

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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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 moneys 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.

(g) Make and file with the state board of control a quarterly report showing in detail his activities for the preceding quarter, and file receipts for all expenditures during such term.

(h) Perform all the present duties of the soldiers welfare agent.

(i) He may also establish and provide such employment placement and advisement service for disabled veterans as cannot be furnished by co-operation with other free public employment agencies. ('23, c. 436, §6; '25, c. 88; Apr. 24, 1929, c. 327.)

CHAPTER 25A

Board of Visitors for State Institutions

4606 to 4609. [Repealed.]

Repealed Apr. 20, 1929, c. 268.

CHAPTER 26

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 minor was 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. (3390), June 11, 1934.

"Residence" means "settlement" under poor laws. Op. Atty. Gen. (339d-1), Sept. 15, 1934.

County in which parent of child committed to state school for deaf has settlement is liable for support of child, whether under county or township system of poor relief. Op. Atty. Gen. (339d), Aug. 29, 1935.

County cannot pay claim for care of deaf minor at a school other than that for deaf at Faribault. Op. Atty. Gen. (482h), June 2, 1936.

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. (83a-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. 367, §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 articulate 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 close 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

unable to make articulate sounds to be educated in the public schools between the ages of six and twenty years, inclusive, living within the boundaries of his or her school district and who do not attend school. And the county superintendent of schools, or the Board of Education of the cities of St. Paul, Minneapolis and Duluth, shall certify forthwith the names of all such deaf children, with address of parent, age and sex, to the superintendent of the Minnesota School for the deaf at the city of Faribault.

It shall be the duty of the county attorney to at once prosecute any case of parent or others unlawfully responsible, directly or indirectly, for the failure to place a deaf child or youth in a school for the deaf, when such case shall have been reported to him. So far as the same are applicable all the provisions of this section shall be construed to include children who are too blind or defective of sight to be materially benefited by the methods of instructions in vogue in the public schools, for the purpose of securing their attendance at the state school for the blind. (R. L. '05, §1937A; '07, c. 407, §1; '09, c. 396, §1; G. S. '13, §4150; '17, c. 346, §2; Mar. 27, 1931, c. 92.)

4616. Duties of state board of control.
See §3199-60 herein.

4617. Payments by State Board of Control.—The State Board of Control is hereby authorized to defray the necessary expenses of the aforesaid work from the appropriation for the current expenses of said board, provided, that in any county of this state now or hereafter having a population of over one hundred fifty thousand (150,000) inhabitants and an assessed valuation of over Two hundred million (\$200,000,000) Dollars, including money and credits, the county board of said county is hereby author-

ized to defray part or all of the necessary expenses of maintaining said work within said county from the general revenue fund of said county, not exceeding the total sum of Three thousand six hundred (\$3,600) dollars, in any one calendar year, and in carrying on said work may appoint and employ an assistant to the regular field agent for the blind in said county, who shall work under the direction of said agent in said county. The portion of the salary of said field agent and of any assistant to be paid by said county, shall be fixed by the county board at its first meeting after the taking effect of this act and thereafter at its first meeting in January in each year, and such salary of said field agent and said assistant, shall be paid in the same manner as the salary of other county officers and employees are paid. All necessary expenses of said agent and assistant in carrying on said work in said county, not paid by the State Board of Control, shall be paid by said county board as other claims against said county are paid. That any and all payments heretofore made under said law by such county are hereby legalized. ('13, c. 488, §3; G. S. '13, §4153; '17, c. 185, §1; '17, c. 346, §5; '21, c. 24, §1; '23, c. 336, §2; Mar. 2, 1933, c. 45, §1; Apr. 29, 1935, c. 307.)

See §3199-60 herein.

State board of control does not have legal authority to send a deaf and blind child to a private institution and pay therefor, though there is only one such pupil in the Minnesota school for the deaf. Op. Atty. Gen. (482a). Apr. 11, 1937.

4617-1. [Repealed.]

Repealed Apr. 21, 1937, c. 324, §27, post, §3199-89, effective as provided in §3199-87.

The operative effect of this section is suspended during the continuance of payments of federal aid under the Social Security Act [Mason's U. S. Code Anno., title 42, c. 7]. See §3199-62 herein.

CHAPTER 27

State Public School

4618. Location—Purpose.

State 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 §§3199-103, 3199-104.

4619. Commitments of school by juvenile courts.

A feeble-minded, dependent child which had been committed to state board of control for specialized care under §§8689-1 to 8689-5, and thereafter adjudged to be feeble-minded and ordered committed to custody of state board of control but not admitted to a state institution is not a charge of the state. County of Stearns v. F., 203 M11, 279NW707. See Dun. Dig. 4249.

Where indigent children are committed to state public school at Owatonna but are placed on waiting list, parents and, if they cannot pay, village of their legal settlement are liable for support of children. Op. Atty. Gen., June 14, 1932.

4620. State Board of Control to assume guardianship.

State 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 §§3199-103, 3199-104.

Commitment by one county of child having legal settlement in another county binds the committing county for the future care of such child, as an indigent person after its return by the school. Op. Atty. Gen., July 21, 1930.

Minor child retains settlement of mother at time of commitment to state board of control. Op. Atty. Gen. (339d), Sept. 9, 1935.

A child returned from state public school to be committed to state guardianship as feeble-minded is a charge upon county from which he was first committed. Op. Atty. Gen. (840a-6), July 17, 1936.

Upon discharge from guardianship of state board of control on attaining 18 years of age, pauper is resident of county from which committed, and not county where she resided at time of discharge, though such person may gain a settlement in his own right upon sufficient residence. Op. Atty. Gen. (3390-2), Jan. 12, 1937.

Child upon discharge by board of control becomes charge on account of commitment, even though county has township poor system of relief. Op. Atty. Gen. (840a-6), July 15, 1937.

County of commitment is responsible for return of child. Op. Atty. Gen. (840a-6), June 2, 1938.

Settlement of a minor under guardianship of board of control follows that of parents with whom he is or has last resided. Op. Atty. Gen. (3390-2), Aug. 4, 1938.

County from which juvenile court commits a child to state public school, subject to guardianship of state board of control, is chargeable with its future care and maintenance as an indigent person in event of its discharge therefrom, even if returned to county of its settlement, but the petition may be filed in juvenile court of county of settlement and it might have inherent power to issue a commission to juvenile court of county where child is found to take evidence to be returned to court for commitment. Op. Atty. Gen. (840a-6), June 6, 1939.

4622. Discharge of child.

Discharge from state public school through error and mistake may be revoked where child is still in school. Op. Atty. Gen. (840a-4), Jan. 12, 1937.

CHAPTER 28

Railroads, Warehouses and Grain

RAILROAD AND WAREHOUSE COMMISSION

4628. Election, etc.

Control of public utilities in Minnesota. 16MinnLaw Rev457.

History of public utility regulation in Minnesota. 16 MinnLawRev471.

4629. Vacancies.

"Next general election" means one occurring after there is sufficient time after vacancy to give notice required by law that vacant office is to be filled at election. State v. A., 202M50, 277NW357. See Dun. Dig. 7988(27).