1878, v. 2, c. 35, § 93.)

§ 3626. **Appropriation.**

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 dollars, or so much thereof as may be needed, for the fiscal year ending July thirty-first, one thousand eight hundred and eighty-eight, and the sum of twenty thousand 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, c. 148, § 24; G. S. 1878, v. 2, c. 35, § 94.)

§ 3627. **Relief fund—Tax levy.**

The state auditor shall annually hereafter add to the tax levy of the state one-tenth of one 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, c. 148, § 25; G. S. 1878, v. 2, c. 35, § 95; as amended 1889, c. 202, § 1.)

§ 3628. **Same—Disbursement—Cost of transportation.**

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 of this act, be entitled to admission at the Minnesota

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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 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. And provided further, that whenever any post of the Grand Army of the Republic in this state, through its post commander or its adjutant and the county agent of said home, shall jointly notify the president of said board of trustees that any such ex-soldier, sailor or marine is entitled to admission at said home, and has no means to procure his transportation thereto, said president of said home upon being satisfied that such ex-soldier, sailor or marine is so entitled to admission to said home, and is indigent, shall without delay provide and forward to said adjutant for said soldier, sailor or marine, necessary transportation by railroad to said home from the place in which said post is situated, to be charged to the said soldiers' home fund.

(1887, c. 148, § 26; G. S. 1878, v. 2, c. 35, § 96; as amended 1889, c. 202, § 2; 1893, c. 113, § 1.)

## § 3629. 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, c. 148, § 27; G. S. 1878, v. 2, c. 35, § 97.)

## § 3630. Principal office—Disposition of United States pensions.

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. Provided, further, that in making regulations governing the admission, maintenance and discharge of the inmates of said home, it shall be lawful for said board of trustees to make it a condition for the admission to said home, that all soldiers admitted thereto, receiving a pension from the government of the United States exceeding four dollars per month, shall pay over said excess to the board of trustees, and said board of trustees may use said excess in all cases where the soldier has no wife nor child living, depending upon him for support, towards defraying the expenses of maintaining said institution; but in all cases where such soldier has a wife or child living, depending upon him for support, or in circumstances of dependence and want, said board of trustees may and it shall be their duty to pay over such excess to the wife or child of such soldier, and take duplicate receipts therefor, delivering one of the same to said soldier, and filing one with the state treasurer, as ex-officio treasurer of the board; but the said board of trustees may, in their discretion, grant to the wife or child of such soldier, from the state soldiers' relief fund, an amount at least equal to the sum so paid in by such soldier, in lieu of the payment to such wife or child herein required.

(1887, c. 148, § 28; G. S. 1878, v. 2, c. 35, § 98; as amended 1893, c. 112, § 1.)

## § 3631. Transfer to home building fund.

It is hereby made the duty of the state auditor to transfer the balance in the state treasury belonging to the soldiers' relief fund on the thirty-first

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day of July, eighteen hundred and ninety-two, and any and all balances hereafter remaining in said fund at the end of each fiscal year to the general revenue fund of the state.

(1893, c. 11, § 1<sup>12</sup>)

**§ 3632. Transfer of surplus moneys.**

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. And the said board of trustees may, at any time during the fiscal year ending July thirty-one, eighteen hundred and ninety-three, transfer any surplus moneys not exceeding the sum of twenty-five thousand dollars, from the soldiers' relief fund to the soldiers' home building fund, for the purpose of completing the hospital at the Minnesota soldiers' home, the said sum to remain available until expended by the said board of trustees for the purpose herein named.

(1887, c. 148, § 30; G. S. 1878, v. 2, c. 35, § 99; as amended 1889, c. 202, § 3; 1893, c. 11, § 2.)

[TITLE 9.]

[GENERAL PROVISIONS.]

**§ 3633. Spiritual advice and ministration.**

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

(1874, c. 46, § 1;<sup>13</sup> G. S. 1878, c. 35, § 54.)

**§ 3634. Same—Duty of officers.**

It shall be the duty of the board of managers, or persons or officers having the control and management of said institutions, to set apart not less than one hour (and more if necessary) on the first day of each week, in which any of the clergymen in good standing of any church or denomination may freely minister to and impart moral and religious instruction to those of the said inmates or children who respectively belong thereto prior to their being so committed or received therein; and to afford and grant to such clergymen such reasonable and proper facilities as may be necessary to enable them to freely and properly discharge their duties as ministers and spiritual

<sup>12</sup> An act directing the transfer of any balance in the state treasury belonging to the soldiers' relief fund to the general revenue fund of the state at the close of each fiscal year, and also directing the transfer of the balance in said fund July thirty-first, 1892, to the general revenue fund, and authorizing the transfer of money from the soldiers' relief fund to the soldiers' home building fund. Approved April 4, 1893. § 3 repeals all inconsistent acts.

<sup>13</sup> An act to secure liberty of conscience and equal rights in matters of religion, to the inmates of state institutions. Approved March 5, 1874 (Laws 1874, c. 46).

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 ministrations 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, c. 46, § 2; G. S. 1878, c. 35, § 55.)

§ 3635. **Sectarian practices prohibited—Exceptions.**

All sectarian practices, except by said clergymen as aforesaid, are hereby prohibited; and no officer of any state institution, or other person, shall interfere with or attempt to influence, control or change the religious belief or opinions of any of said inmates; nor shall any of said inmates be required to attend any religious services or devotions in any of said institutions against their own free will, if they have attained their majority, and, if minors, shall not be so required contrary to the expressed directions of the parent or guardian, or clergyman having spiritual charge of said inmates respectively; and in all matters appertaining to religion, the rights of conscience and the free exercise thereof shall be scrupulously 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, c. 46, § 3; G. S. 1878, c. 35, § 56.)

§ 3636. **State institutions—Annual inventory.**

That it shall be the duty of the trustees, directors, inspectors, or managers of each of the penal, reformatory, charitable, and educational institutions maintained by the state of Minnesota to cause to be taken, by such officers as they may designate, an annual inventory of all property of the state belonging to the several institutions under their charge, on the last day of each fiscal year.

(1885, c. 167, § 1; G. S. 1878, v. 2, c. 35, § 64.)

§ 3637. **Same.**

In such inventories lands and buildings shall be listed at their actual cost to the state, as nearly as known, deducting losses by fire. Movable property shall be listed at its actual estimated value when the inventory is taken.

(1885, c. 167, § 2; G. S. 1878, v. 2, c. 35, § 65.)

§ 3638. **Same—Filing—Publication of abstract.**

Said inventories shall be kept on file with the records of such trustees, directors, inspectors, or managers, and an abstract of the same shall be published in their biennial reports.

(1885, c. 167, § 3; G. S. 1878, v. 2, c. 35, § 66.)

§ 3639. **State property—Insurance.**

The board of inspectors of the State Prison, the trustees of the Hospitals for the Insane, the board of directors of the Minnesota Deaf, Dumb, and Blind Institute, the board of managers of the State Reform School, the State Normal School Board, and all other boards having the management of any state institutions or buildings, are each hereby authorized to insure the several state



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institutions or buildings under their respective management to an amount not exceeding two-thirds of their value.

(1885, c. 168, § 1; G. S. 1878, v. 2, c. 35, § 67.)

## § 3640. Same—Appropriation.

That seven thousand dollars is hereby annually appropriated out of any moneys in the state treasury not otherwise appropriated, to pay the premiums for such insurance, and upon the presentation to the state auditor of vouchers approved by the governor for such premiums, the state auditor shall draw his warrants upon the state treasurer therefor, and the same shall be apportioned by the state auditor among the said respective institutions as in his judgment shall be for the best interests of the state.

(1885, c. 168, § 2; G. S. 1878, v. 2, c. 35, § 63.)

## § 3641. Board of fuel commissioners.

The governor, state auditor, and state treasurer are hereby constituted a board of fuel commissioners, whose duty it shall be to purchase such an amount of coal as may be necessary for the use of the various state institutions.

(1883, c. 118, § 1; G. S. 1878, v. 2, c. 35, § 69.)

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## § 3642. Same—Advertisements for proposals.

The said board of fuel commissioners shall annually, on or before the first day of July in each and every year, give notice in such newspaper as [they] may deem necessary, for thirty days, that sealed proposals will be received at the office of the state auditor, until a day specified in said notice, for the delivery of coal for the use of the various state institutions, at such times and at such places, and in such amounts, as the said board may designate.

(1883, c. 118, § 2; G. S. 1878, v. 2, c. 35, § 70.)

## § 3643. Same—Estimates.

It shall be the duty of the trustees of each of the state institutions using coal as fuel to report to the said board of fuel commissioners, on or before the nineteenth day of June in each year, an estimated amount of coal necessary for such institutions for the fiscal year next ensuing.

(1883, c. 118, § 3; G. S. 1878, v. 2, c. 35, § 71.)

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## § 3644. Letting of contracts for public buildings—Advertising for bids.

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

(1873, c. 32, § 1; G. S. 1878, c. 35, § 57.)

## § 3645. Contracts to be awarded to lowest bidder.

That it is hereby made the duty of those so advertising for proposals as aforesaid to let any and all contracts made in behalf of the state to the lowest responsible bidder.

(1873, c. 32, § 2; G. S. 1878, c. 35, § 58.)

## § 3646. Contracts—Who forbidden to have an interest in.

No member of any board of trustees or managers, or any officer or employe of any state educational, charitable or correctional institution now existing in this state, or which may hereafter be established by law, shall be inter-

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ested, directly or indirectly, in any contract, purchase or sale for, or on account of, the institution with which he may be connected.

(1893, c. 8, § 1.<sup>14</sup>)

**§ 3647. Same—Violation—Cause for removal.**

Any violation of the provisions of the preceding section shall be sufficient cause for the removal from office, by the appointing power, of the person so offending.

(Id. § 2.)

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<sup>14</sup>An act to prohibit managers, officers and employes of state institutions from being interested in contracts, purchases or sales for, or on account of, said institutions. Approved March 27, 1893.

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