1940 Supplement

To
Mason’s Minnesota Statutes
1927

(1927 to 1940)
(Superseding Mason’s 1931, 1934, 1936 and 1938 Supplements)

Containing the text of the acts of the 1929, 1931, 1933, 1935, 1937 and 1939 General Sessions,
and the 1933-34, 1935-36, 1936 and 1937 Special Sessions of the Legislature, both new and
amendatory, and notes showing repeals, together with annotations from the
various courts, state and federal, and the opinions of the Attorney
General, construing the constitution, statutes, charters
and court rules of Minnesota together with digest
of all common law decisions.

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CHAPTER 25
Board of Control and Charities Under Its Exclusive Management

THE BOARD

4401. Membership of board of control.—The State Board of Control shall consist of three members at least one of whom shall be a woman, appointed by the Governor, with the consent of the Senate, each for the term of six years and until their successors qualify. Not more than two (2) members shall belong to the same political party. Vacancies shall be filled by like appointment for the unexpired terms. On the second Monday in April, 1931, and biennially thereafter, the board shall elect from its membership a chairman. A vacancy in the office of chairman shall be filled by like election for the unexpired term.

The Governor may remove any member for malfeasance or non-feasance in office which renders him incapable or unfit to discharge his official duties. (R. L. '05, §1856; G. S. '13, §4; 21, c. 381, §1; 23, c. 275, §1; Mar. 24, 1931, c. 84.)

State board of control abolished and functions and powers transferred to director of public institutions by Act Apr. 22, 1939, c. 431, Art. 1, §§3, 4, ante §§3199-103, 3199-104.


4401. Institutions under exclusive control of State board of control.

State board of control may prohibit the importation of beer into the quarters or homes furnished employes of state institutions under its jurisdiction, and also into the grounds of such institutions. Op. Atty. Gen., Apr. 18, 1933.


4401-2. Acts approved and validated.—The action of the Governor of the state in securing funds from the Reconstruction Finance Corporation for relief purposes under the Act of Congress known as the "Emergency Relief and Construction Act of 1932," upon application of the governing body of any municipality of the state; provided, that such applications shall specify the amount desired for relief purposes, the nature of the relief contemplated and have endorsed thereon the approval of the Board. It shall be the duty of the Board before approving any such application to investigate the relief needs of the municipality making the same and satisfy itself that the amount specified in the application is needed for such purpose. (Act Mar. 16, 1933, c. 59, §3.)

4401-3. Governor may apply for relief funds.—The Governor is authorized to continue negotiations for and secure funds from the Reconstruction Finance Corporation for relief purposes under said "Emergency Relief and Construction Act of 1932," upon application of the governing body of any municipality of the state; provided, that such applications shall specify the amount desired for relief purposes, the nature of the relief contemplated and have endorsed thereon the approval of the Board. It shall be the duty of the Board before approving any such application to investigate the relief needs of the municipality making the same and satisfy itself that the amount specified in the application is needed for such purpose. (Act Mar. 16, 1933, c. 59, §3.)

4401-4. State Board of Control to be state welfare body.—The State Board of Control is hereby designated as the State Welfare body responsible for administering such support or relief of the poor and such direct relief or work relief in aid to destitute families and/or poor persons as may be carried on in behalf of the state; and said Board shall, under such rules and regulations as it may provide, have control of, and shall administer, all funds available for such purposes from the state or federal government. The Board shall also administer, under the direction of the governor, all funds available for such purposes from the federal government under the terms of any federal act requiring the furnishing of such services by, or under the direction of, the governor. In the exercise of its powers and the performance of its duties under this Act, the Board may employ, discharge and fix the compensation of such clerical, managerial and/or other assistants and incur and pay such other administrative expenses as it may deem necessary.

The sum of $15,000 is hereby appropriated for the fiscal year ending June 30, 1933, and the further sum of $18,000 is hereby appropriated for each of the fiscal years ending June 30, 1934, and June 30, 1935, to the Board of Control for the use of said Board in carrying out the provisions of this Act all of said moneys to be expended under supervision of the Commission of Administration and Finance as provided by Chapter 428, Laws 1933, and under the direction of, the governor.

The governor is hereby authorized to continue negotiations for and secure funds from the Reconstruction Finance Corporation for relief purposes under said "Emergency Relief and Construction Act of 1932," upon application of the governing body of any municipality of the state; provided, that such applications shall specify the amount desired for relief purposes, the nature of the relief contemplated and have endorsed thereon the approval of the Board. It shall be the duty of the Board before approving any such application to investigate the relief needs of the municipality making the same and satisfy itself that the amount specified in the application is needed for such purpose. (Act Mar. 16, 1933, c. 59, §3.)

4401-5. Governor may apply for relief funds.—The Governor is authorized to continue negotiations for and secure funds from the Reconstruction Finance Corporation for relief purposes under said "Emergency Relief and Construction Act of 1932," upon application of the governing body of any municipality of the state; provided, that such applications shall specify the amount desired for relief purposes, the nature of the relief contemplated and have endorsed thereon the approval of the Board. It shall be the duty of the Board before approving any such application to investigate the relief needs of the municipality making the same and satisfy itself that the amount specified in the application is needed for such purpose. (Act Mar. 16, 1933, c. 59, §3.)

4401-6. State Board of Control to be state welfare body.—The State Board of Control is hereby designated as the State Welfare body responsible for administering such support or relief of the poor and such direct relief or work relief in aid to destitute families and/or poor persons as may be carried on in behalf of the state; and said Board shall, under such rules and regulations as it may provide, have control of, and shall administer, all funds available for such purposes from the state or federal government. The Board shall also administer, under the direction of the governor, all funds available for such purposes from the federal government under the terms of any federal act requiring the furnishing of such services by, or under the direction of, the governor. In the exercise of its powers and the performance of its duties under this Act, the Board may employ, discharge and fix the compensation of such clerical, managerial and/or other assistants and incur and pay such other administrative expenses as it may deem necessary.

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The governor is hereby authorized to continue negotiations for and secure funds from the Reconstruction Finance Corporation for relief purposes under said "Emergency Relief and Construction Act of 1932," upon application of the governing body of any municipality of the state; provided, that such applications shall specify the amount desired for relief purposes, the nature of the relief contemplated and have endorsed thereon the approval of the Board. It shall be the duty of the Board before approving any such application to investigate the relief needs of the municipality making the same and satisfy itself that the amount specified in the application is needed for such purpose. (Act Mar. 16, 1933, c. 59, §3.)

4401-7. Governor may apply for relief funds.—The Governor is authorized to continue negotiations for and secure funds from the Reconstruction Finance Corporation for relief purposes under said "Emergency Relief and Construction Act of 1932," upon application of the governing body of any municipality of the state; provided, that such applications shall specify the amount desired for relief purposes, the nature of the relief contemplated and have endorsed thereon the approval of the Board. It shall be the duty of the Board before approving any such application to investigate the relief needs of the municipality making the same and satisfy itself that the amount specified in the application is needed for such purpose. (Act Mar. 16, 1933, c. 59, §3.)

4401-8. State Board of Control to be state welfare body.—The State Board of Control is hereby designated as the State Welfare body responsible for administering such support or relief of the poor and such direct relief or work relief in aid to destitute families and/or poor persons as may be carried on in behalf of the state; and said Board shall, under such rules and regulations as it may provide, have control of, and shall administer, all funds available for such purposes from the state or federal government. The Board shall also administer, under the direction of the governor, all funds available for such purposes from the federal government under the terms of any federal act requiring the furnishing of such services by, or under the direction of, the governor. In the exercise of its powers and the performance of its duties under this Act, the Board may employ, discharge and fix the compensation of such clerical, managerial and/or other assistants and incur and pay such other administrative expenses as it may deem necessary.

The sum of $15,000 is hereby appropriated for the fiscal year ending June 30, 1933, and the further sum of $18,000 is hereby appropriated for each of the fiscal years ending June 30, 1934, and June 30, 1935, to the Board of Control for the use of said Board in carrying out the provisions of this Act all of said moneys to be expended under supervision of the Commission of Administration and Finance as provided by Chapter 428, Laws 1933, and under the direction of, the governor.

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deposited by the state treasurer in a separate fund hereby designated as "relief fund" and secured in the same manner as other state funds and shall be disbursed in the same manner as other state funds except that such warrants shall be countersigned by a member of the Board or some other person therunto duly authorized by resolution thereof. (Act Mar. 16, 1933, c. 89, §5.)

4401-8. Application. Nothing in this Act shall be interpreted as enlarging the responsibility for relief as now imposed by the laws of Minnesota. (Act Mar. 16, 1933, c. 89, §7.)

4401-7. Inconsistent acts suspended. All acts and parts of acts so far as the same are inconsistent with this Act are hereby suspended so long only as this Act remains in force and effect. (Act Mar. 16, 1933, c. 89, §7.)

4401-8. Effective until June 30, 1935. This Act shall be in force and effect only until June 30, 1935. (Act Mar. 16, 1933, c. 89, §8.)

4401-10. Definitions. The term "Council" as used in this Act shall refer to the State Executive Council. The term "Board" as used in this Act shall refer to the State Board of Control acting as the State welfare body as provided in Chapter 89 of the Session Laws of 1933.

The term "in intoxicating liquor" shall include and mean any liquid potable as a beverage containing more than 3.2% alcohol by weight.

The term "beer" shall include any malt liquor containing 3.2% of alcohol or less by weight. (Act Jan. 9, 1934, Ex. Ses., c. 67, §2.)

The following preamble follows the enacting clause: Whereas, conditions of intense distress throughout the state make imperative the giving of direct relief, work relief, and re-employment on a vast scale, and Whereas, in the providing of work relief, and employment, such work can be undertaken to provide for the conservation of the various natural resources of the state and of the health, safety and general welfare of its people, and Whereas, in the case of a number of important projects, federal funds will be provided only in case the state provides the land needed for such projects or provides part of the funds needed for such projects, and Whereas, in various parts of the state, in periods of drought, cities and villages and rural communities rely upon stream flow for their water supply, have an insufficient supply of water by reason of the drying up of their streams, and Whereas, at times of high water, many areas within the state are menaced by destructive floods, and Whereas, the health and welfare of the people of the state are gravely menaced by these conditions, and Whereas, in the national interest, the public safety and general welfare are seriously menaced by these conditions, and Whereas, at such times the state agencies—temporary housing—supplies. The Council is authorized to acquire by gift, purchase, condemnation proceedings under Mason's Minnesota Statutes of 1927, Chapter 41 as amended, or otherwise, any land needed for conveyance to the United States for such projects financed in whole or in part by the United States. (Act Jan. 9, 1934, Ex. Ses., c. 67, §3.)

4401-12. Appropriation to board of control as state welfare body. The Council, within the limits of the funds appropriated, is authorized to appropriate all funds so appropriated to the Board, from time to time as needed, such sums of money as may be necessary, to provide necessary direct relief, work relief and employment to the people of the state and of the health, safety and general welfare of the people of the state, and to provide the funds necessary to carry out the provisions of this Act from funds appropriated to the Board by the Council. The Board is authorized to dispose of supplies and equipment when the need therefor shall no longer exist. (Act Jan. 9, 1934, Ex. Ses., c. 67, §4.)

4401-13. Cooperation with federal government and state agencies—temporary housing—supplies. The Council is authorized to cooperate with the United States Government and any duly constituted agency thereof, and any duly constituted state agency in extending direct relief, work relief and employment within the state, and to expend moneys therefor from funds appropriated to the Board by the Council for such purposes as may be necessary and proper, and to make such contracts and agreements as may be necessary to carry out the provisions of this Act from funds appropriated to the Board. The Board is authorized to construct all buildings needed for temporary housing of persons employed and equipment used, under authority of this Act, and to purchase such supplies and equipment therefor as may be necessary and proper, and to enter into contracts and agreements for the purchase of such supplies and equipment. (Act Jan. 9, 1934, Ex. Ses., c. 67, §5.)

4401-14. Liquor tax money appropriated—allocation of money for direct relief and for federal projects. The Council is authorized to allocate to the United States Government or any agency thereof necessary to carry out the provisions of this Act there is hereby appropriated to the Council all money that shall come into the state treasury from all state taxes on intoxicating liquor and beer within two years after an act taxing intoxicating liquor and beer shall go into effect. Provided, That the revenue therefrom shall be needed to pay the expense of collecting said taxes, and the cost of the administration of any State Liquor Control Law shall not be included in this appropriation; and provided, that such appropriation shall not exceed $2,500,000.00 for the purpose of providing necessary direct relief, drought relief, veteran relief and work and re-employment relief to the needy and
distribute and disabled persons, and an additional $2,-
500,000.00 for such purposes as may be necessary to meet
the requirements of the United States government
made as a condition to carrying on by such
projects financed in whole or in part by the United States, involving
control, water supply, water diversion, control of ero-
sion, reforestation and afforestation, and to meet the
requirements of the United States government as a condition to extending
by such government of direct
use revenue obtained by issuance of licenses,

Issuance of bonds. Of any amount to be iss-
ed as Minnesota Public Relief Certificates of Indebted-
ness at not less than par value thereof, earning interest
after the issuance and sale thereof, payable an-
nually, at a rate not greater than five per cent per annum.

The aggregate amount of certificates of Indebted-
ness shall be paid from the income from a tax on
intoxicating liquor and from a tax on beer, and said
tax shall be repealed by any Act which shall be-
come operative until said certificates are paid in full.
The Interest on said certificates of Indebtedness and the principal
thereof shall be paid from the income from a tax on

Interest from said taxes during said period of two
years shall not be sufficient to pay in full the certifi-
cates of indebtedness herein authorized to be is-
ued, then this appropriation shall be and the same
is hereby continued until such certificates are paid in
full. (Act Jan. 9, 1934, Ex. Ses., c. 67, §5.)

Liquor control commission has power to expend money
from sale of tax stamps to administer various acts but
cannot use revenue obtained by issuance of licenses,

$2,500,000 made available to meet requirements of United
States government as a condition to extending relief

§4401-15. Certificates of Indebtedness in anticipation of
taxes.—Pending the collection of said taxes the Council is hereby authorized and directed to issue
and sell, as funds are needed to carry out the provisions of
this Act, certificates of indebtedness to be
This section applies only to persons employed sub-

4401-10. Separability clause.—The various provi-
sions of this Act shall be severable. Should any provi-
sion of this Act be held invalid by any court of com-
petent jurisdiction the remaining portions of this Act
shall remain in full force and effect. (Act Jan. 9, 1934, Ex. Ses., c. 67, §10.)

4401-20. How long operative.—This Act shall be in
force and effect from and after its passage
Money appropriated by this act can be disbursed

4405. Institution officers. —This section is continued in force un-
der state civil service law [§254-27(1)(b)].

State board of control abolished and functions and
powers transferred to director of public institutions by
Act Apr. 22, 1929, c. 431, Art. 6, §§3, 4, ante §§319, 319-
319, §319-104.

4406-2. Same.—Infecting employees to be treated.

Whenever the State Board of Control finds and de-
termines that any state employee has contracted and
become ill from tuberculosis while employed in any state
institution which is under the direction, supervision and control of said board, with the excep-
tion of the county sanatoria under the supervision of the
Board of Control, and such employee is in
the presence of tuberculosis among fellow employees of the state
sanatorium, the Board of Control shall apply for admis-
sion of such employee to the state sanatorium for consumptive. The board shall pay out of funds heretofore or here-
after appropriated for aid to or maintenance of county
sanatoriums, to the state sanatorium for consumptives or some county tuberculosis sanatorium.

The Board, acting as the State Welfare Body shall
administer the direct relief and the work relief herein
provided for, in accordance with the provisions of
Chapter 89 of the Session Laws of 1933. (§§4401-1
to 4401-83.) (Act Jan. 9, 1934, Ex. Ses., c. 67, §9.)

4413. Uniform accounts and records—Annual
statement.
of official records of department and should be retained.


4414. Dissemination of information.

Scale of mental tests developed from statistical work done at all state schools for feeble-minded shall be public; and board of control cannot enter into a contract with a publisher providing for sale of books and payment of royalty to state.


4422-1. Sterilization by vasectomy or tubectomy—Etc.


If person committed to board of control as feeble-minded on the recommendation of a correcting institution, board may transfer him to school for feeble-minded for purpose of sterilization and return him to correction institution. Id.


4429. Invalidity of part not to affect all.


4430. Rules.

Board of control in purchasing supplies, materials, furnishings and equipment to be used in or about institutions, shall give notice of purchases in accordance with §4430 and not §53-10. Op. Atty. Gen. (88a-22), Aug. 10, 1933.

4431. Stationery, furniture, supplies, etc.

Specifications for coal to be purchased may require that successful contractor observe prevailing wage scale, and cannot fail to do so the state may cancel contract or require contractor to reduce cost of coal. Op. Atty. Gen. (270m-4), May 4, 1914.

4432. Contracts for buildings, etc.—Bids.


If there is no competitive bidding for certain materials for construction work on state institutions board of control for hospital or correctional institution may, in its discretion, pay to each inmate released an amount of money not exceeding, however, the sum of ten dollars. All such payments shall be made from the current expense fund of the institution.

(Mar. 25, 1937, c. 110, §1; Feb. 24, 1939, c. 27.)

4447. Persons admissible to institutions.

Settlement of illegitimate child living with and supported by grandparent to be void if grandparents have lived with and was there where grandparents and child moved out of state without intent to return and remained out more than one year. Op. Atty. Gen. (3259), Sept. 27, 1937.

4448-1. Use of appropriations.—Provided, further, that said board [state board of control] may, without such consent and approval of the auditor, use the balance of any appropriation made for a specific purpose at any institution for any other specific purpose or for any other purpose affecting such purpose for which such appropriation was made has been accomplished; and

Provided, further, that said board is hereby authorized and empowered to set aside a portion of the current expense fund of any such institution to be used as a diversified labor fund for the introduction and encouragement of such industries as in its judgment may be beneficial to the inmates of such institutions. (Act Apr. 21, 1939, c. 365, §20.)

4448-2. Income to go to state revenue fund—Exceptions.—Excepting the income from the Swamp Land Trust Fund, all receipts of said institutions and any sales carried on for the direct benefit of the General Revenue Fund, provided, however, that this shall not apply to revolving funds now established in said institutions for which no new appropriation is made out of the General Revenue Fund and provided further that this shall not apply to moneys received in payment for the services of inmate labor employed in the industries carried on at the State Reformatory, State Reformatory for Women and State Prison, which receipts shall be credited to the current expense funds of said institutions. (Act Apr. 21, 1939, c. 365, §23.)

Money received in payment for inmate labor in the reformatory, reformatory for women, and the prison shall be paid into the state treasury and be thereafter credited to prison current expense fund as in the past. (Act Aug. 9, 1933, c. 425. Op. Atty. Gen. (9a-10), May 29, 1939.

4448-3. Appropriation to the State Board of Control revolving fund.—Provided that the sum of $10,000 of the unexpended balance remaining in the state institutions contingent fund on June 30, 1939, is hereafter appropriated for a State Board of Control revolving fund to be used by the State Board of Control for the payment of salaries and expenses of employees rendering services to more than one state institution, and for the payment of supplies purchased in quantities for more than one institution; said State Board of Control to be reimbursed for such expenditures from the funds of the several institutions for which such services are rendered, and for which such purchases are made. (Act Apr. 21, 1939, c. 365, §24.)


ILLEGITIMATE CHILDREN

4454. Board of control may have legal guardianship of children.

When the board of control abolished and functions and powers transferred to director of public institutions by Act Apr. 22, 1939, c. 431. Art. 6, §§3, 4, ante §53199-103, §279NW707. See Dun. Dig. 4249.
4457. County child welfare boards—Appointment of agents.
A welfare worker appearing in juvenile court as part of his duties as such worker is not entitled to witness fees. (As amended by Laws 1933, c. 252, Art. 4, §4.

4458. Agents where no child welfare board.
County welfare board assumes duties of local agent appointed under §4456, but if guardian appointed pursuant to §4464 and §4467 will continue to act until guardianship is terminated in usual manner. Op. Atty. Gen. (125A-G4), Oct. 1, 1937.

4460. Traveling expenses.—The traveling and other necessary expense of the several members of the child welfare board, while acting officially as members of such board, and of the executive agents while exclusively employed in the business of the board, shall be paid, so far as approved by the county board, out of the general revenue fund of the county in the same manner as other claims against the county. If a member or executive agent of the child welfare board uses his own automobile or other conveyance owned by him, he may be allowed reasonable compensation therefor at a rate of not more than seven cents per mile for each mile necessarily traveled in such automobile or other conveyance in the performance of his official duties. (17, c. 194, §7; Apr. 20, 1931, c. 242.)

The cost of securing a surety bond for the treasurer of a county child welfare board may be paid by the county at such rate per annum as such treasurer happens to be a public officer, such as superintendent of schools, and receiver generally in connection with such office. Op. Atty. Gen., July 3, 1931.


4461. State board of control to co-operate with child welfare board.
Local authorities do not intend to transfer to county welfare board in a county operating under town system responsibility of furnishing poor relief to dependent children over 18 years of age in said county, but county welfare board should cooperate with local relief authorities and see that such children receive adequate and proper care. Op. Atty. Gen. (3296-5), Aug. 2, 1937.

SOCIAL SERVICE

4462. Social welfare fund established.—Except as hereafter expressly provided otherwise, all moneys and funds made available hereunder by the state board of control and the county welfare boards of the several counties in trust or for the benefit of defective, illegitimate, dependent, neglected and delinquent children or person feebleminded, inebriate or insane, or whose wards or beneficiaries under any law now or hereafter provided, be and the same hereby are constituted and made into a single fund to be known as the "social welfare fund" which shall be deposited, at interest, held, or disbursed as hereinafter provided. (As amended Feb. 8, 1939, c. 8, §1.)

4463. To be deposited in state treasury.— Said "social welfare fund" and all accretions thereto shall be deposited in the state treasury, as a separate and distinct fund, to the credit of the state board of control as trustee for the beneficiaries thereof in proportion to their several interests. But the state treasurer shall be responsible only to the state board of control for the sum total of said fund, and shall have no duties nor direct obligations toward the beneficiaries thereon individually provided, however, that subject to the regulations of the state board of control moneys so received by a county welfare board may be deposited by the executive secretary of the county welfare board in a local bank carrying federal deposit insurance, designated by the county welfare board for this purpose. The amount of such deposit in each such bank at any one time shall not exceed the amount protected by federal deposit insurance. (As amended Feb. 8, 1939, c. 8, §2.)

4466. State board of control shall keep books of account.
State board of control abolished, and functions, powers, and duties transferred to director of public institutions by Act Apr. 22, 1931, c. 421, Art. 6, §§1, 2, ante §§4199-103, 3199-104.

4467. State Board of Control to take possession of property in certain cases.—In any case where the guardianship of the person of any defective, illegitimate, dependent, neglected or delinquent child, or person feebleminded, has been committed to the state board of control, and such person's estate shall consist only of personal property not exceeding in value the sum of $1,000, and there shall be no guardian of the estate of such person, the probate court having jurisdiction of such estate may on such notice as the court may direct and upon notice to the state board of control, authorize the state board of control to take possession of the property in such estate, liquidate the same, and hold the proceeds thereof in trust for such ward, to be invested, expended and accounted for as provided by Mason's Minnesota Statutes of 1927. Sections 4462, 4463, 4464, 4465, 4466 and 4467, and acts amendatory thereof. (Act Mar. 9, 1923, c. 55, §1; Feb. 8, 1939, c. 8.)


4467.2. Board of Control to make reports.—The state board of control shall annually or at such other times as the probate court may direct file with the court an account of moneys received and disbursed by it for such ward. Upon petition of the ward or of any person interested in such estate and upon notice to the state board of control the probate court may terminate such trust and require final accounting thereof. (Act Mar. 9, 1923, c. 55, §2.)

4469. Expense of attendance.
Judge of probate attending annual conference is entitled to actual expenses, and if he uses his own car, he is entitled to reimbursement of gas and oil and if he travels by train, he is entitled to expenses actually incurred, including railroad fare. Op. Atty. Gen., Oct. 20, 1935.

STATE TRAINING SCHOOL

4470. Location and management.
State board of control abolished and functions transferred to director of public institutions by Act Apr. 22, 1931, c. 421, Art. 6, §§1, 2, ante §§4199-103, 3199-104.


MINNESOTA HOME SCHOOL FOR GIRLS

4478. School created—Commitment—Laws applicable.
Probate court has no jurisdiction to commit delinquent girls to the Home School for Girls, its jurisdiction being limited to the appointment of the state board of control as guardian. Op. Atty. Gen., Dec. 23, 1931.

4479. Girls between 8 and 18 years to be admitted to Minnesota Home School for Girls.
Delinquent girl committed to House of Good Shepherd before she was 18, could not be committed to home school and if committed, would be freed. Op. Atty. Gen. (840a-5), Dec. 19, 1936.

4484, 4485. [Repealed].
Repealed by Laws 1929, c. 273. See, also, §5314, as amended by Laws 1929, c. 273.

4486, 4488. [Repealed].
Laws 1929, c. 274, repeals "sections 6, 7, 8, and 9; Chapter 684, General Laws of Minnesota for 1901, as amended by section 6 in section 1, chapter 2, General Laws of Minnesota for 1911."

SCHOOL FOR FEEBLE-MINDED, ETC.

4489. Location and management.
State board of control abolished and functions and powers transferred to director of public institutions by Act Apr. 22, 1931, c. 421, Art. 6, §§1, 2, ante §§4199-105, 3199-104.
4500. Who may be admitted:—expenses.—All feeble-minded persons, resident of the state, duly committed to the guardianship of the state board of control, and who, in the opinion of said board, are in need of care and training at some state institution for the feeble-minded, or are carriers of such feeble-minded persons, may be admitted to such institution; and while feeble-minded person was on waiting list, moved to another county and gained settlement there. Op. Atty. Gen., Apr. 13, 1930.

In determining residence of feeble-minded person for purpose of determining liability of county, last county in which such person was placed as an inmate and while feeble-minded person was on waiting list, moved to another county and gained settlement there. Op. Atty. Gen., (339f-2), July 24, 1936.


4502. Abduction or enticing away a gross misdemeanor in certain cases.—Every person who shall abduct, entice or carry away from a state institution for the feeble-minded or colony for epileptics any inmate thereof, who has not been legally discharged therefrom, shall be guilty of a felony and punished by a fine of not to exceed one thousand dollars ($1,000) or imprisonment in the state prison or state reformatory not to exceed three years, or both, in the discretion of the court; any and every person who shall abduct, entice or carry away from any place other than a state institution, a person duly committed as feeble-minded to the guardianship of the state board of control with the intention of wrongfully removing such person from the direct custody of the state board of control, such person known by him to be under the supervision of the state board of control, or its agents, shall be guilty of a gross misdemeanor. (23, c. 365, § 1; Apr. 18, 1929, c. 231, § 1.)

4503. Sheriff to transport feeble-minded and epileptic persons.—It shall be the duty of the sheriff of any county, upon the request of the state board of control, to take charge of and transport a feeble-minded or any epileptic person who has been committed by the proper court of his county to the care and custody of the state board of control to such institution as may be designated by the board, and there deliver such feeble-minded or epileptic person to the superintendent of said institution. (21, c. 76, § 1; Jan. 21, 1936, Ex. Ses., c. 57, § 1.)

Sheriff is not obligated to obey an order of state board of control to transport an epileptic to a state institution in the same way as is now done for feeble-minded. Op. Atty. Gen. (48a-26), Sept. 20, 1925.

Board of control is not limited as to number of times it may require sheriff to return feeble-minded person, but the sheriff is to take the person to an institution under control of the state board of control to which the person is to be committed, and there deliver such feeble-minded or epileptic person to the superintendent of said institution. (21, c. 76, § 1; Apr. 18, 1929, c. 231, § 1.)

It is duty of place of pauper settlement to pay expenses of returning feeble-minded person from state school, if he is a pauper. Op. Atty. Gen. (125a-23), May 24, 1937.

Sheriff of county of commitment must deliver feeble-minded person to state board of control and not some building or place other than a state institution. (21, c. 76, § 1; Apr. 18, 1929, c. 231, § 1.)

Board of Control not name sheriff to transport a feeble-minded ward to institution designated, may designate an agent of county welfare board or some other person to do so. Op. Atty. Gen. (679f), Mar. 3, 1928.

4504. Sheriff to receive expense only.—In counties where the sheriff receives a salary in full compensation for official service performed by him, the sheriff shall receive no additional compensation for services performed by him under the provisions of this act, but he shall be reimbursed by the county for the necessary and reasonable expenses in-
curred by him in taking charge of and transporting such feeble-minded or epileptic person while en route.

In counties where the sheriff does not receive a salary as aforesaid he shall be paid three ($3) dollars a day for the time actually and necessarily employed in performance of the service, together with expenses as above specified.

In case the feeble-minded or epileptic person shall be a female, the sheriff shall appoint some suitable woman to act in his place and stead, and in such case the person so appointed shall have and exercise all the powers vested in the sheriff and shall be paid the sum of five ($5) dollars per day for the time necessarily and actually employed in the performance of such service, together with reimbursement for expenses as hereinafore provided for.

A sheriff transporting a feeble-minded person to a state institution is entitled to reimbursement for his actual expenses in transporting the person mentioned, and where he uses his own car the expenses may exceed seven cents per mile while the feeble-minded person is In the car. Op. Atty. Gen., June 15, 1931.


CENSUS OF FEEBLE-MINDED

4507-1. Continual census of feeble-minded in the state required. The board of control is hereby authorized and required to prepare and maintain a continual census of the feeble-minded of the state and to make such recommendations as are deemed advisable to the state board of education as to the location of their education, and to cause petitions to be filed in the proper court for commitment of any person the board of control deems should be committed. The board of control is hereby authorized to file such petitions whenever such petitions seem advisable. (Act Apr. 29, 1935, c. 364, §1.)

4507-2. Access to records. All school authorities of the state are hereby required to give access to their records and to furnish information to the state board of control or state department of education regarding the name, age, residence and antecedents of all children within their control believed to be feeble-minded and necessary to give access to all children within their control for the purpose of examination. (Act Apr. 29, 1935, c. 364, §2.)

4507-3. Must report to state board of control. All doctors, nurses, hospitals, child welfare boards, public health officers, and public officers, boards or commissions within the state are hereby required to report to the state board of control, the name, age and residence of all persons believed by them to be feeble-minded, and it shall be the duty of all child welfare boards to furnish the state board of control any information it may request relative to name, age, residence, and antecedents of any person believed to be feeble-minded. (Act Apr. 29, 1935, c. 364, §3.)

4507-4. To report to legislature. The board of control and the state board of education shall separately in their biennial reports to the governor and legislature include a summary of their work and their respective recommendations. (Act Apr. 29, 1935, c. 364, §4.)

HOSPITALS AND ASYLUMS FOR THE INSANE

4508. Location—Superintendents. State board of control abolished and functions and powers transferred to director of public institutions by Laws 1931, c. 364, §1, Act Apr. 29, 1939, c. 431, Art. 6, §§3, 4, ante §4193-163, 370M13-414.


4523. Patients may be paroled in certain cases. The superintendent, what he deems it advisable that a patient should return home or remain away from the institution on trial, may allow him to be absent on parole for a period not exceeding one year. The order of commitment shall remain in force until he is legally discharged, and he may be recalled at any time. (R. L. '05, §11252; G. S.'13, §4097; Mar. 18, 1931, c. 73.)

4524. Discharge of patients. Laws 1931, c. 364, establishes the exclusive statutory procedure for the release of a patient who has been committed for the result of a criminal action on the ground of insanity. It is for the benefit of those committed before, as well as of those committed after, the enactment of the law. (24813) Laws 1931, c. 364, §201NW53. See Dun. Dig. 4523a.

4528. Asylum for dangerous insane. A person committed under the law relating to dangerous insane should have power to apply for restoration to capacity by patients in insane hospitals. State v. O'Brien, 186M432, 243NW434, 245D142, Aug. 30, 1935.

4530. Commitment—Proceedings—Restoration of sanity. Where inmate of penal institution is declared insane by a commission, he may be transferred to institution for feeble-minded without authorization of board of control, provided, however, that transfer is made to asylum for dangerous insane, and not to Fergus Falls State Hospital. Op. Atty. Gen., Jan. 27, 1932.

4531. Inmate of penal institution becomes insane and is examined by a commission and found to be so mentally deranged that he should be confined in an Insane hospital, it is not necessary prior to commitment to hospital to secure from board of parole a medical parole, order of judge of probate being sufficient. Op. Atty. Gen. (341Dh), Aug. 3, 1939.

4532. Terms of sentence. Where one without settlement in state was convicted of fine in St. Paul and sent to reformatory and later transferred to state hospital, it is not necessary to make new proceeding under this section. Op. Atty. Gen. (24813), Feb. 2, 1932.
4534. Transfer from other asylum, etc.
As affecting transfer of a psychopathic personality patient from one hospital to another, this section requires finding that patient has homicidal tendencies, but this section is not exclusive of means of determining the question of danger of any patient found to be dangerous. Op. Att'y Gen. (2438-5), August 3, 1939.

4535-4. Same—Treatment of Inebriates.
Provision in §4535-4 that no inmate shall be committed for treatment except as may be authorized and committed by state board of control was superseded by §4545-1. Op. Att'y Gen. (324E-1), Nov. 27, 1938.

4536. Designation for the several Minnesota asylums, hospitals, and farm for Inebriates.—That the State hospital for the insane located at Anoka shall hereafter be known and designated as the Anoka State Hospital; that the State hospital for the insane located at Hastings shall hereafter be known and designated as the Hastings State Hospital; that the State hospital for the insane and the hospital farm for Inebriates located at Willmar shall hereafter be known and designated as the Willmar State Hospital; that the State hospital for the insane located at Moose Lake shall hereafter be known and designated as the Moose Lake State Hospital; that the State hospital for the insane located at Fergus Falls shall hereafter be known and designated as the Fergus Falls State Hospital; that the State hospital for the insane located at Rochester shall hereafter be known and designated as the Rochester State Hospital; and that the State hospital for the insane located at St. Peter shall hereafter be known and designated as the St. Peter State Hospital. (As amended Mar. 28, 1937, c. 107, §1.)
Sec. 2 of Act Mar. 25, 1937, provides all acts, or parts of acts, inconsistent herewith are hereby repealed.

HOSPITAL FOR INEBRIATES

4537. Hospital created.
State Sanatorium for Consumptives abolished and functions and powers transferred to director of public institutions by Act Apr. 22, 1939, c. 431, Art. 6, §§5, 4, ante §3199-103, §3199-104.
All inebriates are to be committed to Willmar Hospital. Op. Att'y Gen. (3446-6), Nov. 26, 1937.

STATE SANATORIUM FOR CONSUMPTIVES

4548. Advisory commission.

State board of control abolished and functions and powers transferred to director of public institutions by Act Apr. 22, 1939, c. 431, Art. 6, §§6, 3, ante §3199-103, §3199-104.

4545. Persons admitted to—Powers of county sanatorium commission.

Treatment in public sanatorium of state employees who have pulmonary tuberculosis while in state employ. Laws 1939, c. 116.
Dental work may or may not be a necessary part of treatment for tuberculosis, and cost thereof would be a proper charge against the county if physician certified that it was a part of the treatment for tuberculosis; otherwise, the cost must be taken care of as poor relief by the town or county liable for such poor relief. Op. Att'y Gen., Sept. 1, 1937.
County, even though operating under township system of poor relief, is to have control of care of patients at state sanatorium. Op. Att'y Gen., July 31, 1937.
Whether or not person may be classified as afflicted with pulmonary tuberculosis is question of fact. Op. Att'y Gen., July 11, 1937.

4546. Expenses of tubercular patient as sanatorium are to be paid by county only when patient or next of kin are unable to pay same. Op. Atty. Gen. (2529-2), June 13, 1930.

4547. If primary purpose of treatment is to benefit patient, §§4545 and 4546 apply, while if purpose is for isolation of tuberculosis for general public health, expenses of transferring such patient are to be paid by county even though operating under township system of poor relief. Op. Att'y Gen. Dec. 2, 1934.

 Expenses of tubercular patient as sanatorium are to be paid by county only when patient or next of kin are unable to pay same. Op. Atty. Gen. (2529-2), June 13, 1930.

4548. Control and management—Who may be admitted.
State board of control abolished and functions and powers transferred to director of public institutions by Act Apr. 22, 1939, c. 431, Art. 6, §§6, 3, ante §3199-103, §3199-104.
MOTHER OF CHILDREN

4551. Licensed by board of control.

State board of control abolished and functions, powers, and duties transferred to director of public institutions by Act Apr. 22, 1931, c. 431, Art. 6, §§ 3, 4, ante §§3199-103, 3199-104.

Board of control has no control over inmates of maternal hospital unless under commitment, and there is no law compelling or prohibiting work to pay for confinement. Op. Atty. Gen., (88a-27), Feb. 1, 1937.

4554. Physician or midwife to make report.


CUSTODY OF CHILDREN

4561. Surrender of parental rights.

Custody of children given to maternal grandmother as against father. 175M472, 221NW862.

Welfare of child is to be considered, and where mother is dead, father, if fit person, has preferential right to custody, but in this case custody of female child awarded to maternal grandmother. 179M518, 221NW868.

4562. Notification of state board of control.—Whenever any person shall place a child in a private home, it shall be the duty of the person so placing the child to notify the state board of control as to the name and address of the person with whom the child has been placed, and such other information as may be required by the state board of control. This section shall not apply to any private child welfare agency approved by the state board of control that the state board of control shall, by regulation, direct to be approved.

4563. Transfer of child by county welfare board or municipality. —Whenever the county welfare board or municipality, in connection with university hospital service and treatment, orders the transfer of a child placed in its custody, the county welfare board or municipality may notify the state board of control of such transfer, and, if the state board of control hereby grants its permission, the county welfare board or municipality may transfer the child to the hospital service and treatment of said board, at the expense of the persons named in the certificate of the county welfare board or municipality.

4564. Custody of child in private home. —Whenever a child placed in a private home is transferred by order of the county welfare board or the county welfare board or municipality at the request of the state board of control, the state board of control may, by order of the county welfare board or the county welfare board or municipality, order the transfer of such child to another private home or to the state board of control, and, in such case, the county welfare board or the county welfare board or municipality may notify the state board of control of such order and of the transfer of such child.

4565. Transfer of child by county welfare board or municipality. —Whenever the county welfare board or municipality of any county desires to place in a private home a child placed in the custody of the county welfare board or the county welfare board or municipality, such board or municipality shall notify the state board of control of the name and address of the person with whom the child has been placed, and shall immediately notify the state board of control of any change in such address. The state board of control may, by order of the county welfare board or the county welfare board or municipality, order the transfer of such child to another private home or to the state board of control, and, in such case, the county welfare board or the county welfare board or municipality may notify the state board of control of such order and of the transfer of such child.

4566. Transfer of child by county welfare board or municipality. —Whenever the county welfare board or municipality of any county desires to place in a private home a child placed in the custody of the county welfare board or the county welfare board or municipality, such board or municipality shall notify the state board of control of the name and address of the person with whom the child has been placed, and shall immediately notify the state board of control of any change in such address. The state board of control may, by order of the county welfare board or the county welfare board or municipality, order the transfer of such child to another private home or to the state board of control, and, in such case, the county welfare board or the county welfare board or municipality may notify the state board of control of such order and of the transfer of such child.

4567. Supervision by board of control.

A physician who arranges a single instance to place a child in a home for permanent care is not within this section. Op. Atty. Gen., May 9, 1931.


Any person who receives for care or treatment or has in his custody at any one time one or more infants under the age of fourteen years, unattended by a parent or legal guardian, shall be deemed to maintain an infants' home.

The word "person" where used in this act shall include individuals, partnerships, voluntary associations, and corporations: provided, however, that this act shall not be construed to relate to any institution under the management of the state board of control or to its officers or agents, nor to any person who has received for care alone, children from not more than one family during any period of six months, and who shall not apply to any person who receives for care, only children in the care or custody of a private child welfare agency, if such agency is approved by the state board of control to select persons to care for such children. The state board of control is hereby empowered to grant such approvals to such private welfare agencies as in its judgment will select only persons to care for such children who would otherwise be eligible to receive and hold a license under this act, and who shall not apply for such license until the state board of control has approved such agency.

4570. Licensed by board of control.

State board of control abolished and functions, powers, and duties transferred to director of public institutions by Act Apr. 22, 1931, c. 431, Art. 6, §§3, 4, ante §§3199-103, 3199-104.

MINNESOTA GENERAL HOSPITAL

4577. Minnesota General Hospital established.

Laws 1935, c. 39, §191-39, et seq., was intended to be merely supplementary to this act, and same rules that applied with reference to admission to public institutions apply to admission to other hospitals. Op. Atty. Gen., (1001h), June 22, 1937.

4578. What patients may be treated—Research work.

Indigent persons may be admitted to Minnesota General Hospital even though they have relatives financially able to pay. 1937, c. 523, §191-39, etseq., was intended to be merely supplementary to this act, and same rules that applied with reference to admission to public institutions apply to admission to other hospitals. Op. Atty. Gen., (1001l), June 22, 1937.

4579. Officers to report case needing hospital care.

The powers confered by this section on theprobate judges is transferred to the county commissioners by §4579, post.


City physician appointed as member of board of health may receive fee provided for making examination of patients admitted to Minnesota General Hospital if he is merely an employee of the city as distinguished from an officer. Op. Atty. Gen., (1001a), Aug. 12, 1935.

Certification of patients to Minnesota General Hospital is to be made pursuant to §§4577 to 4579 and not by county welfare board. Op. Atty. Gen., (1001c), June 10, 1934.

County welfare board has jurisdiction to enter into contract for hospitalization of indigent persons under poor relief laws but not for hospitalization at Minnesota General Hospital or a hospital coming within Laws 1936, c. 251. Op. Atty. Gen., (1001h), Nov. 22, 1937.

Town system of poor relief was not abolished by establishment of county welfare board, and primary obligation to care for indigents rests with various municipalities, but county may extend necessary aid when mother, not parent, is head of family, and where mother, not parent, is head of family, and where mother, not parent, is head of family, and where mother, not parent, is head of family.

4580. Transportation of patients to hospital—Payment for county.
If patient is unable to travel alone and person who accompanies him is duly appointed by properly constituted authorities, county may pay such person statute, per diem compensation and other necessary expenses for any number of trips to the hospital. Op. Atty. Gen. (107a-8), Nov. 22, 1934.

4581. Transportation expenses payable in claims do not include "worn out and tear on or depreciation to automobile from trip." In determining expenses of use of automobile in taking patient to Minnesota general hospital, county board may use judgment to reasonable standard in regard to use of automobile. Op. Atty. Gen. (1001c), Apr. 9, 1936.


4584. Expenses paid by counties.
County may not pay expenses of indigent patient sent to a hospital other than a university hospital, but $100 for certain expenses to continue in a certain hospital for the care of indigent persons. Op. Atty. Gen. (104c), July 12, 1934.


Right of admission is governed by this act, and not by poor relief statute, and county may send patient to University hospital at county’s expense. Op. Atty. Gen. (1001c), Mar. 9, 1937.


Where patient is a pauper and is on relief rolls, bill incurred under the provisions of this act may be paid by county. Op. Atty. Gen. (1526-41), Aug. 23, 1939.

4586. Counties may build and maintain hospitals.
For county aid to hospitals, see §533.

4591. Psychopathic department of the Minnesota General Hospital established.
Laws 1929, c. 169, makes an appropriation.

STATE SOLDIERS WELFARE FUND

4590. Funds from United States.

(a) Administer the state soldiers welfare fund under direction of the state board of control.
(b) Co-oporate with all national, state, county, municipal and private social agencies in securing to former soldiers and their dependents the benefits provided by national, state, local and county laws and ordinances or public and private social agencies.
(c) Establish and provide such assistance to a former soldier needing hospitalization but unable to accept hospitalization because the acceptance thereof would imperil his then employment, as would insure employment after hospitalization.
(d) Provide necessary assistance where other adequate aid is not available to the dependent family.
of a former soldier while such is being hospitalized and afterwards during such period as is necessary.

(e) Act as guardian for minors and incompetent persons receiving money from the United States government when no other suitable person will consent to act.

(f) Co-operate with United States government agencies providing compensation, pensions, insurance or other benefits provided by federal law, by supplementing the benefits prescribed therein, when exceptional conditions in an individual case make it necessary.

§1; 24, 1929, 367, §1.) Apr. c.

and afterwards during such period as is necessary.

Schools for the Deaf and the Blind

4611. School for the deaf—Who may be admitted, expenses.

The ordinary laws relating to poor relief have no application to the placing of a deaf girl in the State School for Deaf at Faribault, and the county of residence and not the county of settlement is liable for the maintenance of the child. Op. Atty. Gen., Sept. 3, 1931.

Cost of emergency operation performed on deaf child in state school for deaf is chargeable to municipality in which child has his settlement for poor relief purposes. Op. Atty. Gen., Dec. 12, 1933.

Where a minor has been admitted to school for deaf from one county and thereafter parents separated and father took up residence in another county, where child visited him in summer time, latter county was liable for support of child, father being indigent. Op. Atty. Gen. (1938), June 11, 1950.


Payment by county must be used for pupil while in school and not for pauper relief purposes after pupil has left school. Op. Atty. Gen. (88a-5), June 24, 1936.

4613. Blind student to receive expenses while at certain schools.—That any blind person who is, and for five years immediately preceding the making of his application for aid under this act has been, a resident of this state, and who is a regularly enrolled student pursuing any course of study, profession, art, or science in any university, college, or conservatory of music approved by the board of directors of the Minnesota School for the Blind, and in the discretion and under direction of said board, receive a sum or sums of money not exceeding $300 in any one year, for the purpose of defraying his necessary expenses, including those of a reader, while in attendance upon such university, college, or conservatory, such expenditures to be made from the appropriations for the current expenses of the Minnesota School for the Blind, provided that not more than ten such blind persons shall receive such aid in any one year. (15, c. 307, §1; Apr. 24, 1929, c. 287, §1.)

4615. Certain children required to attend.—Every parent, guardian or other person having control of any normal child between six and twenty years of age, too deaf or unable to make articualte sounds to be properly benefited by the methods of instruction in vogue in the public schools, shall be required to send such child or youth to the School for the Deaf at the City of Faribault, Minnesota, during the scholastic year of that school. Such child or youth shall attend such school year after year, until discharged by the superintendent upon approval of the State Board of Control.

Such Board may excuse attendance when satisfied:

1. That the child is in such bodily or mental condition as to prevent his attendance at school or application to study for the period required.

2. That he is afflicted with such contagious or offensive disease or possesses such habits as to render his presence a menace to the health or morals of other pupils, or for any reason deemed good and sufficient by the superintendent with approval of the State Board of Control.

3. That the child is efficiently taught for the scholastic year in a private or other school, or by a private tutor, the branches taught in the public schools so far as possible.

Any such parent, guardian or other person failing to comply with the foregoing section shall, upon conviction thereof before the justice of the peace or other court, be deemed guilty of a misdemeanor, and shall be fined in a sum of not less than five ($5) nor more than twenty (20) dollars for the first offense, nor less than ten (10) nor more than fifty (50) dollars for the second and every subsequent offense, with costs in each case. Any person who induces or attempts to induce any deaf or unable to make articulate sounds child to absent himself or herself unlawfully from school, or employs or harbors any such child unlawfully from school, while said school is in session, shall, upon conviction thereof, before justice of the peace, or other court, be deemed guilty of a misdemeanor, and shall be fined in a sum not less than five ($5) nor more than twenty (20) dollars for the first offense, nor less than ten (10) nor more than fifty (50) dollars for the second and every subsequent offense, with costs in each case. The principal teacher of every public school in the counties, and the truant officers of the cities of St. Paul, Minneapolis and Duluth, shall, within 30 days before the opening of the school year succeeding the passage of this act, and at corresponding period each succeeding year thereafter, furnish the county superintendent of schools or the Board of Education of the cities of St. Paul, Minneapolis and Duluth, as the case may be, with the name, age, sex and address of parent or guardian of all normal children who are too deaf or