

REVISED LAWS OF MINNESOTA 94

SUPPLEMENT 1909

CONTAINING

THE AMENDMENTS TO THE REVISED LAWS,
AND OTHER LAWS OF A GENERAL AND
PERMANENT NATURE, ENACTED
BY THE LEGISLATURE IN
1905, 1907, AND 1909

WITH HISTORICAL AND EXPLANATORY NOTES TO PRIOR STATUTES
AND FULL AND COMPLETE NOTES OF ALL
APPLICABLE DECISIONS

COMPILED AND ANNOTATED BY
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1910

Ch. 25) BOARD OF CONTROL AND CHARITIES UNDER IT. § [1878—]1

[1857—]1. Pensions for soldiers disabled in Indian massacre.— Any and all persons, citizens and residents of the state of Minnesota, who rendered active service, bore arms, or otherwise rendered efficient aid and suffered any disabilities in the Indian massacre of 1862, from August 15th to September 15th, in the year 1862, according to the reports and files of the adjutant general's office in this state, or upon due proof of service as aforesaid shall be and is hereby declared to be entitled to a pension of not to exceed twelve dollars per month from the first day of January, 1905, during their natural lives, and upon their decease the said pension, if granted, and the right to make proof of such claim for pension and secure the same shall descend, and be payable to the widow of such decedent whose marital relation has existed since the year 1885. (Laws 1905, c. 315, § 1, as amended by Laws 1909, c. 459, § 1.)

Historical.—"An act to amend chapter 315 of the General Laws of the State of Minnesota for the year 1905, being an act to pension citizen soldiers of Minnesota who participated in the Indian massacre of 1862." Approved April 23, 1909.

[1857—]2. Same—Proof—Payment.—Such proof thereof as may be required by the adjutant general of the State of Minnesota shall be presented to him, and upon his approval and certificate declaring such person to be entitled to a pension under this act, the state auditor shall draw orders for the payment of such pension, which orders shall be paid by the state treasurer of this state, from and out of any moneys not otherwise appropriated. ('05 c. 315 § 2)

[1857—]3. Same—Persons not affected.—This act shall not apply to or affect persons drawing relief by pension or otherwise from the United States or the State of Minnesota. ('05 c. 315 § 3)

CHAPTER 25.

BOARD OF CONTROL AND CHARITIES UNDER ITS EXECUTIVE MANAGEMENT.

THE BOARD.

1862. [Repealed in part.]

See section [1484—]26 and note thereunder.

[1878—]1. Supervision over paroled patients—State agents.— The state board of control, so far as possible, shall exercise supervision over paroled patients of the state hospitals and asylums for the insane and of the school for feeble-minded and colony for epileptics, and, when deemed necessary for that purpose, may appoint one or more state agents and fix salary. It may also appoint suitable persons in any part of the state for the same purpose. Every such agent or person shall perform such duties as the board may prescribe in behalf or in supervision of patients paroled from any hospital or asylum for the insane in the state and from the school for feeble-minded and colony for epileptics, including assistance in obtaining employment and the return of paroled patients when necessary. Such agents and such persons shall hold office at the will of the board, and the persons so appointed shall be paid a reasonable compensation for the services actually performed by them. Each shall be paid from the current expense fund of the institutions for the benefit of which they were appointed in pro-

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portion to the number of patients paroled from each. ('07 c. 292 § 1)

Historical.—"An act authorizing the state board of control to employ state agents for the care and control of paroled patients from the hospitals and asylums for the insane and the school for feeble-minded and colony for epileptics." Approved April 22, 1907.

[1878—]2. **Same—Qualifications of agents.**—No one shall be appointed as such agent without having had previous experience in caring for the insane at a hospital for the insane for a period of not less than one year. ('07 c. 292 § 2)

[1878—]3. **Surgical operations.**—That whenever in the opinion of the superintendent of a state hospital or asylum for the insane or of the school for feeble-minded and colony for epileptics a surgical operation is necessary to save the life, health, eyesight, hearing or a limb of any inmate committed thereto, he shall call in consultation some reputable physician in general practice in the city or village where such institution is situated, and if such consulting physician and superintendent shall certify to the state board of control that in their opinion such operation is necessary, as herein provided, the said superintendent shall be authorized by and with the written consent of said board and under its direction to perform or cause to be performed such surgical operations upon any such inmate as may be necessary and proper for such purpose, provided that the consent of the proper relatives or guardian cannot be had in season to effect such saving. ('07 c. 145 § 1)

Historical.—"An act authorizing the state board of control to cause surgical operations to be performed upon inmates of the state hospitals and asylums for the insane and the school for feeble-minded and colony for epileptics." Approved April 10, 1907.

[1878—]4. **Same—Guardianship of inmates.**—The said board shall be deemed the guardian of the persons of the inmates of such institutions for the purpose of consenting to such operations. ('07 c. 145 § 2)

1884. **Plans and specifications—Limitations.**—Said board shall prepare plans for all improvements or buildings costing more than one thousand dollars, for which it may recommend an appropriation. Such plans shall be paid for out of any money in the state treasury not otherwise appropriated, but when an appropriation has been made for the purpose of constructing such building, the fund from which payment for plans was made shall be reimbursed from such appropriation and no part of the balance shall be expended until the board has secured suitable plans and specifications, prepared by a competent architect, and accompanied by a detailed statement of the amount, quality, and description of all material and labor required for the completion of the work; and no plan shall be adopted, and no improvement made or building constructed, that contemplates the expenditure for its completion of more money than the appropriation therefor, unless otherwise provided in the act making the appropriation. In no event shall the board direct or permit any expenditure beyond that appropriated or contemplated by law, and any member, officer, or agent of the board violating this provision shall be guilty of a gross misdemeanor. (R. L. § 1884, as amended by Laws 1909, c. 38, § 1.)

1891. **Money of inmates.**—The chief executive officer of each of such institutions shall have the care and custody of all moneys belonging to inmates thereof which may come into his hands, keep accurate accounts thereof, and pay them out under rules and regulations prescribed by law or by the said board, taking vouchers therefor. He shall give such additional bond as the board may require, conditioned to safely keep and account for such funds. All

such moneys received by any officer or employee, shall be paid to the chief executive officer forthwith. Every such executive officer at the close of each month, or oftener if required by the board, shall forward to said board a statement of the amount of all moneys so received and the names of the inmates from whom received, accompanied by his check for the amount, payable to the state treasurer. On receipt of such statement, said board shall transmit the same to the state auditor, together with such check, who shall deliver the same to the state treasurer. Upon the payment of such check, the amount shall be credited to a fund to be known as 'Inmates' Fund,' for the institution, from which the same was received. All such funds shall be paid out by the state treasurer upon vouchers duly approved by said board, as in other cases. Said board may permit a contingent fund to remain in the hands of the executive officer of any such institution from which necessary expenditure may from time to time be made. (R. L. § 1891, as amended by Laws 1907, c. 280, § 1.)

Section 2 repeals inconsistent acts.

[1891—]1. Unclaimed money of inmates of state institutions.—That whenever there has heretofore accumulated, or shall hereafter accumulate, in the hands of the superintendent of any state institution, money belonging to inmates of such institution who have died therein, or disappeared therefrom, and for which money there is no claimant or person entitled thereto known to said superintendent, such money may at the discretion of such superintendent be expended under his direction for the amusement, entertainment and general benefit of the inmates of such institution. Provided, that no money shall be so used until it shall have remained unclaimed for at least five years. Provided, further, that if at any time after the expiration of the said five years the legal heirs of said inmate shall appear and make proper proof of such heirship, they shall be entitled to receive from the state treasurer such sum of money as shall have been expended by the aforesaid superintendent belonging to said inmate. ('05 c. 199 § 1)

Historical.—"An act to provide for the disposition of unclaimed moneys at state institutions." Approved April 15, 1905.

1896. Contingent Fund.—Said board may permit a contingent fund to remain in the hands of the accounting officer of any such institution, from which expenditures may be made in case of actual emergency requiring immediate payment to prevent loss or danger to the institution or its inmates, and for the purpose of paying freight, purchasing produce, live stock, and other commodities requiring a cash settlement, and for the purpose of discounting bills incurred, but in all cases subject to revision by the board. An itemized statement of every expenditure made during the month from such fund shall be submitted to the board, under rules established by it. If necessary, the board shall make proper requisition upon the state auditor for a warrant upon the treasurer to secure said contingent fund for each institution. Provided, That when for any reason the services of an employee terminates during the month, where such termination is not in violation of his contract of employment, the salary due such employee may be advanced from the contingent fund, which fund shall be reimbursed by the regular pay check of such employee when received at the institution. (R. L. § 1896, as amended by Laws 1909, c. 74, § 1.)

1901. Insurance of state buildings—Annual appropriation.—Said board shall keep insured in solvent insurance companies all state buildings, except the Soldiers' Home, and all other insurable property belonging to the State, to an amount not exceeding two-thirds of the value thereof, and there is hereby appropriated annually from

any funds in the state treasury not otherwise appropriated, so much thereof as may be necessary to pay premiums on policies therefor and said board shall also purchase fuel for all such buildings. (R. L. § 1901, as amended by Laws 1907, c. 259, § 1.)

STATE TRAINING SCHOOL.

1906. Who may be committed.

See section [1906—]1.

[1906—]1. **Same.**—Whenever any infant over the age of eight years and under the age of seventeen years shall hereafter be duly convicted in any of the courts of this state of any crime prescribed by any general law of this state, punishable by imprisonment, except the crime of murder, or when any such infant shall be found by any of said courts after due trial, as herein provided, to be incorrigibly vicious or to be an habitual tramp or vagrant, said court may thereupon commit such infant to the Minnesota State Training School for Boys and Girls. Provided, that no child shall be so committed who is a proper subject for commitment to the state public school at Owatonna. ('05 c. 233 § 1)

Historical.—"An act relating to the state training school for boys and girls, regulating commitments thereto and the management thereof, and repealing sections 2, 4, 5, and 6 of chapter 153, Laws of 1895, and chapter 156, Laws of 1899." Approved April 17, 1905.

Section 8 of said act is hereinafter inserted and designated as section [1911—]1.

By section 9, Laws 1895, c. 153, §§ 2, 4, 5, and 6, and Laws 1899, c. 156, and all acts and parts of acts inconsistent with this act are repealed.

By section 10 it is provided that the act shall take effect August 1, 1905.

By Laws 1899, c. 156, Laws 1895, c. 153, §§ 4, 6, was amended. Said acts were repealed by R. L. §§ 5541, 5543; the provisions of sections 4 to 6 of Laws 1895, c. 153, being incorporated in part in sections 1906, 1907. So far as the provisions of Laws 1905, c. 233, differ from the Revised Laws, they are to be construed, by virtue of section 5504, as amendatory or supplementary. Their effect appears to be to repeal section 1906.

[1906—]2. **How committed—Complaint.**—No infant shall be committed to said training school as incorrigibly vicious or as an habitual tramp or vagrant unless upon formal complaint in writing, signed and verified by the person making the same, and filed in the court, setting forth the name, age and place of residence, if known, of said infant, the name and residence of its parent or guardian, and of the person in whose custody such infant may be, and stating the conduct and habits of the child, and particularly the facts constituting the ground of complaint. ('05 c. 233 § 2)

[1906—]3. **Infant, how brought before court—Parent or guardian—Custody—Bail.**—Upon the filing of the complaint, as provided in the preceding section, the court shall, if said infant is not already in custody, cause him to be apprehended and brought before the court, for which purpose the court shall issue a warrant to the proper officer, and shall also thereupon cause a summons to be issued to the parent or guardian of said infant or to the person in whose custody he may be, requiring such parent, guardian, or person to appear before the court at a time and place to be fixed by the court and stated in said summons, and show cause, if any, why such infant should not be so committed, which summons shall be served on such parent, guardian or person having the custody of said infant, at least twenty-four hours before such hearing, and shall also forthwith notify the probation officer of the county, if any, of the time and place of hearing. Until the hearing the court shall provide for the care and custody of the accused infant, but no child under twelve years of age shall be committed to jail, and in cases where committed, the child shall be subject to bail. ('05 c. 233 § 3)

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[1906—]4. **Guardian ad litem—Place of hearing.**—If such infant has no parent, or guardian, or person having his custody, living at the place, or if such parent, guardian or person, being so summoned, fails or neglects to appear at the hearing and act on behalf of the child, the court shall appoint some suitable person to appear at said hearing and protect the interests of the infant, and the person so appointed shall be given an opportunity to investigate the facts and show cause why such child should not be committed. Provided, that if the probation officer of the county is present, it shall be his duty to investigate the facts and defend the interest of said child at the hearing. All hearings under this act shall take place separate and apart from the trial of criminal cases. ('05 c. 233 § 4)

[1906—]5. **Evidence—Hearing before justice or municipal court.**—The same presumption of innocence and the same rules of evidence shall prevail at the hearing in behalf of such infant as in the trial of criminal causes, and no infant shall be so committed unless the charges alleged in the complaint are proven by the testimony of at least two disinterested witnesses, and the name, age, and place of residence of all witnesses shall be given. All evidence shall be reduced to writing and a finding made thereon and entered in the record of the court. In case of hearings before justices of the peace or municipal courts the record and all the evidence shall be forthwith transmitted, together with the complaint, to the judge of the district court of the county in which such hearing is had, who shall thereupon examine the same, and approve or disapprove the findings in writing thereon, and return the same to the justice of the peace or municipal court from whom received, and no commitment shall be made by said justice of the peace or municipal court until the proceedings have been so examined and approved by such district judge. ('05 c. 233 § 5)

[1906—]6. **Commitment—Probation.**—With the commitment the court or justice shall transmit by the officer executing the same to the superintendent of the training school a copy of the record of the case, including all the evidence, and a written statement of such other particulars concerning the child as can be ascertained. Sentence of commitment may be stayed by the court, and the infant placed on probation in the discretion of the court. ('05 c. 233 § 6)

[1906—]7. **Duties of board—Girls—Discharge.**—It shall be the duty of the board of control of state institutions to receive, clothe, maintain and instruct, at the expense of the state, all infants duly committed, as herein provided, to said training school, and keep them in their custody until their arrival at the age of twenty-one years, unless sooner discharged, apprenticed, paroled, or transferred, and said board may, in its discretion, place any of said children, until their arrival at eighteen years of age, in suitable homes, or bind them out as apprentices to such persons at such places, and to learn such trades or employment as in the judgment of the board will be most conducive to their reformation and amendment, and will tend to the future benefit and advantage of said infants. Provided, however, that whenever a similar separate institution for girls shall be established and opened by the state, girls between the ages aforesaid may be committed to and detained therein in like manner and upon the same conditions as herein provided. The board may discharge any child so committed, or may recall to the school at any time any child placed out, apprenticed, paroled or transferred, and upon such recall may resume the care and control thereof. The discharge of a child by the board shall be a complete release from all penalties and disabilities created by reason of the commitment or sentence. ('05 c. 233 § 7)

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1908. Commitment from federal courts.—Said board shall receive into its custody and guardianship, and keep until duly discharged, all infants within the prescribed ages committed to said training school by order of any court of the United States within the state for offences committed against the laws of the United States, and for the support of which infants the United States shall undertake to pay fifty cents each per day. (R. L. § 1908, as amended by Laws 1909, c. 122, § 1.)

1911. Transfer of inmates.

See section [1911—]1.

[1911—]1. **Same.**—Said board may transfer to the state reformatory inmates whose presence is deemed detrimental to the interests of the school, and who are proper subjects for the discipline of the reformatory; and it may transfer to the state public school any inmate whose interests, in its judgment, would be better subserved thereby. ('05 c. 233 § 8)

Historical.—This is section 8 of the act referred to in note under section [1906—]1. It does not differ from R. L. § 1911.

INDUSTRIAL SCHOOL FOR GIRLS.

[1912—]1. **School created—Commitment—Laws applicable.**—There is hereby created and established a separate school for the care, training and education of girls, to be known as the "State Industrial School for Girls," and the provisions of chapter one hundred fifty-three of the General Laws of Minnesota for the year 1895 and all acts amendatory thereof or supplementary thereto providing for the commitment of girls to the present state training school for boys and girls shall govern and regulate the commitment of girls to the school hereby established, and as soon as the school hereby established shall be ready for occupancy, of which notice shall be given by the board of control, all girls theretofore committed to and then in the state training school for boys and girls aforesaid, created and established shall be transferred by the board of control to the school hereby established; and thereafter all girls committed under chapter one hundred fifty-three aforesaid, and acts amendatory thereof and supplementary thereto, or which may hereafter be enacted as related to the subject matter thereof, shall be committed to the state industrial school for girls hereby created and established. ('07 c. 282 § 1)

Historical.—"An act to establish an industrial school for girls, to provide for the maintenance, management and government of the same, and to provide for the commitment of persons thereto, and to appropriate money therefor, and for other purposes." Approved April 22, 1907.

By section 10 the sum of \$25,000, or so much thereof as might be necessary, was appropriated for the purpose of acquiring a site and the erection of a school. Section 11 repeals inconsistent acts.

Laws 1895, c. 153, and Laws 1899, c. 156, amendatory thereof, were repealed by R. L. §§ 5541, 5543; the provisions of the first act being incorporated in sections 1905 to 1912. The act was further amended by Laws 1905, c. 233. See sections [1906—]1 to [1906—]7 and [1911—]1.

[1912—]2. **Proposals for site.**—As soon as practicable after the passage and approval of this act, the board of control of this state shall invite, in such form or manner as its members may deem best, proposals for a site for said state industrial school for girls hereby created and established, of not less than one hundred sixty acres, situated in any county of this state, and in selecting such site the said board of control shall consider, among other things, the altitude and healthfulness of the location, the character and quality of the soil, the facilities for drainage, the quality of the water supply, the market value of the site offered, and its convenience to railroad transportation. ('07 c. 282 § 2)

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[1912—]3. **Site, how acquired.**—When said board of control (or a majority of its members) has selected the site, in the way and manner provided in the preceding section hereof, said board of control shall, without unnecessary delay, proceed to acquire an unencumbered title in fee simple thereto in the name of this state, either by gift or by grant or purchase, and if by grant or purchase shall pay therefor such sum as said board of control shall deem to be the reasonable market value thereof; but if no site is proposed or offered which meets with the approval of the said board of control (or a majority of its members), or if such a site is offered and agreed upon, but said board of control is unable to purchase the same at what said board of control deems to be its reasonable market value, then the said board of control shall forthwith invite further and additional proposals and shall so continue until a site has been proposed and offered which meets with the approval of the said board of control (or a majority of its members), and which can be purchased at what said board of control deems to be its reasonable market value, or less. ('07 c. 282 § 3)

[1912—]4. **Cottage plan.**—When a site for said state industrial school for girls has been acquired by the state, it shall be the duty of the board of control of this state, without unnecessary delay, to cause to be constructed thereon school buildings upon what is known to the public as the "cottage plan," in order that the inmates thereof may be properly classified and grouped, and their occupations and their training diversified. ('07 c. 282 § 4)

[1912—]5. **Powers of board.**—The financial control and the general supervision of said state industrial school for girls hereby created and established, shall be and hereby is vested in the board of control of this state as now provided by law in respect to other state institutions; and said board of control is hereby vested with power and authority to appoint a superintendent and such other officers and employes as said board of control may deem necessary and proper for the due administration of the affairs of said school, and may prescribe their duties, and may fix their compensation; and said board of control is also hereby vested with power and authority to make and establish such rules and regulations for the government and management of said school, and for the education, employment and training, discipline and safe keeping of the inmates thereof as may be deemed by it to be expedient and proper; provided, that all the officers of said school shall be women. ('07 c. 282 § 5)

[1912—]6. **Advisory board.**—It is hereby made the duty of the governor of Minnesota to appoint, as soon as may be after the passage of this act, and annually after Aug. 1, 1907, an advisory board of five women, to be known and styled as the "Board of Women Visitors of the State Industrial School for Girls." ('07 c. 282 § 6)

[1912—]7. **Duty of advisory board.**—It shall be the duty of said board of women visitors to advise with the said board of control with reference to the architecture and the arrangement of the buildings erected under the provisions of this act; to visit said school at or about the time the buildings therefor are completed and report to and advise with said board of control as to the style and character of the furnishings thereof, and the fixtures to be placed therein, and upon such other matters as the said board of control may deem necessary. ('07 c. 282 § 7)

[1912—]8. **Same—Inspection—Reports.**—It is hereby made the duty of said board of visitors to visit said school at least twice in each year, at such times as the members of said board may deem best; to carefully inspect the buildings at each visit, and carefully

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examine into the condition thereof—sanitary and otherwise; to inquire into the treatment and the condition of the girls therein; and for this purpose, may examine any or either of said girls separate and apart from any of the officers of the said school; and as soon as may be, after each visit, to report, in writing, to the board of control, making in connection therewith such recommendations as to said board of visitors shall seem meet and proper, in order to promote and conserve the best interests of the said school and the inmates thereof. ('07 c. 282 § 8)

[1912—]9. **Compensation—Expenses.**—The members of the said board of visitors shall serve without compensation, excepting that they shall receive and be paid their expenses necessarily incurred in the performance of their said duties, their said expenses to be audited by the said board of control and paid out of any appropriation made for such state institutions and debited to the account thereof. ('07 c. 282 § 9)

SCHOOL FOR FEEBLE-MINDED, ETC.

1914. **Who may be admitted—Expenses.**—All feeble-minded persons, resident of the state, who, in the opinion of the superintendent of said school are of suitable age and capacity to receive instruction in said school and whose defects prevent them from receiving proper training in the public schools, and all idiotic and epileptic persons resident of the state may be admitted to their respective departments under such conditions and regulations as said board shall prescribe. The person legally responsible for the support of any person so admitted, shall pay annually to the superintendent of said institution a sum not exceeding forty dollars, to be fixed by the board, but if the person so liable be unable to pay such sum, of which inability the certificate of the judge of probate of the county from which said person is admitted, shall be prima facie evidence, it is hereby made a charge upon the county, and upon the presentation of a certificate of the superintendent of said institution certified to by the secretary of the board of control to the auditor of said county, that such indigent person is a regular and proper inmate of such institution and of the sum so fixed by the board as a condition of admission, said auditor shall immediately remit to the superintendent of said institution the sum so fixed, and a like amount annually thereafter, so long as such person remains an inmate of said institution; said superintendent shall transmit the funds so received to the state treasurer to be credited to the proper funds of said institution as required by law in the case of other current receipts, and said board shall have authority to reimburse pro rata the persons and counties so paying respectively from the general support fund of the institution in case of the death or removal of such person so admitted, before the termination of the annual period for which such payment is made. Any crippled or deformed child who is helpless and who cannot be benefited by treatment at the State Hospital for Crippled and Deformed Children, or any child who is physically helpless from any chronic disease of the nervous system or any child or adult suffering from such or other incurable chronic invalidism, may be admitted to said department for incurables in said institution in the discretion of and under such conditions as the board of control shall determine: Provided, however that this section shall not apply to those who are helpless from insanity or senile dementia, or whose presence shall, in the opinion of the superintendent of said institution be incompatible with the general purposes of the institution, as specified above. The sum to be paid annually for each of such persons shall

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be \$150 instead of \$40 as hereinbefore specified to be paid in other cases, which amount shall be paid in the manner in this section hereinbefore prescribed. (R. L. § 1914, as amended by Laws 1909, c. 80, § 1.)

HOSPITALS AND ASYLUMS FOR THE INSANE.

1915. Location and confirmation.

Sale of certain lands.—By Laws 1907, c. 144, the board of control was authorized to sell certain real estate in Le Seuer county, and to use the proceeds, together with moneys received on account of certain condemnation proceedings, to purchase other lands for the St. Peter hospital.

1916. Detention hospitals.—Said board shall establish, erect, equip and maintain in connection with the said state hospitals three detention hospitals, to be known as first, second and third state detention hospitals, which shall be under the supervision respectively of the superintendent of the state hospital for the insane, at which it is located. Said board shall determine to what detention hospital patients shall be committed from each county and notify the probate judge thereof and of changes made from time to time. Each person found to be insane, except those criminally insane, shall be committed to the proper detention hospital, there to be kept and treated until the superintendent shall determine and certify either that he is not insane or that he is a fit subject for a state hospital for the insane. If he is found to be sane he shall be discharged, as provided by law in other cases. If, after a reasonable time, the superintendent deems him a fit subject for a state hospital or asylum, and so certifies to the board, it shall transfer him to a hospital or asylum, to be detained and treated as provided by law. (R. L. § 1916, as amended by Laws 1907, c. 48, as amended by Laws 1909, c. 224, § 1.)

Historical.—“An act to amend chapter 48, General Laws 1907, entitled ‘An act to amend section 1916, Revised Laws 1905, relating to the commitment of patients to hospitals or asylums for the insane and providing for the establishment of detention hospitals therefor,’ and to provide for the detention in and release and discharge therefrom of patients so committed, and creating a State Hospital Commission.” Approved April 17, 1909.

Section 9 repeals inconsistent acts.

[1916—]1. **Same—Commitments, when to be made.**—Whenever one or more of the detention hospitals herein provided for is complete and ready for occupancy, all commitments from the district in which such completed detention hospital or hospitals is situated, as established by the state board of control under section 1916, Revised Laws 1905, shall be made thereto. (Laws 1907, c. 48, as amended by Laws 1909, c. 224, § 2.)

[1916—]2. **Same—Patients, how admitted—Discharge, etc.**—Any person believing himself to be afflicted with mental disease and desiring to receive treatment therefor at a detention hospital may voluntarily place himself therein. Before being admitted thereto he shall make and sign such written application as may be provided by the board of control for such admission, and when such application has been so signed, in presence of two witnesses not officers or employes of the detention hospital, and delivered to the superintendent thereof, such applicant may be received into the hospital for treatment. The superintendent is hereby authorized and empowered to continue such detention in the same manner as the custody of inmates of state hospitals for the insane is now maintained as provided by law, when in his judgment the condition of the patient is such that his own safety or that of the public, or both, requires such detention. Should such patient demand of the superintendent his release from the detention hospital and should such release be deemed unsafe, the superintendent shall within

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three days call in the state hospital commission herein provided for, which commission shall at once take charge of the case and determine, as hereinafter provided, whether such patient is insane. If adjudged insane, he shall be committed to the hospital for the insane. If found to be sane, he shall be required to leave the hospital. (Laws 1907, c. 48, as amended by Laws 1909, c. 224, § 3.)

[1916—]3. Same—Application by relative of insane person—Duties of judge of probate.—Any husband, wife, parent, son, daughter or guardian, believing their wife, husband, father, son, daughter, mother, brother, sister, or ward, to be afflicted with mental disease for which such person should be treated at a detention hospital, may apply to the judge of probate of the county in which such proposed patient is a resident for the appointment of a board of three physicians, one of whom shall be the family physician, if there be such. The judge of probate of such county shall immediately appoint such board which shall determine whether the proposed patient is, in fact, mentally disturbed and in need of treatment at such detention hospital, and if a majority of such board so determine, the proposed patient may be placed in such detention hospital by such relative, who shall sign the necessary application therefor, in the same manner and under the same restrictions and provisions as to detention, commitment to a hospital for the insane, or release, as provided in section 3 [1916—2] hereof for voluntary commitments. (Laws 1907, c. 48, as amended by Laws 1909, c. 224, § 4.)

[1916—]4. Same—Information filed with judge—Board of examiners.—When information is filed with any judge of probate that a resident of his county is in need of treatment at such detention hospital, he shall make proper investigation, and if the investigation so made substantiates the information filed, he shall at once appoint a board, as provided in section 4 [1916—3] hereof, which shall proceed in the same manner and under the same restrictions as provided therein to determine whether the proposed patient is in need of such treatment, and if it shall so determine, such patient shall be placed in such detention hospital under the same restrictions as to detention, commitment to the hospital for the insane, or release, as provided in section 3 [1916—2] hereof for voluntary commitments. The members of the board provided for in section 4 [1916—3] and 5 [1916—4] hereof shall be paid the same amounts for services and travel as now provided by law for like service and in the same manner. (Laws 1907, c. 48, as amended by Laws 1909, c. 224, § 5.)

[1916—]5. Same—Discharge from hospital.—When in the judgment of the superintendent of said detention hospital any person or persons placed therein, either voluntarily or otherwise, have recovered, they shall be required to leave the institution. When the superintendent is of the opinion that any such person is, in fact, insane, and that longer treatment in the detention hospital will be of no benefit, he shall report such case or cases to the state hospital commission herein provided for, which shall at once proceed to determine whether such patient is insane. If adjudged insane, he shall be committed as provided in section 3 [1916—2] hereof. If adjudged sane, he shall be required to leave the institution. (Laws 1907, c. 48, as amended by Laws 1909, c. 224, § 6.)

[1916—]6. State hospital commission.—There is hereby created at each city or village where a state hospital for the insane is located a commission, to be known as the state hospital commission. It shall be composed of three reputable persons, at least one of whom shall be a duly qualified physician. Said commission shall be appointed by the judge or judges of the district court of the

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county in which such detention hospital is situated, and shall hold office for two years or until their successors have been appointed and qualified by taking the oath of office prescribed by law, which oath shall be in writing and filed with the judge of probate of the county in which the institution is located. Said commission shall have power to examine such alleged insane person and determine as to his sanity. Such examination, determination, and commitment, shall be made as now provided by law. When a person has been so committed, all subsequent proceedings relating to his detention, discharge from the hospital, and restoration to capacity, shall be governed by existing laws. (Laws 1907, c. 48, as amended by Laws 1909, c. 224, § 7.)

* [1916—]7. **Same—Times of meeting.**—The said state hospital commission shall meet at the detention hospital as often as may be requested by the superintendent thereof, but not oftener than twice each month except in cases requiring immediate action as herein provided. Its members shall receive compensation as provided by section 3862, Revised Laws of 1905, but in any case not to exceed ten dollars per day for such service. (Laws 1907, c. 48, as amended by Laws 1909; c. 224, § 8.)

[1916—]8. **Transfers between Anoka and Hastings asylums—Men and women.**—That any building heretofore or hereafter erected for the housing of inmates at the Hastings and Anoka asylums for the insane may be used for the housing of men or women, as the board of control may deem advisable, and the said board is hereby authorized to transfer inmates from either one to the other of said asylums whenever in its judgment the interests of the state require such transfer. ('09 c. 63 § 1)

Historical.—"An act authorizing the transfer of inmates between the Anoka and Hastings asylums, and authorizing the use of buildings at said institutions for either men or women." Approved March 12, 1909.

[1926—]1. **Asylum for dangerous insane.**—The state board of control is hereby authorized and directed to erect, equip and maintain, in connection with a state hospital at St. Peter, a suitable building, to be known as the State Asylum for the Dangerous Insane, for the purpose of holding in custody and caring for such insane persons, idiots, imbeciles and epileptics as may be committed thereto by courts of criminal jurisdiction, or otherwise, or transferred thereto by said board, and for such persons as may be declared insane while confined in any penal institution, or who may be found to be mentally infirm and dangerous, and it shall supervise and manage the same as in the case of other state hospitals or asylums. ('07 c. 338 § 1)

Historical.—"An act to provide for the erection, equipment and maintenance of an asylum for mentally infirm and dangerous persons, and the commitment and transfer of such persons thereto, and regulating their confinement therein." Approved April 23, 1907.

Section 9 repeals inconsistent acts.

[1926—]2. **Same—Commitment—Proceedings—Restoration of sanity.**—Whenever any person confined in the state prison or any other penal institution in the state is alleged to be insane, the warden or other person in charge shall forthwith notify the state board of control, which shall cause the prisoner to be examined by the probate court of the county where he is confined, as in the case of other insane persons. In case he is found to be insane, he shall be transferred by the order of the court to the state asylum for the dangerous insane, there to be kept and maintained as in the case of other insane persons. If, in the judgment of the superintendent, his sanity is restored before the period of his commitment to the penal institution has expired, he shall be removed by the state

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board of control, upon the certificate of the superintendent, to the institution whence he came, and there complete the period of his sentence. ('07 c. 338 § 2)

[1926—]3. **Same—Allowances.**—Whenever any convict is discharged from the asylum for the dangerous insane, he shall receive the same allowances in money, clothing and otherwise which he would have received had he remained at the institution from which he was received, and the expenditures in his behalf shall be made out of the same fund. While he is at said asylum, he shall be clothed and supported as are other insane patients. ('07 c. 338 § 3)

[1926—]4. **Same—Transfer proceedings.**—Whenever any criminal shall be transferred to said asylum, the original warrant of his commitment to the penal institution shall be sent with him and returned to the penal institution upon his return or discharge. A certified copy thereof shall be preserved at the penal institution. ('07 c. 338 § 4)

[1926—]5. **Same—Terms of sentence.**—A prisoner who is removed or returned under this act shall be held in the place to which he is so removed or returned in accordance with the terms of his original sentence, unless sooner discharged, and the period for which he is removed shall be counted as a part of the term of the confinement. ('07 c. 338 § 5)

[1926—]6. **Same—Commitment before conviction.**—Whenever any person under indictment or information and before trial thereon, shall be found to be insane, an idiot, or an imbecile and to have homicidal tendencies; or whenever, during the trial of any person, on an indictment or information, such person shall be found to be insane, an idiot, or an imbecile and to have homicidal tendencies, the court in which such indictment or information is filed shall forthwith commit such person to said asylum for the dangerous insane for safekeeping and treatment, and such person shall be received and cared for thereat until he shall recover, when he shall be returned to the court from which he was received, there to be dealt with according to law. ('07 c. 338 § 6)

[1926—]7. **Same—Transfer from other asylum, etc.**—Whenever any inmate of a state hospital or asylum for the insane or the school for feeble-minded and colony for epileptics, is found by the state board of control to have homicidal tendencies, or to be under sentence or indictment or information, he shall be transferred by the board to said asylum for the dangerous insane for safekeeping and treatment. ('07 c. 338 § 7)

[1926—]7a. **Correspondence without censorship.**—Any inmate may correspond freely without censorship with the governor and with the state board of control or any member thereof. ('07 c. 338 § 8)

HOSPITAL FOR INEBRIATES.

[1926—]8. **Hospital created.**—There is hereby created and established a hospital farm for inebriates, and for that purpose the state board of control is hereby directed to select and acquire by purchase or otherwise a suitable tract of land not to exceed six hundred and forty acres, upon which shall be erected suitable buildings for said hospital, and to properly equip the same, and to appoint a superintendent who shall be a duly licensed physician, and to fix the compensation for his services. ('07 c. 288 § 1)

Historical.—“An act creating and establishing a hospital farm for inebriates, and authorizing the state board of control to purchase lands therefor, and to pro-

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vide means for the building and maintenance of such institution." Approved April 22, 1907.

Constitutionality.—Laws 1907, c. 288, is constitutional. *Leavitt v. City of Morris*, 105 Minn. 170, 117 N. W. 393, 17 L. R. A. (N. S.) 984.

Inebriate.—An inebriate, as defined by the act, is an habitual drunkard. *Leavitt v. City of Morris*, 105 Minn. 170, 117 N. W. 393, 17 L. R. A. (N. S.) 984.

[1926—]9. **Inebriate defined.**—The term "inebriate," as used in this chapter, includes every species of chronic inebriety, whether caused by the excessive use of intoxicating liquors, morphine, opium, cocaine, chloral, or other narcotics. ('07 c. 288 § 2)

[1926—]10. **Proclamation.**—Upon the completion and equipment of said buildings and the appointment of the superintendent the board of control shall report such facts to the governor, who shall forthwith issue a proclamation giving public notice that the said hospital for inebriates is prepared to receive patients, a copy of which proclamation shall be forwarded by mail to each of the judges of the probate courts of this state. ('07 c. 288 § 3)

[1926—]11. **Examination as to inebriety by probate court—Petition—Warrant.**—Upon filing in the probate court a verified petition, setting forth that a person in the county is an inebriate and in need of care and treatment, or that it is dangerous for said person to remain at large, and also stating therein the petitioner's relationship, if any, to such inebriate person, and the indications of inebriety, or lack of self-control in the use of liquors or drugs enumerated, and praying the court to inquire into the matter, the court shall direct that such alleged inebriate person be brought before it, and when from the petition it appears necessary, may issue a warrant, under its seal, directed to the sheriff or any constable of the county, or to any person named therein, requiring him forthwith to bring such person before the court for examination as to his inebriety; provided, that whenever, after the passage of this act, any person shall have been three times convicted of drunkenness in a court of competent jurisdiction, the judge holding such court may file in the probate court of the county a certificate showing the dates of such convictions; and thereupon the probate court shall proceed to make inquiry and deal with said person as provided in this act, without the filing of a verified petition. ('07 c. 288 § 4)

Cited in *Leavitt v. City of Morris*, 105 Minn. 170, 117 N. W. 393, 17 L. R. A. (N. S.) 984.

[1926—]12. **Board of examiners.**—When such alleged inebriate person has been produced in court, the court shall make an order directed to two reputable persons, at least one of whom shall be a duly qualified physician, and such persons, with the judge of probate, shall constitute a board to examine such alleged inebriate person, and determine as to his inebriety. ('07 c. 288 § 5)

Cited in *Leavitt v. City of Morris*, 105 Minn. 170, 117 N. W. 393, 17 L. R. A. (N. S.) 984.

[1926—]13. **Examination—Report.**—The board shall hear all proper testimony offered by any person interested, and the court may cause witnesses to be subpoenaed. When the examination is completed, said board shall determine whether or not the person is an inebriate, and file in court a report of their proceedings, including said findings. ('07 c. 288 § 6)

Cited in *Leavitt v. City of Morris*, 105 Minn. 170, 117 N. W. 393, 17 L. R. A. (N. S.) 984.

[1926—]14. **Qualifications of examiners—Physician.**—It shall not be unlawful [lawful] for any physician to certify to the inebriety of any person for the purpose of securing his commitment to custody unless such physician is of reputable character, a graduate of some in-

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corporated 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 the same 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 and such certificates shall constitute said physician an examiner in inebriety for the purpose of this chapter. A copy of said certificate shall be filed in the office of the judge of probate of the county in which such physician resides. No examiner in inebriety shall certify to the inebriety of any person for the purpose of committing him to a hospital or institution devoted to the custody, care and treatment of inebriates, of which said examiner is either the superintendent or proprietor, an officer or regular medical attendant, or when said examiner is a near relative of the alleged inebriate person. ('07 c. 288 § 7)

[1926—]15. **False representation or certificate.**—Whosoever for any corrupt consideration or advantage, or through malice, shall make, or join in, or advise the making of any certificate aforesaid, or shall knowingly or willfully make any false representations for the purpose of causing any such certificate to be made shall be deemed guilty of a felony. ('07 c. 288 § 8)

[1926—]16. **Commitment—Appeal—Term—Voluntary commitment.**—If it shall be determined by the said judge of probate and commission that such person is an inebriate, such person shall be committed to said hospital farm for inebriates. Such person shall, however, have the right to appeal from the decision of the probate court to the district court of the proper county, and on such appeal all questions involved in such examination shall be tried by jury de novo. The term of detention and treatment shall be for an indeterminate period, provided, that no one shall be confined in this institution more than two years without being released on parole. Any person may be admitted to the inebriate hospital farm as a patient upon his own application to the probate court, provided, that he signs a voluntary commitment and pays such sum for maintenance as may be fixed by the board of control. ('07 c. 288 § 9)

[1926—]17. **Patients, how paroled—Recommitment.**—If, after not less than sixty days of treatment and detention, a patient shall appear to be a suitable case for parole, the physician in charge may recommend such parole to the state board of control and the board may parole said patient, provided, that said patient shall pledge himself or herself to refrain from the use of intoxicating liquors as a beverage and the habitual use of such drugs or other narcotics as above stated, and shall report in writing once each month to the probate judge of the county in which said patient shall have his or her residence, and furnish to said probate judge satisfactory evidence of said patient's sobriety and good habits, a certified copy of such report to be forwarded by said probate judge to the superintendent of said hospital. If at any time the patient on parole for any reason fails to make the above report, or upon satisfactory evidence that such patient has violated the conditions of his parole, the judge of probate may direct the sheriff of the county, without further writ or warrant, to return said patient to the said hospital farm for inebriates. ('07 c. 288 § 10)

[1926—]18. **Notice of discharge.**—Whenever any person committed to a hospital for inebriates shall be discharged the superintendent, upon the day of such discharge, shall mail to the probate judge of the county from which such person was committed a certificate stating the fact of such discharge and the date thereof and

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date of commitment which certificate shall be filed in said court. ('07 c. 288 § 11)

[1926—]19. **Fees, how paid.**—To the examiners in inebriety for every examination, five dollars each, and for every mile traveled by each of them in making such examination, 15 cents, to the person authorized to convey an inebriate person to a hospital for inebriates, or to the place of his legal residence, three dollars per day for the time necessarily employed and all necessary disbursements for travel, and for the support of himself, the inebriate person and authorized assistants. Such amounts to be audited by the judge of probate or court commissioner, and judgment entered of record thereof, to be paid out of the county treasury 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 upon the county treasurer in payment of said sums. Provided, that in counties the sheriffs of which are paid by salary, such sheriff shall convey said inebriate person to the hospital for inebriety, or to his place of legal residence, and shall receive therefor the compensation now allowed said sheriff by law. ('07 c. 288 § 12)

[1926—]20. **Resident of another county.**—Whenever the alleged inebriate person is found to have his residence in some other county, he may nevertheless be examined, and, if found inebriate, committed to a hospital for inebriates. The necessary costs and expenses of such examination and commitment shall be certified by such court, to the auditor of the county found to be his legal residence, and shall be paid as other claims against such county. ('07 c. 288 § 13)

[1926—]21. **Proceedings when residence is questioned.**—Whenever the auditor of the county to which costs and expenses have been certified denies that such person has a legal residence in his county, he shall send such certificate, with a statement of his claim in reference thereto, to the state board of control, who shall immediately investigate and determine the question of residence, and certify its findings to the auditor of each of said counties. Such decision shall be final unless an appeal is taken therefrom within ten days after its filing. Such appeal may be to the district court of the county from which such person was committed. ('07 c. 288 § 14)

[1926—]22. **Relatives may take charge—Bond.**—Upon request of the relatives or friends of any person alleged or found to be an inebriate, or who has been committed to a hospital for inebriates, they may be permitted to take charge of said person; but in such case the probate judge, or, if said person has been committed to the hospital, the superintendent thereof, may require a bond from such relatives or friends, running to the state, to be approved by such judge or superintendent, as the case may be, conditioned for the care and safekeeping of such person. ('07 c. 288 § 15)

[1926—]23. **Court commissioner.**—Whenever from any cause the probate judge is unable to act upon any petition for inquiry as to inebriety, the court commissioner shall perform all his duties in such cases. ('07 c. 288 § 16)

[1926—]24. **Forms of blanks.**—For the purpose of securing uniformity in the practice of the commitment of the inebriate the board of control is hereby authorized and empowered to prescribe forms of blanks which shall be used, and the information to be contained therein. ('07 c. 288 § 17)

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[1926—]25. Powers of board of control.—The board of control shall have the supervision and control of said hospital farm and may provide employment for patients committed thereto, at such occupation as provided by the rules and regulations adopted by said board of control. ('07 c. 288 § 18)

[1926—]26. Tax on license fees—Inebriate fund.—For the building and maintenance of said hospital a tax of 2 per cent is hereby levied upon all license fees for the sale of intoxicating liquors under the laws of this state, and whenever a license is granted, by any city, village, county or municipality for the sale of intoxicating liquors, 2 per cent of the amount charged for such license shall be set aside by such city, village, county or municipality issuing such liquor license for the payment of the tax specified in this section, and shall be immediately remitted by draft to the state treasurer, who shall credit the same to a fund known as the inebriate fund. The costs and expenses of the maintenance of said hospital shall be paid from the inebriate fund, if sufficient, and any deficit, shall be paid from the appropriations made by the legislature of this state. ('07 c. 288 § 19)

[1926—]27. Recovery by board.—If any city, village, county or other municipality shall fail or neglect to comply with the provisions of the last section, the board of control is hereby authorized to recover said taxes in a civil action, brought in the name of said board against such city, village, county or other municipality making default in the payment of said tax. ('07 c. 288 § 20)

Cited in *Leavitt v. City of Morris*, 105 Minn. 170, 117 N. W. 393, 17 L. R. A. (N. S.) 984.

[1926—]28. Duty of county attorney.—Whenever a probate judge or court commissioner orders an examination of any inebriate, he shall notify the county attorney, who shall appear and take such action as may be necessary to protect the rights of such inebriate and the interests of the county, and upon the request of the county attorney the judge of probate or court commissioner shall issue subpoenas for witnesses. ('07 c. 288 § 21)

SANATORIUM FOR CONSUMPTIVES.

1929. Admission—Examination—Expenses, how paid.—Only persons who have resided in the state throughout the year preceding application and who are afflicted with incipient pulmonary tuberculosis shall be received into the sanatorium. Persons desiring admission shall apply to the superintendent, and all applications shall be numbered in the order of receipt. When a vacancy exists the superintendent shall give to the person whose name is first upon the list an order for examination directed to any examining physician. The advisory commission shall appoint such physicians, not exceeding three for each county, whose fee for examination shall be three dollars, payable out of funds appropriated for the sanatorium. The examiner shall determine whether the applicant is afflicted as aforesaid and report his conclusion to the superintendent. The board shall fix the amounts to be charged for maintenance and treatment. A person unable to pay such charges and without kindred legally liable therefor and able to pay may be admitted on request of his county board, and the charges shall be paid by the county. (R. L. § 1929, as amended by Laws 1907, c. 135, § 1.)

HOSPITAL FOR INDIGENT, CRIPPLED AND DEFORMED CHILDREN.

[1930—]1. Establishment and location.—That there is hereby established a state hospital for indigent, crippled and deformed chil-

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dren of the State of Minnesota, which shall be known as the "State Hospital for Indigent, Crippled and Deformed Children," and such hospital is hereby located upon the following described lands in the City of St. Paul, County of Ramsey and State of Minnesota, to-wit: * * * ('07 c. 81 § 2)

Historical.—"An act to establish a state hospital for indigent, crippled and deformed children of the state of Minnesota, and to accept donations in aid thereof, and to provide for the management and control thereof, and authorizing the city of St. Paul to convey to the state of Minnesota certain lands as a site for such hospital." Approved April 2, 1907.

The preamble of the act recites the donation of certain lands and money by the city of St. Paul and certain of its citizens. By section 1 the donation is accepted. Section 2 contains a description of the lands, following that part of the section above set forth. Section 5 repeals inconsistent acts.

See Laws 1905, cc. 78, 203, appointing commissions to report on the advisability of establishing such hospital. See, also, Laws 1909, c. 37.

[1930—]2. **Control and management—Who may be admitted.**—Said hospital shall be under the control and management of the state board of control, and said board of control is hereby authorized and empowered to make provision for the care and treatment in such hospital of indigent children who may have resided within the State of Minnesota for not less than one year, who are crippled or deformed, or are suffering from disease through which they are likely to become crippled or deformed, and such board is authorized and empowered to make the necessary contracts for the maintenance and care of such children in said hospital. ('07 c. 81 § 3)

[1930—]3. **Rules and regulations.**—The said state board of control shall adopt such rules and regulations as said board may deem proper and necessary for the admission, discharge, care, treatment and education of such children. ('07 c. 81 § 4)

[1930—]4. **Sanitarium and school.**—That the sum of fifty-five thousand (55,000) dollars or so much thereof as may be necessary, be and the same is hereby appropriated out of the moneys in the state treasury not otherwise appropriated, for the purpose of constructing and equipping upon the following described land in the city of St. Paul, in Ramsey county, Minnesota, to-wit: All of the northeast quarter (NE $\frac{1}{4}$) of the southwest quarter (SW $\frac{1}{4}$) of section twenty-one (21), township twenty-nine (29), range twenty-two (22), reserving therefrom seventeen (17) acres of land taken under condemnation proceedings by the city of St. Paul for Phalen park, a building or buildings to be used pursuant to the provisions of chapter 81 of the General Laws of the state of Minnesota for the year 1907, for a fresh air sanitarium and educational and industrial school building for the indigent, crippled and deformed children of the state of Minnesota, and to care for and educate such other indigent crippled persons as are unable to support themselves, and may be admitted to such institution by the board of control of the state of Minnesota. ('09 c. 130 § 1)

Historical.—"An act to appropriate money for the purpose of constructing and equipping a sanitarium and school building or buildings for the indigent, crippled and deformed children of the state of Minnesota, and for the care and education of such indigent, crippled persons as may be admitted to such institution by the state board of control." Approved March 31, 1909.

For Laws 1907, c. 81, see sections [1930—]1 to [1930—]3, ante.