

GENERAL STATUTES
OF THE
STATE OF MINNESOTA

36

IN FORCE

JANUARY 1. 1889.

COMPLETE IN TWO VOLUMES.

VOLUME 1, the General Statutes of 1878, prepared by GEORGE B. YOUNG, edited and published under the authority of chapter 67 of the Laws of 1878, and chapter 67 of the Laws of 1879.

VOLUME 2, Supplement.—Changes effected in the General Statutes of 1878 by the General Laws of 1879, 1881, 1881 Extra, 1883, 1885, and 1887, arranged by H. J. HORN, Esq., with Annotations by STUART RAPALJE, Esq., and others, and a General Index by the Editorial Staff of the NATIONAL REPORTER SYSTEM.

VOL. 2.

SUPPLEMENT, 1879-1888,

WITH

ANNOTATIONS AND GENERAL INDEX TO BOTH VOLUMES.

ST. PAUL:
WEST PUBLISHING CO.
1888.

CHAPTER 35.

CHARITABLE INSTITUTIONS.*

TITLE 2.

INSTITUTE FOR THE DEAF, DUMB, AND BLIND.†

*§ 1. Name—Departments.

That the institution heretofore established at Faribault, Minnesota, for the education of the deaf, dumb, and blind, and styled "The Minnesota Deaf, Dumb, and Blind Institute," shall hereafter be known and designated as "The Minnesota Institute for Defectives." It shall be located at Faribault and shall consist of three departments, to-wit: The school for the deaf; the school for the blind; the school for the feeble-minded. (1887, c. 205, § 1.‡)

*§ 2. Board of directors—How constituted—Term of office—Vacancies.

Said institute shall be controlled by a board of five directors, together with the governor and superintendent of public instruction, who shall be *ex officio* members of said board. Such directors shall be appointed by the governor, by and with the advice and consent of the senate, for the term of five years each, and until their successors are appointed and qualified: *provided*, that the present members shall serve for the full term for which they were respectively appointed. All vacancies occurring in said board shall be filled by appointment in like manner as aforesaid, to fill the unexpired term. (*Id.* § 2.)

*§ 3. Same—Officers—Quorum—Meetings.

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

*§ 4. Same—Powers and duties.

Said directors shall have the general management and supervision of said institute; shall prescribe all rules and regulations for the government thereof, and the admission of pupils thereto; and generally perform all acts necessary to render the institute efficient for the purposes for which the same is established, to-wit, the relief and instruction of the deaf, the blind, the feeble-minded, and for the care and custody of the epileptic and idiotic, of the state; and they may introduce and establish such trades and manual industries as in their judgment will best train their pupils for future self-support. (*Id.* § 4.)

*As to bonds of state officials, see *supra*, c. 6, pp. 106-7, *§§ 154-53.

Chapter 94, Gen. Laws 1879, provides that moneys paid to the state by the Soldiers' Orphans' Home shall be credited to the state institution fund; and appropriates such moneys to the support of soldiers' orphans.

†Appropriation for improvements upon the property of state institute for the deaf, dumb, and blind, see Gen. Laws 1885, c. 159.

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

***§ 5. Superintendents—Subordinates.**

Said board of directors shall appoint competent superintendents of said several departments to hold their offices during the pleasure of the board. Such superintendents shall name all the subordinate officers of their several departments, and such nominations shall be confirmed or rejected by the board. (*Id.* § 5.)

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

All deaf persons, all blind persons, and all feeble-minded persons, residents of this state, who in the opinion of the several superintendents are of suitable age and capacity to receive instruction in these schools, and whose defects prevent them from receiving proper training in the public schools of the state, and all idiotic and epileptic persons residents of the state, may be admitted to their respective departments, and receive the benefit of this institute free of charge, subject to such rules and regulations as may be made by the board of directors; and they shall be provided by their friends, relatives, or the county from which they came, sufficient funds to furnish them with proper clothing, postage, and transportation. (*Id.* § 6.)

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

All indigent and destitute persons, who are proper subjects for this institute, and those who have no parents, friends, or guardians, known to the authorities of their respective counties, able to provide for them, are hereby made a charge upon the several counties in which they reside, for the sum fixed by the said board for the postage, clothing, and transportation of such persons, not to exceed for each the sum of forty dollars annually, which facts of destitution and indigence shall be established *prima facie* by the certificate thereof of the judge of probate of the county where such persons respectively reside; and upon the presentation of a certificate of the superintendent, attested by the secretary of the board, to the auditor of any county, that such destitute or indigent person is a regular and proper inmate of his department of this institute from such county, and of the sum fixed by the board as a condition of admission, said auditor shall draw his order on the treasurer of his county in favor of such superintendent for such sum of money as has been fixed as aforesaid by the board as a condition of the admission to this institute, not to exceed the sum of forty dollars; and annually thereafter, on or before the first day of October of each year, upon receipt of the report of the superintendent as to the condition of such fund, he shall draw his further order upon the treasurer of his county for such sum which, added to the balance in the hands of said superintendent, shall equal the sum so fixed by the board of directors, so long as such person shall remain at said institute; and the county treasurer upon whom such order is drawn shall pay the same upon presentation; and the said superintendent shall use the said fund only in supplying said inmate with proper clothing, postage, and transportation, and shall keep and render annually on the first day of August to the board of directors and to such county auditors a strict and detailed account thereof.* (*Id.* § 7.)

* Chapter 160, Gen. Laws 1885, entitled "An act to provide clothing and transportation for indigent pupils of the Minnesota Deaf, Dumb, and Blind Institute," provides "that in all cases where persons sent to Minnesota Deaf, Dumb, and Blind Institute are unable to furnish themselves with sufficient clothing, and pay their expense of transportation to and from said institute, the probate judge of the county in which any such person resides, upon application of any relative or friend of such person, or of any officer of his town or county, shall, if he deem such person a proper subject for either the deaf and dumb, or the blind, departments of said institute, and if in his judgment such person be unable to meet the necessary expenses of clothing and transportation, make an order to that effect to the superintendent of said department of the deaf and dumb, or the blind, as the case may be, who shall provide the necessary clothing and transportation at the expense of the county to an amount not exceeding forty dollars per annum for every such pupil, and upon his sending his proper account therefor to the board of county commissioners of said county they shall audit the same, and the treasurer of said county shall pay the same as other county expenses."

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

The treasurer-elect of the board shall, before entering upon the duties of his office, give a bond in an amount and executed in the manner prescribed by chapter one hundred and thirty-one of the General Laws of eighteen hundred and eighty-three, or other laws of this state, and shall safely keep and faithfully disburse all moneys coming into his hands for the use of said institute; shall keep separate accounts with all general and special funds appropriated for said institute, and render an exact and detailed account of each and all expenditures whenever the said board shall require; and shall receive such compensation for his services as said board shall fix, not to exceed one hundred dollars per annum. The secretary shall perform such services consistent with his office as said board shall require, and shall receive for such services a sum not exceeding three hundred dollars per annum. (1887, c. 205, § 8.)

***§ 9. Board of directors — Institute property — Drawing moneys.**

The board of directors shall take and hold in trust for said institute all lands or other property granted, given, devised, or conveyed to the Minnesota Deaf, Dumb and Blind Institute, or hereafter to be granted, given, devised, or conveyed to this Minnesota institute for defectives, to be applied and used at Faribault aforesaid, and any moneys now or hereafter appropriated or intrusted to said institute may be drawn at any time from the state treasury upon the order of the board of directors and the presentation of proper vouchers to the state auditor. (*Id.* § 9.)

***§ 10. Annual reports.**

On or before the first day of November of each year, and oftener if required, the several superintendents, steward, and treasurer shall render to the board of directors full and complete reports of their several lines of work, accompanied by such recommendations as may seem to them wise and proper, and biennially on or before the first day of December preceding the regular sessions of the legislature the said board of directors shall furnish the governor a printed report of said institute for the two years ending on the preceding July thirty-first. Said report shall contain a full history of the several schools of the institute, with reports of the superintendents and other officers of the institute, such as is common from like institutions in the country. It shall contain a complete statement of the accounts, with all the funds general and special appropriated or belonging to said institute, with a detailed statement of disbursements. The state authorities shall print and deliver to the proper officers for the use of the legislature and state officers five copies for each, and shall deliver to the officers of said institute the number estimated by them to be necessary for the use thereof, not to exceed five for each member enrolled therein. (*Id.* § 10.)

TITLE 3.

HOSPITAL FOR THE INSANE.*

***§ 11. Location—Name—Trustees.**

The hospital for the insane for the state of Minnesota, shall be erected and located upon the site designated and determined as hereinbefore mentioned

* By c. 96, Gen. Laws 1883, "the board of trustees of the Minnesota hospitals for insane are hereby authorized and empowered to purchase land for the use of the hospitals, said purchase not to exceed in cost eight thousand four hundred dollars for the first hospital, and ten thousand dollars for the second hospital."

Provision is made by c. 165, Gen. Laws 1885, for the sale of certain lands by the trustees of the Minnesota Hospital for the Insane.

Gen. Laws 1885, c. 166, authorizes the trustees to make the repairs for which the appropriations of that year were made, without letting the same by contract.

and provided for, and shall be known by the name and title of "Minnesota Hospital for Insane," and shall be placed under the charge of nine trustees, five of whom shall constitute a quorum for the transaction of business.† (1866, c. 6, § 4, *as amended* 1868, c. 18, § 1; 1887, c. 51.)

***§ 14. Trustees—Oath—Compensation—Meetings—Officers.**

The trustees, before entering upon the duties of their office, shall take and subscribe an oath or affirmation to support the constitution of the United States and of this state, and also faithfully to discharge the duties required of them by law, and the by-laws that may be established. They shall be paid their necessary expenses during the time they are actually engaged in the discharge of their official duties, such payment to be made out of any money appropriated for the support of the insane. They shall hold their annual meeting at the hospital on the first Wednesday in August of each year, when they shall choose one of their number president, and another secretary, and one treasurer, for the ensuing year, and until their successors are elected and qualified. (*Id.* § 10, *as amended* 1868, c. 18, § 3; 1885, c. 100.)

***§ 19. Patients—Admission.**

Every insane person who is a *bona fide* resident of this state shall be admitted to one of the hospitals for the insane for the state of Minnesota, and maintained at the public expense free of charge to his or her relatives or friends, and upon equal terms with every other insane person. *provided*, no person shall be admitted in either of the hospitals the second time, unless by the consent of the superintendent of said hospital, the president of the board, and one trustee. (1874, c. 19, § 1, *as amended* 1877, c. 42, § 3; 1885, c. 163, § 1.)

***§ 21. Inquisition—Warrant—Form—Execution.**

The probate judge, or, in his absence, the court commissioner of any county, upon information being filed before him that there is an insane person in his county needing care and treatment, shall cause the person so alleged to be insane to be examined by a jury consisting of two respectable persons beside himself, one at least of whom shall be a physician, to ascertain the fact of his or her insanity; and if the said person is found to be insane, he shall, upon the written certificate of the judge, directed by a majority of the jury, issue duplicate warrants committing the person so found to be insane to the care of the superintendent of one of the hospitals, and shall place the warrant in the hands of the sheriff or some other suitable person whom he shall authorize to convey the said insane person to the hospital. *provided*, that, in case the said insane person is a female, she shall be accompanied, while being conveyed to the hospital, either by her husband or by a woman, who shall be designated by the said judge of probate or court commissioner; and such warrant may be in the following form, to-wit:

State of Minnesota, county of _____.

To the superintendent of the _____ hospital for the insane:

_____ having been upon examination found to be insane, you are therefore required to receive him (or her) into the hospital, and keep him (or her) there until legally discharged.

In witness whereof I have hereunto set my hand and affixed the seal of the probate court (or of the court commissioner) of said county this _____ day of _____, 18—.

Judge of Probate.

† § 2 of the act of 1887 provides for the appointment by the governor, by and with the advice and consent of the senate, of the two additional trustees by that act provided for, to serve for the term of six years from January 1, 1887, and until their successors are appointed and qualified.

For proceedings for the commitment of inebriates to the second hospital, see *post*, c. 59, *§ 12a.

The duplicate warrant shall be filed in the office of the superintendent, and the original shall be returned with the superintendent's indorsement to the judge of probate and filed in his office. (1866, c. 6, § 17, *as amended* 1868, c. 18, § 8; 1877, c. 42, § 1, *and* c. 41, § 1; 1879, c. 11, § 1; 1885, c. 163, § 2; 1887, c. 145.)

This legislation authorizing the judge of probate to examine and commit insane persons to the hospital for the insane is a mere regulation of the exercise of the general jurisdiction of such courts over the subject of guardianship, and is valid. *State v. Wilcox*, 24 Minn. 143.

***§ 21a. Abandonment of insane person—Penalty.**

That any officer or person who shall receive into his custody any person for the purpose of conveying such person to any hospital for the insane for the state of Minnesota, and shall abandon such person before delivering him or her to the superintendent of any such hospital, and obtaining the indorsement of the receipt of such person by such superintendent upon the warrant or other order by virtue of which he received such person into his custody, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail not exceeding three months, nor less than ten days, or by fine not exceeding one hundred dollars, nor less than twenty dollars. (1885, c. 162.*)

***§ 22. Fees of jurors and officer.**

The judge of probate, or court commissioner, shall allow the following fees: To the physician or physicians, and such other person on the jury, for examining the insane person, and making a written certificate, three dollars each; and for every mile traveled in so doing, fifteen cents. To the person he authorizes to convey the insane person to the hospital, two dollars per day for the time necessarily employed, and all necessary disbursements for travel, and for support of himself [and] insane person and assistants; such amounts to be audited by the judge of probate or court commissioner, and judgment entered of record therefor, to be paid out of the county treasury by the county treasurer, upon the written order of the judge of probate or court commissioner, under seal of the court; and upon the payment thereof said judgment shall be satisfied of record by the judge of probate or court commissioner: *providing*, that the said written order shall be filed with the county auditor, who shall issue his warrant on the county treasurer in payment of said sums. (1866, c. 6, § 18, *as amended* 1868, c. 18, § 9; 1872, c. 16, § 4; 1877, c. 42, § 2; 1881, c. 32, § 1.)

***§ 26a. Patients—Postal rights.**

That henceforth each and every inmate of each and every insane asylum, both public and private, in the state of Minnesota, shall be allowed to choose one individual from the outside world to whom he or she may write when and whatever he or she desires, and over these letters to the individual there shall be no censorship exercised or allowed by any of the asylum officials or employes; but their post-office rights, so far as this one individual is concerned, shall be as free and unrestricted as are those of any other resident or citizen of the state of Minnesota, and shall be under the protection of the same postal laws; and each and every inmate shall have the right to make a new choice of this individual party every three months, if he or she so desires to do; and all such letters shall be dropped by the writers thereof, accompanied by an attendant when necessary, into a post-office box provided by the state at the insane asylum, and kept in some place easy of access to all the patients. The attendant is required in all cases to see that this letter is directed to the patient's correspondent, and if it is not so directed, it must be held subject to

*"An act to prevent the abandonment of any person committed to any hospital for the insane for the state of Minnesota." Approved February 6, 1885.

the superintendent's disposal; and the contents of these boxes shall be collected once every week by an authorized person from the post-office department, and by him placed in the hands of the United States mail for delivery. (1887, c. 146, § 1.)*

***§ 26b. Same—Duties of superintendents.**

That it is hereby made the duty of the superintendent to keep registered and posted in some public place at the insane asylum a true copy of the names of every individual chosen as the inmate's correspondent, and by whom chosen; and it is hereby made the duty of the superintendent to inform each of the individuals of the name of the party choosing him or her, and he is to request him or her to write his or her own name on the outside of the envelope of every letter he or she writes to this individual inmate, and all these letters bearing the individual writer's name on the outside he is requested to deliver or cause to be delivered, any letter or writing to him or her directed, without opening or reading the same, or allowing it to be opened or read, unless there is reason for believing the letter contains some foreign substance which might be used for medication; in which case the letter shall be required to be opened in the presence of a competent witness, and this substance shall be delivered to the superintendent, to be used at his discretion. (*Id.* § 2.)

***§ 26c. Violation of act—Penalty.**

[That] any person refusing or neglecting to comply with, or willingly or knowingly violating, any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as the Criminal Code of Minnesota prescribes, and by ineligibility to any office in the asylum afterwards. (*Id.* § 3.)

***§ 26d. Posting copy of act.**

That a printed copy of this act shall be framed and kept posted in every ward of every insane asylum, both public and private, in the state of Minnesota. (*Id.* § 4.)

***§ 28. Lunacy commission—How constituted—Duties—Report—Compensation.**

The governor shall appoint a commission of three doctors, one of whom shall be a member of the state board of health, who shall serve for a period of two years, or until their successors shall be appointed, who shall constitute a commission whose duty it shall be to visit the several Minnesota hospitals for the insane at least once every six months of each year, or upon the written request of the governor of the state, and inspect said hospitals as to the sanitary condition and the general management of the same, and also to examine into the mental and physical condition of the patients therein, frequency, manner, and cause of punishment, elopements, deaths, and such other matters as may fall within the scope of a thorough hospital inspection, and report in detail to the governor within ten days after each and every such inspection is made. Said commissioners shall be known and designated as the "Lunacy Commission," and shall receive for their said services and expenses the sum of one hundred dollars per annum each; for which the state auditor shall draw his warrant on the state treasurer, payable out of the general fund. (1874, c. 19, § 3, *as amended* 1877, c. 42, § 4; 1879, c. 31, § 1; 1881, *Ex. Sess.*, c. 40.)

***§ 28a. Same—Case of doubtful insanity.**

Should the said commission find, upon visiting either of the said hospitals, any patient or patients whose insanity they have reason to doubt, said commis-

*"An act to place the inmates of insane asylums under the protection of the laws by securing to them their postal rights." Approved March 1, 1887. Took effect 30 days from its passage. § 5 repeals all inconsistent acts and parts of acts.

sion shall have the authority to remand such patient or patients to the probate court, from which they were committed respectively, there to be detained a reasonable time, under proper surveillance, when, if such judge shall be satisfied of his or her sanity, he or she shall be discharged by order of said court; otherwise he or she shall be recommitted to the hospital for the insane: *provided*, that said commission shall have no authority to discharge any patient committed to either of the insane asylums in this state and charged with crime. (1879, c. 31, § 2.)

***§ 28b. Same — Transfer to asylum for deaf, dumb, and blind.**

It shall further be the duty of said commission to select from the patients of the insane hospitals such idiotic and feeble-minded children and youths who, in their opinion, are proper subjects for training and instruction, and transfer the same to the trustees of the asylum for the deaf, dumb, and the blind at Faribault. (*Id.* § 3.)

***§ 28c. Asylum for deaf, dumb, and blind — Transferred patients.**

The trustees of the asylum for the deaf, dumb, and the blind are hereby authorized to receive such weak-minded and idiotic children and youths as may be sent them under the provisions of this act, and make provisions for the maintenance of said children and youths, and are required to lease, for a term not exceeding two years, a proper building or rooms for the same, and to provide a competent teacher and attendants for said children and youths, and to establish such rules and regulations as may be necessary for the instruction, training, and government of said children and youths. (*Id.* § 4.)

***§ 28d. Same — Remand of patients.**

In case any children and youths so received shall be found, upon trial, incapable of receiving any benefit from such instruction and training, or when, in the opinion of the superintendent of said asylum, it shall be better for the welfare of any child or youth to be removed from said asylum, the said superintendent shall have full power to remand any such child or youth to the parents thereof, or to the board of commissioners of the county from which the child or youth was sent. (*Id.* § 5.)

***§ 28e. Appropriation — Limitation of act.**

The sum of five thousand dollars, or so much as may be required for the year one thousand eight hundred and seventy-nine, and the sum of six thousand dollars, or so much thereof as shall be required for the year one thousand eight hundred and eighty, is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of carrying into effect the provisions of this act; and the state auditor is hereby required to issue warrants for the money so appropriated in the same manner as warrants are drawn and issued for the support of the deaf, dumb, and the blind: *provided*, that nothing herein contained shall be construed as establishing a permanent institution for the support and education of the persons herein named. (*Id.* § 6.)

THIRD HOSPITAL FOR THE INSANE.*

***§ 41a. Location — Control.**

There is hereby located and established at the city of Fergus Falls, in the county of Otter Tail, and state of Minnesota, a hospital for the insane of the

*By Gen. Laws 1885, c. 161, provision was made for the appointment of a commission to locate and prepare plans for the third hospital for the insane.

state of Minnesota, to be under the charge and control of the board of trustees for the insane of Minnesota. (1887, c. 254, § 1.)*

***§ 41b. Officers to be of the school of homeopathy.**

That the superintendent and corps of physicians appointed for the third hospital for the insane, located at Fergus Falls, shall be of the school of homeopathy, and the board of trustees of the hospital for the insane of Minnesota are hereby directed to make appointments in accordance herewith, as soon as such hospital is ready for patients. (1887, c. 147.)

STATE REFORM SCHOOL.

***§ 48a. Infant criminals—Commitment.**

That whenever any infant under the age of sixteen years shall have been duly convicted in any of the courts of this state of any crime punishable by imprisonment, except of the crime of murder, it shall be the duty of the magistrate, before whom such conviction is had to commit the said infant so convicted to the guardianship of the board of managers of the Minnesota State Reform School. (1872, c. 28, § 1, *as amended* 1883, c. 37, § 1.†)

***§ 48b. Commitment for incorrigibility—Evidence—Approval by district court.**

That no justice of the peace shall have power to commit any infant to said reform school upon a charge of incorrigibility unless such charge is proved by at least two disinterested witnesses, and no commitment for incorrigibility shall be sufficient to justify the admission of said incorrigible infant into the reform school unless such commitment be approved by the judge of the district court of the district to which the county from which such infant is committed belongs, and no other consent or approval of any officer whatever shall be necessary to authorize the commitment; but in all cases of conviction before a justice of the peace, whether for incorrigibility or any other crime, the justice shall reduce all the evidence taken by him to writing, and state the name, age, and residence of each witness examined, and transmit the same forthwith to the judge of the district court aforesaid, whose duty it shall be to examine the same and approve or disapprove of such conviction. If the conviction of the justice is approved, the minor shall forthwith be committed to the said board of managers; if disapproved, no other proceeding shall be had. (1872, c. 28, § 2, *as amended* 1883, c. 37, § 2.)

***§ 48c. Maintenance a public charge.**

That the children received by said managers, under the conviction of any court within this state, shall be clothed, maintained, and instructed by said managers at the public expense of the state. (1872, c. 28, § 3, *as amended*, 1883, c. 37, § 3; 1885, c. 83.)

***§ 48d. Commitment—From federal courts.**

The board of managers of the Minnesota State Reform School are authorized and required to receive into their custody and guardianship, and keep until discharged by due course of law, all infants under the age of sixteen years committed to said school by the sentence of any court of the United States in and for this state, in punishment of any crime against the laws of the United States of which such infant shall have been convicted; and for the support

*"An act to locate and establish the third hospital for the insane of the state of Minnesota, and making appropriation for the purchase of land and construction of buildings." Approved March 3, 1887. § 2 appropriates \$94,280 for purchasing grounds and erecting buildings.

†"An act to amend an act entitled 'An act to secure proper commitments to the Minnesota State Reform School,' approved February 26, 1872." Approved March 2, 1883. The act of 1883 (*§§ 48a-48c) does not in terms amend the act of 1872, except by said title. The act of 1872 is contained in Gen. St. c. 35, *§§ 45-48.

and keeping of such infant prisoner the United States shall be liable to the same charges as may by law be chargeable against the counties from which similar commitments may be made by the courts of this state. (1879, c. 98, § 1.)*

***§ 50. Expenses to be repaid by counties.**

[Repealed 1883, c. 37, § 4.]

***§ 53¹. Removal of school—Commission.**

That W. P. Murray, of Ramsey county, R. C. Libby, of Dakota county, F. W. Hoyt, of Goodhue county, Andrew Knox, of Mower county, Charles H. Strobeck, of Meeker county, John F. Meagher, of Blue Earth county, F. C. Davis, of Dakota county, C. H. Pettit, of Hennepin county, and D. H. Freeman, of Stearns county, be, and they are hereby, appointed commissioners with full power and authority to select and obtain a suitable site and location for the State Reform School, the same to consist of not less than one hundred and sixty acres of land, and not to be situated within ten miles of any existing state institution. (1887, c. 200, § 1.†)

***§ 53². Commission—Meeting.**

The said commissioners shall meet at the state capitol at twelve o'clock, noon, on the first Tuesday of May next after the passage of this act. They shall qualify themselves for a proper discharge of their duties, by taking and subscribing an oath to the effect that they will discharge their several duties as such commissioners honestly, and with a view to the best interests of the state; and shall organize by selecting one of their number as president, and another as secretary of the commission. (*Id.* § 2.)

***§ 53³. Site—Selection.**

The said commissioners shall, as soon as convenient after their organization, proceed to examine and inspect such places in this state as they may deem suitable for the location of such school, and shall on or before the fifteenth day of May thereafter select and determine a site for the permanent location of said school. But the selection of such site shall require the affirmative vote of a majority of said commissioners. (*Id.* § 3.)

***§ 53⁴. Same—Contract.**

The said commissioners shall have power and are hereby authorized to contract for the purchase of such site as may be by them so selected; such contract to be by them so made and executed in the name and for the benefit of the state of Minnesota: *provided*, that no more than fifty dollars per acre shall be paid by the state for the lands constituting such site. (*Id.* § 4.)

***§ 53⁵. Commissioners—Vacancies.**

In the event any of said commissioners shall fail to qualify as aforesaid, or if any vacancy, for any reason, shall occur in the said commission, the said commissioners who do qualify, and are then acting as such, shall forthwith select and elect, by a majority vote, some suitable person to fill such vacancy, who shall thereupon qualify and act as such commissioner in the same manner and with like effect as though he had herein been named as one of said commissioners. (*Id.* § 5.)

***§ 53⁶. Same—Report—Compensation.**

The said commissioners, upon the completion of their said duties, shall make and file with the secretary of the board of managers of the State Reform

*"An act to authorize the commitment of United States convicts under the age of sixteen years to the State Reform School." Approved March 10, 1879.

†"An act to remove the State Reform School, and relocate the same." Approved March 7, 1887.

School a written report of their proceedings in the premises, together with all contracts by them made and taken in reference to the location of such school. Each of said commissioners shall receive his necessary expenses, the same to be audited by the state auditor, and to be paid on warrant by him drawn upon the state treasurer out of any funds not otherwise appropriated. (*Id.* § 6.)

***§ 53⁷. Sale of property.**

The board of managers of the State Reform School is hereby directed and empowered to sell and dispose of the existing real estate and buildings now occupied by the State Reform School, and such other property belonging to such school as they may deem expedient, upon such terms as they may deem proper: *provided*, that the time of the delivery of such property so sold shall be so adjusted as to allow the continued use of the same, for the purposes of such school, until such time as the location for such school herein provided for shall be in readiness and suitable for its occupancy by such school. (*Id.* § 7.)

***§ 53⁸. Same—Proceeds.**

The said board of managers is hereby further directed and empowered, out of the proceeds of the sale and disposal of the property aforesaid, to complete the purchase of the site so selected by said commissioners, and to erect thereon such buildings, and cause to be made thereon such improvements, as they may deem proper or necessary for the uses and purposes of said school; but the aggregate amount so paid, expended, and incurred shall not exceed the aggregate amount for which said property may be sold and disposed of as aforesaid. (*Id.* § 8.)

STATE REFORMATORY.*

***§ 53⁹. Location.**

There is hereby established on section seven, township thirty-five, range thirty, in the county of Sherburne, in this state, a state reformatory. (1887, c. 208, § 1.)

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

The government of said reformatory shall be under the control of a board of managers, consisting of six citizens of this state, which board shall have general superintendence of said reformatory, and shall conduct the same on non-partisan principles. They shall have no compensation for their services, but shall be allowed their reasonable traveling and other official expenses. The following-named persons shall constitute the first board of managers of said reformatory, whose term of office, set opposite their names herein, shall date from the approval of this act by the governor: • Gordon E. Cole, of Rice county, term of office, six years; John Cooper, of Stearns county, term of office, five years; Robert Smith, of Ramsey county, term of office, four years; H. S. Griswold, of Fillmore county, term of office, three years; T. H. Barrett, of Stevens county, term of office, two years; G. W. Holland, of Crow Wing county, term of office, one year. The succeeding members of said board of managers shall be appointed by the governor, by and with the advice and consent of the senate, as soon as the respective terms of office aforesaid shall expire. They shall hold their office for six years each, and until their successors are appointed: *provided*, that not more than three persons, comprising said board, shall be appointed from the same political party, and that

*"An act entitled 'An act to establish the Minnesota Reformatory at St. Cloud, Minnesota, and to provide for the government thereof.'" Approved March 2, 1887. § 20 appropriates \$50,000 for each of the years 1888 and 1889, for carrying out the provisions of the act. § 21 repeals all inconsistent acts.

the appointments to fill vacancies occurring before the expiration of the term shall be for the unexpired term. Whenever a vacancy shall occur in said board of managers, by the refusal of either of the members thereof to act, or otherwise, such vacancies shall be filled by the governor, by and with the advice and consent of the senate, and, when the senate is not in session, by the governor, subject to the consent and approval of the senate when it shall convene. The governor may remove any of the managers for misconduct, incompetency, or neglect of duty, after opportunity shall be given them to be heard on written charges. (1887, c. 208, § 2.)

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

The board of managers shall appoint a general superintendent, and shall have power to remove him for cause, after opportunity shall be given him to be heard upon written charges. All other officers shall be appointed by the superintendent, and removable at his pleasure. (*Id.* § 3.)

***§ 53¹². Auditing accounts.**

The board of managers shall examine all the accounts, expenditures, and vouchers relating to the business of the reformatory monthly, and shall certify their approval or disapproval of the same to the auditor of the state. (*Id.* § 4.)

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

Said board of managers shall have the charge and general superintendence of the grounds, and the grading and improvement thereof, and of the construction of the reformatory, and the necessary shops and appurtenances; and they are hereby authorized to purchase the necessary building materials for the same, and employ all the necessary labor. All purchases of materials and supplies to the amount exceeding five hundred dollars shall be made by contract, and awarded to the lowest responsible bidder, after notice published for two weeks in one daily newspaper published at the capital of the state, and in each of the newspapers published in the county where the reformatory is located, when sealed proposals will be received for the supply of the materials and supplies required. (*Id.* § 5.)

***§ 53¹⁴. Same—Annual report.**

It shall be the duty of such board of managers, on or before the tenth day of January in each year, to report to the governor the condition of said reformatory, and their proceedings in regard to the inmates, the progress of the work of construction, the amount of money expended, and of the current expenditures in the conduct and management of such reformatory, with a detailed statement thereof, with such recommendations as the board of managers may deem proper. (*Id.* § 6.)

***§ 53¹⁵. Officers, teachers, employes—Compensation.**

The annual compensation of the several officers, keepers, guards, and teachers of the reformatory shall be fixed by the said board of managers, in their discretion, at sums not exceeding the following: For the superintendent, thirty-five hundred dollars; to the physician, one thousand dollars; to the principal keeper, one thousand dollars; to the clerk, one thousand dollars; to the chaplain, one thousand dollars, who shall perform such duties as teacher as shall be assigned to him by the board of managers, without additional compensation; to the store-keeper, six hundred dollars; to the hall-keeper, six hundred dollars; to the yard-keeper, six hundred dollars; to the keepers, each, five hundred dollars; to the guards, each, forty dollars per month; to the sergeant of the guard, six hundred dollars; to the teachers, each, three hundred dollars. All of said officers, except the physician, shall be boarded and lodged at the expense of the state, and if, for any reason, the term of service of any of them shall terminate before the end of the year, their compensation shall be

paid only for the term of service at the rate of the annual compensation above provided, and such salaries shall be in full for all services performed by them. (*Id.* § 7.)

***§ 53¹⁶. Officers—Oath and bond.**

Every officer who shall be appointed in pursuance of the provisions of this act shall take and file in the office of the secretary of state, within fifteen days after his appointment, the constitutional oath of office; and the superintendent, and such other officers as shall be required by the state auditor so to do, shall respectively give bonds to the state in such penalty and with such sureties as the state auditor shall approve, conditioned for the faithful performance of their duty as required by law. (*Id.* § 8.)

***§ 53¹⁷. Convicts—Sentence to reformatory.**

Any person who shall be convicted of an offense punishable by imprisonment in the Minnesota State Reformatory, and who, upon such conviction, shall be sentenced to imprisonment therein, shall be imprisoned according to this act, and not otherwise. (*Id.* § 9.)

***§ 53¹⁸. Same.**

Any person not exceeding thirty years of age, nor less than sixteen years of age, who has never before been convicted of crime, may, in the discretion of the court before which such person is tried, be sentenced to said reformatory. (*Id.* § 10.)

***§ 53¹⁹. Sentence—Term of imprisonment.**

Every sentence to the reformatory of a person hereafter convicted of felony or misdemeanor shall be a general sentence to imprisonment in the Minnesota State Reformatory at St. Cloud, and the courts of this state imposing such sentence shall not fix the limit or duration thereof. The term of such imprisonment of any person so convicted and sentenced shall be terminated by the managers of the reformatory as authorized by this act; but such imprisonment shall not exceed the maximum term provided by law for the crime for which the prisoner was convicted and sentenced, nor be less than the minimum term provided by law. (*Id.* § 11.)

***§ 53²⁰. Commitment—Papers—Clerk's duties—Stenographer's compensation.**

Every clerk of any court by which a criminal shall be sentenced to the Minnesota State Reformatory shall furnish the officers having such criminal in charge a record containing a copy of the indictment and of the plea, the name and residence of the judge presiding at the time, also the jurors and witnesses sworn on the trial, such synopsis of the testimony as the judge may direct, the charge of the court, the verdict, the sentence pronounced, and the date thereof, which record, duly certified by the clerk under his hand and official seal, may be used as evidence against such criminal in any proceeding taken by him for a release from imprisonment by *habeas corpus*. The said synopsis of the testimony taken on the trial and of the charge of the court shall be furnished to the clerk for the purposes of this act by the stenographer acting upon the trial, or, if no stenographer be present, by the county attorney of the county. The stenographer or county attorney furnishing such copy shall be entitled to such compensation in every case in which they shall perform the duties required by this act as shall be certified to be just by the presiding judge at the trial, and shall be paid by the county in which the trial is had as part of the court expenses. The clerk shall also, upon any such conviction and sentence, forthwith transmit to the superintendent of the reformatory notice thereof. (*Id.* § 12.)

***§ 53²¹. Same—Conveyance of convict to reformatory.**

Upon the receipt of such notice, the superintendent in person, or a subordinate officer of the reformatory, by said superintendent for that purpose duly delegated, shall proceed to the place of the trial and conviction, and the sheriff, or keeper of the jail, having the custody of the convict, shall deliver him to such superintendent or delegated officer, with the record of his trial and conviction, as made up by the clerk, and such convict shall thereupon be conveyed to the reformatory, the expense of which conveyance shall be charged against and paid out of the earnings or other funds of the reformatory. (1887, c. 208, § 13.)

***§ 53²². Transfer of convicts—Parole—Rules and regulations—Commutation of sentence.**

The board of managers shall have power to transfer to the state prison at Stillwater any prisoner who subsequently to his committal shall be shown to have been at the time of his conviction more than thirty years of age, or to have been previously convicted of crime; and may also transfer any apparently incorrigible prisoner, whose presence in the reformatory appears to be seriously detrimental to the well-being of the institution, to the state prison; and such managers may, by written requisition, require the return to the reformatory of any person who may have been so transferred. They may also, with the advice and consent of the warden of the state prison, cause to be transferred any person or prisoner confined in the state prison who is serving out his first sentence in the state prison to the reformatory. Such board of managers shall also have power to establish rules and regulations, under which prisoners within the reformatory may be allowed to go upon parole outside of the reformatory buildings and inclosures, but to remain while on parole in the legal custody and under the control of the board of managers, and subject at any time to be taken back within the inclosure of said reformatory; and full power to enforce such rules and regulations, and to retake and to reimprison any convict so upon parole, is hereby conferred upon said board, whose written order, certified by its secretary, shall be a sufficient warrant for all officers named in it to authorize such officers to return to actual custody any conditionally released or paroled prisoner, and it is hereby made the duty of all officers to execute said order the same as ordinary criminal process. The said board of managers shall also have power to make all rules and regulations necessary and proper for the employment, discipline, instruction, education, removal, temporary or conditional release, and return as aforesaid of all the convicts in said reformatory. The board of managers are hereby authorized to receive and retain, during their term of sentence to the state prison, such prisoners so transferred from said state prison as aforesaid, and the laws applicable to the convicts in the state prison, so far as they relate to the commutation of imprisonment for good conduct, shall be applicable to said convicts when so transferred. (*Id.* § 14.)

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

It shall be the duty of said board of managers to maintain such control over all prisoners committed to their custody as shall prevent them from committing crime, but secure their self-support, and accomplish their reformation. When any person shall be received into the reformatory upon direct sentence thereto, the superintendent shall cause to be entered in a register the date of such admission, the name, age, nativity, nationality, with such other facts as can be ascertained of parentage, of early social influences, as seem to indicate the constitutional and acquired defect and tendencies of the prisoner, and, based upon these, an estimate of the present condition of the prisoner, and the best probable plan of treatment. Upon such register shall be entered, quarter yearly or oftener, minutes of observed improvement or

deterioration of character, and notes as to methods of treatment employed; also all orders or alterations affecting the standing of such prisoner, the circumstances of the final release, and any subsequent facts of his or her personal history which may be brought to the knowledge of said superintendent. (*Id.* § 15.)

***§ 53²⁴. Record of behavior—Release.**

The board of managers shall, under a system of marks or otherwise, fix upon a uniform plan under which shall be determined what number of marks or what credit shall be earned by each prisoner confined in the reformatory under the provisions of this act, as the condition of increased privileges or of release from their control, which system shall be subject to revision from time to time. Each prisoner so confined shall be credited for good personal demeanor, diligence in labor and study, and for results accomplished, and be charged for derelictions, negligences, and offenses. An abstract of the record in the case of each prisoner remaining under the control of said board of managers shall be made up semi-annually, considered by the managers at a regular meeting, and filed with the secretary of state, which abstract shall show the date of admission, the age, the then present situation, whether in the reformatory or state prison, or elsewhere, whether any and how much progress or improvement has been made, and the reason for the release or continued custody, as the case may be. The managers shall establish rules and regulations by which the standing of each prisoner's account of marks or credits shall be made known to him as often as once a month, and may make provision by which the prisoner may see and converse with some one of said managers during every month. When it appears to said managers that there is a strong or reasonable probability that any prisoner will live and remain at liberty without violating the law, and that his release is not incompatible with the welfare of society, they shall issue to such prisoner an absolute release from imprisonment, provided that the minimum term prescribed by law has expired; and shall certify the fact of such release, and the grounds thereof, to the governor. The governor may thereupon in his discretion restore such person to citizenship. But no petition or other form of application for the release of any prisoner shall be entertained by the managers. (*Id.* § 16.)

***§ 53²⁵. Paroled convicts—Supervision.**

The said managers may appoint suitable persons in any part of the state charged with the duty of supervising prisoners who are released on paroles, and who shall perform such other lawful duties as may be required of them by the managers; and such persons shall be subject to direction and removal by said managers, and shall be paid for the duties actually performed under the direction of said managers a reasonable compensation for their services and expenses. The same shall be charged upon and paid from the earnings or other funds of the reformatory. (*Id.* § 17.)

***§ 53²⁶. Convicts—Employment—Convict labor.**

The board of managers shall make suitable provision for the education and instruction of the prisoners in the trades or employments for which they shall seem best fitted: *provided*, that said board shall retain the control of the convict labor in their own hands. The system of convict labor is prohibited in said reformatory. (*Id.* § 18.)

***§ 53²⁷. Same—Extra work—Earnings—Supervision of discharged convicts.**

It shall be the duty of said board of managers, either by the allotment of piece-work to the convict, and crediting him with all overwork at the current rates which similar labor commands, or in such other mode as may in their discretion seem most desirable to make such provision, for the pecuniary as-

sistance of the prisoner on his discharge, or the support of his family while he is in confinement, as may seem to them proper, and that whenever any prisoner earns a greater sum per week than his actual expenses for board and clothing, to the state, that all such surplus shall belong to such prisoner. Not more than one-half of it shall be used under the direction of the prisoner for the support of those dependent on him, and the remainder shall be paid to such prisoner at his discharge in sums of not more than five dollars per week until the fund so accumulated is exhausted. And it shall be the duty of said board of managers, either themselves or through some prisoners' aid society to be organized by them, to exercise a supervision over all discharged prisoners with a view to keep them in the paths of honesty. (1887, c. 208, § 19.)

FURTHER DUTIES OF MANAGERS OF STATE INSTITUTIONS.

*§ 61. **Monthly pay-rolls and expense lists.**

The accounting officers of each institution herein named,* and of the several normal schools, shall make monthly duplicate pay-rolls or expense lists, showing the name of each person rendering service or furnishing supplies, the nature of the service, and at what rate rendered, the quantity and kind of supplies furnished, and the amount to which each person is entitled by law. Said rolls or lists shall be verified by the oath of the principal officer of the supervising board of each institution, and the accounting officer of the same, and the said accounting officer shall on or before the last day of each month forward one of the said rolls or lists to the auditor of state. (1879, c. 117, § 2.†)

*§ 62. **Same—Examination and warrant by auditor.**

On receipt of such certified expense lists, the auditor of state shall examine, adjust, and approve, or reject, the same, and on or before the tenth day of each month following draw his warrants for the amounts found due thereon to each institution: *provided*, that five per cent. additional may be allowed each institution for contingent expenses, which shall be properly accounted for on the next monthly pay-roll. (*Id.* § 3.)

*§ 63. **Accounts and receipts to be in duplicate—Examination and warrant.**

All bills or accounts against the said state institutions shall be made out and receipted in duplicate, and, on forwarding the pay-rolls the last of each month, the said accounting officers shall also forward one set of such bills and vouchers for the preceding month, and, having been compared by the auditor of state with the proper pay-rolls, they shall be filed with the same in his office and preserved, subject to public inspection. (*Id.* § 4.)

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

That it shall be the duty of the trustees, directors, inspectors, or managers of each of the penal, reformatory, charitable, and educational institutions maintained by the state of Minnesota to cause to be taken, by such officers as they may designate, an annual inventory of all property of the state belonging to the several institutions under their charge, on the last day of each fiscal year. (1885, c. 167, § 1.)

*§ 65. **Same.**

In such inventories lands and buildings shall be listed at their actual cost to the state, as nearly as known, deducting losses by fire. Movable property

* *Viz.*, the institutions named in next note.

† § 1 provides appropriations for First Hospital for the Insane at St. Peter; State Prison at Stillwater; Institution for the Deaf, Dumb, and Blind at Faribault; State Reform School at St. Paul; and State University. See c. 37, *post*. § 5 repeals all inconsistent acts and parts of acts.

shall be listed at its actual estimated value when the inventory is taken. (*Id.* § 2.)

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

Said inventories shall be kept on file with the records of such trustees, directors, inspectors, or managers, and an abstract of the same shall be published in their biennial reports. (*Id.* § 3.)

***§ 67. State property—Insurance.**

The board of inspectors of the State Prison, the trustees of the Hospitals for the Insane, the board of directors of the Minnesota Deaf, Dumb, and Blind Institute, the board of managers of the State Reform School, the State Normal School Board, and all other boards having the management of any state institutions or buildings, are each hereby authorized to insure the several state institutions or buildings under their respective management to an amount not exceeding two-thirds of their value. (1885, c. 168, § 1.)

***§ 68. Same—Appropriation.**

That seven thousand dollars is hereby annually appropriated out of any moneys in the state treasury not otherwise appropriated, to pay the premiums for such insurance, and upon the presentation to the state auditor of vouchers approved by the governor for such premiums, the state auditor shall draw his warrants upon the state treasurer therefor, and the same shall be apportioned by the state auditor among the said respective institutions as in his judgment shall be for the best interests of the state. (*Id.* § 2.)

***§ 69. Board of fuel commissioners.**

The governor, state auditor, and state treasurer are hereby constituted a board of fuel commissioners, whose duty it shall be to purchase such an amount of coal as may be necessary for the use of the various state institutions. (1883, c. 118, § 1.)

***§ 70. Same—Advertisements for proposals.**

The said board of fuel commissioners shall annually, on or before the first day of July in each and every year, give notice in such newspaper as [they] may deem necessary, for thirty days, that sealed proposals will be received at the office of the state auditor, until a day specified in said notice, for the delivery of coal for the use of the various state institutions, at such times and at such places, and in such amounts, as the said board may designate. (*Id.* § 2.)

***§ 71. Same—Estimates.**

It shall be the duty of the trustees of each of the state institutions using coal as fuel to report to the said board of fuel commissioners, on or before the nineteenth day of June in each year, an estimated amount of coal necessary for such institutions for the fiscal year next ensuing. (*Id.* § 3.)

SOLDIERS' HOME.

***§ 72. Establishment—Management.**

That there is hereby established in the state of Minnesota an institution under the name and style of the "Minnesota Soldiers' Home," which shall be under the supervision and management of a board of trustees hereinafter provided for. (1887, c. 148, § 1.)*

*"An act for the relief of honorable discharged indigent ex-soldiers, sailors, and marines, and the widows, minor orphans, and dependent parents of such deceased soldiers, sailors, or marines, and for making an appropriation for the purchase of land and the construction of the necessary building or buildings therefor for a soldiers' home, and for maintenance thereof, and providing a reve-

***§ 73. Admission.**

The object of the Soldiers' Home shall be to provide a home for all honorably discharged ex-soldiers, sailors, and marines, who served in the army or navy of the United States during the war of the Rebellion, or the Mexican war, who now are or may hereafter become citizens of the state of Minnesota, who, by reason of wounds, disease, old age, or infirmities are unable to earn their living, and who have no adequate means of support: *provided*, that no applicant shall be admitted to the Soldiers' Home who has not been a resident of the state of Minnesota for one year next preceding the time of making his application, unless he served in a Minnesota regiment, or was accredited to the state of Minnesota: *provided, further*, that all persons who are otherwise entitled under the provisions of this section to admission to said Soldiers' Home, who actually served in any campaign against the Indians in Minnesota in one thousand eight hundred and sixty-two, shall be entitled to admission to such Soldiers' Home, notwithstanding such persons were not regularly enlisted, mustered into, or discharged from the military service of the United States. (1887, c. 148, § 3.)

***§ 74. Trustees—Appointment—Term of office.**

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

***§ 75. Same—Duties—Oath.**

Said trustees shall be charged with the duty of selecting and locating the site of said Soldiers' Home. Said trustees shall take and file in the office of the secretary of state the following oath: "I do solemnly swear that I will support the constitution of the United States and of the state of Minnesota, and will faithfully discharge the duties of trustee of the 'Minnesota Soldiers' Home,' according to the best of my ability; that I have not received and will not knowingly and intentionally, directly or indirectly, receive any money or other consideration from any source whatever, for any vote or influence I may give or withhold, or for any other official act I may perform as such trustee." On or before June first, one thousand eight hundred and eighty-seven, or as soon thereafter as practicable, said trustees shall select a site for said Soldiers' Home at such place as shall at the time be most economical to the state, and best adapted to the wants of the institution, having regard, in the selection thereof, to elevation, sewerage, and drainage, and abundant supply of living water, facilities of access, the quantity of the soil, and the price asked for the land. (*Id.* § 5.)

***§ 76. Same—Compensation.**

The said trustees and their successors shall perform the duties imposed upon

nue therefor." Approved March 2, 1887. § 2 appropriates \$50,000 for the purchase of a site and the erection of buildings, not more than \$10,000 whereof was to be paid during the year ending July 31, 1887, and the balance is to be paid out of the tax levy of 1888. § 29 appropriates \$20,000 for relief, or so much thereof as may be required, before the tax levy becomes available.

annual meeting." At each of these regular meetings they shall examine into the condition of all soldiers, sailors, or marines in the care of the state, and at their annual meeting they shall make a full report to the governor of all their proceedings under this act, which report shall be published as are the reports of other state institutions. (1887, c. 148, § 20.)

***§ 91. Donations.**

Said board of trustees are hereby authorized and empowered to receive in behalf of the state any grant or devise of real estate, and any donations or bequests of money or other personal property to be applied to the fulfilling the purposes of this act. (*Id.* § 21.)

***§ 92. Trustees—Bond.**

Each trustee shall, before entering upon the duties of his office, file in the office of the secretary of state his bond, with two sufficient sureties, to be approved by the governor, for the sum of five thousand dollars, conditioned for the faithful discharge of his duties under this act, and for the economical expenditure of any money that may be appropriated for the Soldiers' Home or for the soldiers' relief funds. (*Id.* § 22.)

***§ 93. Report to legislature.**

It shall be the duty of said board of trustees to report to the next and each succeeding legislature such information as they may be able to procure as to the number of indigent soldiers, sailors, or marines, and their dependent widows, orphans, and parents residing in this state, and such other recommendations in regard thereto as to them may seem advisable. (*Id.* § 23.)

***§ 94. Appropriation.**

There is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the support and maintenance of said Soldiers' Home and of the ex-soldiers, sailors, and marines admitted to the said Soldiers' Home, the sum of ten thousand dollars, or so much thereof as may be needed, for the fiscal year ending July thirty-first, one thousand eight hundred and eighty-eight, and the sum of twenty thousand dollars annually thereafter, which appropriation and fund shall be known as the "Soldiers' Home Fund," and shall be kept separate and distinct from the soldiers' relief fund hereinafter provided for. (*Id.* § 24.)

***§ 95. Relief fund—Tax levy.**

The state auditor shall annually hereafter add to the tax levy of the state one-tenth of one mill on each dollar of the valuation of said state, both real and personal, the proceeds of such additional tax levy when collected to be held in the state treasury, and constitute a soldiers' relief fund. (*Id.* § 25.)

***§ 96. Same—Disbursement,**

The said fund shall be under the control of, and be disbursed in manner as provided for disbursing Soldiers' Home fund by, the trustees herein provided for, for the relief, outside of the Soldiers' Home, and at their own homes, of honorably discharged indigent ex-soldiers, sailors, or marines, who served in the army or navy of the United States in the war of the Rebellion, the Mexican war, or any campaigns against the Indians in the state of Minnesota, and the widows, minor orphans, and dependent parents of such deceased soldiers, sailors, and marines: *provided*, that all ex-soldiers, sailors, or marines entitled to any part of this relief fund shall be such as would, under the provisions of section three of this act, be entitled to admission at the Minnesota State Soldiers' Home, did they choose to apply for such admission: *and provided, further*, that in case such soldiers, sailors, or marines have no parents, wife or children, dependent upon them, the trustees aforesaid may, in their

any trustee or officer shall at any time be so interested, he shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine in any sum not exceeding five thousand dollars. (*Id.* § 16.)

***§ 87. Abstract of title—Deed.**

Before making payments for the lands, for the purchase of which provision is herein made, the seller shall furnish to the trustees an abstract of title which shall be submitted by the trustees to the attorney general for examination, and to the governor for his approval, and no money shall be paid for the said lands without a perfect conveyance of title in fee-simple to the state by warranty deed. Any deeds of conveyance for the same shall be placed in and remain in control of the state treasurer. (*Id.* § 17.)

***§ 88. Board of trustees—Powers—Officers—Salaries.**

The said board of trustees shall have the general supervision over and shall prescribe rules for the government and management of said Soldiers' Home. They shall make, subject to the approval of the governor, all needful by-laws and regulations governing the admission, maintenance, and discharge of the inmates of said Home, which shall not be inconsistent with the spirit and provisions of this act. They shall appoint a commandant for said Soldiers' Home. Said commandant shall nominate for the action of said board of trustees all necessary subordinate officials and employes, who may be suspended by said commandant for inefficiency or misconduct; but, in the case of the suspension of such subordinate officials, a statement of the case shall be reported by the commandant to the board of trustees, who shall offer such suspended official a hearing, and whose action thereon shall be final. The board shall fix the salary of the commandant and of all subordinate officials and employes: *provided*, the amount so paid shall not exceed such reasonable compensation as is paid for the like service in similar institutions. (*Id.* § 18.)

***§ 89. President of board—Executive committee—Duties—Secretary—Treasurer.**

Said board of trustees shall appoint a secretary, and from their number a president and an executive committee, to serve for such period, and to perform their duties under such regulations and restrictions, as may be prescribed in the by-laws of said board not inconsistent with the provisions of this act. The treasurer of the state shall be *ex officio* the treasurer of the board. The secretary shall keep a faithful record of all transactions of the board of trustees, and the books, records, and accounts pertaining to said Soldiers' Home, and to the administration of the Soldiers' Home fund and the soldiers' relief fund, hereinafter provided for, under rules and regulations to be established by said board of trustees, and shall receive such salary as said board of trustees may determine. The president of the board shall have the power at any time to call extra meetings of the board, and shall call such extra meetings on receiving a written request to make such call from not less than two members of said board. The executive committee shall regularly meet at least once in each month, and shall be authorized to draw such warrants upon the funds which may be from time to time appropriated for the maintenance of Soldiers' Home, or for soldiers' relief, as may be directed by the board of trustees: *provided*, that all warrants so drawn shall be countersigned by the president of said board of trustees, and attested by the secretary of said board; and such warrants shall designate upon their face the purpose for which the same may be drawn. (*Id.* § 19.)

***§ 90. Board of trustees—Meetings—Report.**

Said board of trustees shall meet annually on the second Tuesday in August, which meeting shall be styled the "annual meeting;" and they shall also meet annually on the second Tuesday in February, which shall be styled the "semi-

specified for the completion in the contract, and for the full protection of all persons who may furnish labor or materials, by withholding payment from the contractor and by paying the parties to whom any moneys are due for services or materials as aforesaid, directly, for all work done or materials furnished by them, in case of notice given to the trustees that any such party apprehends or fears that he will not receive all money due, and for the settlement of all disputed questions as to the value of alterations and extras by arbitration, at the time of the final settlement, as follows: One arbitrator to be chosen by the trustees, one by the contractor, and one by the governor of the state; all three of said arbitrators to be practical mechanics and builders, and for the power and privilege of the trustees under the contract to order changes in the plans at their discretion, and to refuse to accept any work which may be done not fully in accordance with the letter and spirit of the plans and specifications; and all work not accepted shall be replaced at the expense of the contractor; and for a deduction from the current price of all alterations ordered by the trustees, which may and do diminish the cost of all buildings. They may also make such other provisions and conditions in said contract, not herein above specified, as may seem to them necessary or expedient: *provided*, that no conditions shall be inserted contrary to the letter and spirit of this act, and that in no event shall the state be liable for a greater amount of money than is appropriated for such building or buildings and its appurtenances, nor prior to the time when by the provisions of this act the appropriations thereto are subject to auditor's warrants. (1887, c. 148, § 11.)

***§ 82. Same—Execution.**

The said contract shall be signed by the president of the board of trustees, on behalf of the board, after a vote, authorizing him to so sign, shall have been entered upon the minutes of the board, and it shall be attested by the signature of the secretary of the board. It shall be drawn in triplicate, and one copy of the same shall be deposited in the office of the state auditor. (*Id.* § 12.)

***§ 83. Proposals—Contents.**

All bids shall show the estimated cost of the work to be done of each description in detail, and the trustees shall have the right and power at their discretion to accept bids for particular portions of the work, if for the advantage of the state, and all measurements and accounts as the work progresses shall show in detail the amount and character of the work for which payment is made. (*Id.* § 13.)

***§ 84. Site—Limit of cost.**

The cost to the state of the site for said Soldiers' Home shall be paid out of the appropriation herein made, but shall not exceed the sum of ten thousand dollars. (*Id.* § 14.)

***§ 85. Moneys—How paid.**

The moneys herein appropriated for purchasing the site and constructing said Soldiers' Home shall be paid to the parties to whom they may become due and payable, directly from the treasury of the state, on the warrant of the state auditor, and the state auditor is hereby authorized and required to draw the said warrants for money due under this act, upon the order of the board of trustees or their executive committee, accompanied by vouchers therefor. (*Id.* § 15.)

***§ 86. Contracts—Officers not to be interested.**

No trustee or officer of the said institution shall be in any way interested in any contracts for the erection of said building or buildings, or furnishing any materials for said building or buildings, or supplies for said Home; and if

them by the provisions of this act, without any compensation for their services; but their actual necessary expenses, incident to the location of said Home, and their duties as trustees of the funds hereinafter provided, shall be paid from said appropriations herein provided for. (*Id.* § 6.)

***§ 77. Donations.**

The said trustees are hereby authorized and empowered to receive in behalf of the state any donations of money, personal property, or real estate offered for the purpose of aiding in the establishment of such Home; but such donations shall not alone determine the location of such Home at any particular place. (*Id.* § 7.)

***§ 78. Plans and specifications.**

The said trustees are directed and required to cause to be prepared suitable plans and specifications by a competent architect, who shall be selected after due competition, but no plan shall be adopted by the trustees which shall not first have been approved by the governor. Said plans shall be accompanied by specifications and by a detailed estimate of the amount, quality, and description of all material and labor required for the erection and full completion of the building or buildings according to said plans. (*Id.* § 8.)

***§ 79. Proposals—Advertisement.**

Whenever the said plans and specifications shall have been approved and adopted, the trustees shall cause to be duly published an advertisement or advertisements for sealed bids for the construction of the building or buildings herein authorized, and shall furnish a printed copy of this act and of the specifications to all parties applying therefor, and all parties interested, who may desire it, shall have free access to the plans, with the privilege of taking notes and making *memoranda*. (*Id.* § 9.)

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

Not less than thirty days after the publication of said proposals for bids, on the day and hour to be named in said advertisement, at the place where the said institution shall be located, in the presence of the bidders, or so many of them as may be present, the bids shall be opened for the first time, and the contract for the building shall be let to the lowest and best bidder: *provided*, that no contract shall be made, and no expense incurred, for any building or buildings requiring for the completion of the same a greater expense than is provided for in the appropriation made in this act; nor before the appropriations therefor are available; *and provided, further*, that no bid shall be accepted which is not accompanied by a good and sufficient bond in the penal sum of \$5,000, signed by at least three good and sufficient sureties, conditioned as a guaranty for the responsibility and good faith of the bidder, and that he will enter into contract and give bond as provided in this act in case his bid is accepted. (*Id.* § 10.)

***§ 81. Contract—Provisions—Bond.**

The contract to be made with the successful bidder shall be accompanied by a good and sufficient bond, to be approved by the governor before accepted, conditioned for the faithful performance of his contract; shall provide for the appointment of a superintendent of construction who shall receive not more than five dollars per day for his services, and be paid by the state, and who shall carefully and accurately measure the work done, and the materials upon the grounds, at least once a month, and for the payment of the contractor on the aforesaid measurement, and for the withholding of fifteen per centum of the value of the work done and materials on hand until the completion of the building or buildings, and for the forfeiture of a stipulated sum per diem for every day that the completion of the work shall be delayed after the time

discretion, require that such soldiers, sailors, or marines become inmates of the Soldiers' Home, as a condition upon which they shall share in the benefits of this act. (*Id.* § 26.)

***§ 97. Same.**

This fund shall be administered and applied by said board of trustees for the purposes indicated, and in accordance with such rules and regulations as may hereafter be made and provided by said board of trustees: *provided*, that no salary shall be paid any person for aid or assistance in disbursing and applying this soldiers' relief fund for the relief intended: *and provided, further*, that when and wherever found necessary, the county auditors of any county in this state shall aid and assist in their respective counties in applying this fund for the relief intended, and without compensation for such special service: *and provided, further*, that at least one person shall in each county in this state be designated by said board of trustees as a person to whom applications for relief shall be made, and who shall be the direct medium of communication between the recipient of this relief and the trustees of this fund. (*Id.* § 27.)

***§ 98. Principal office.**

The principal office of said trustees, and place of holding all regular meetings, shall at all times, after the erection thereof, be located at the Soldiers' Home. (*Id.* § 28.)

***§ 99. Transfer of funds**

The board of trustees are authorized and directed, at close of any fiscal year, to transfer any surplus funds from the soldiers' relief fund to the Soldiers' Home fund, and such transfer may be made during any fiscal year, when in their judgment such transfer will better enable said trustees to enforce the spirit of this act; and any amounts so transferred shall operate to reduce the amount used of the annual appropriation for support and maintenance of the Soldiers' Home for the current year. (*Id.* § 30.)

STATE PARK.*

***§ 100. Commissioners—Term—Compensation—Vacancies.**

Within ten days after the passage of this act there shall be appointed by the governor, by and with the consent of the senate, if it shall be in session, but if not then in session, without such consent, five commissioners, all of whom shall be residents of the state of Minnesota, who are hereby appointed and constituted a board of commissioners by the name and style of "The Commissioners of the State Park at Minnehaha Falls." Said commissioners shall hold office for the term of five years from and after the passage of this act, and until others are appointed in their places in the manner herein prescribed for the appointment of the first board. No member of said board shall receive any compensation for his services, but each commissioner shall be entitled to receive his actual disbursements for his expenses in performing the duties of his office. In case any of the persons so appointed as above will not undertake the office of this commission, or in case of any vacancy in said board, such vacancy shall be filled by the governor, and the person so appointed shall hold his office for the term of five years from the date of his appointment, and until another shall be appointed in his place. (1885, c. 129, § 1.)

In re State Park, 36 N. W. Rep. 874.

*"An act to authorize the selection, location, and appropriation of certain lands in the county of Hennepin and state of Minnesota, for a state park for horticultural and mechanical state exhibit grounds, and for the location of other state institutions and buildings." Approved March 9, 1885. § 15 appropriates \$1,000 to carry out the provisions of the act.

***§ 101. Same—Proceedings.**

The said board shall have power to select and locate such lands in the county of Hennepin, in the state of Minnesota, not exceeding two hundred acres, in one body, embracing the falls of Minnehaha, as may, in their opinion, be proper and necessary to be reserved for a state park [for] horticultural and mechanical state exhibit grounds, and for such state buildings and institutions as may hereafter be found necessary and expedient. Before any proceedings shall be had or taken for acquiring the title of any of the said lands, the said commissioners shall cause to be made a survey and map of the said land which they shall determine to take, which shall be certified by a majority of said commissioners, and filed in the office of secretary of state and in the office of the register of deeds of Hennepin county. The said map shall contain the names of the owner, mortgagees, and judgment creditors of each specific tract of land proposed to be taken, so far as known to the commissioners, or to be ascertained from the records in the office of the register of deeds of the county. (1885, c. 129, § 2.)

***§ 102. Meeting—Oath—Officers—Proceedings to acquire title.**

Within twenty days after the passage of this act the governor of the state of Minnesota shall fix a day and hour for the first meeting of the said board of commissioners at the governor's room in the capitol at St. Paul, which day shall be within thirty days from the passage of this act, and he shall notify the commissioners of the time and place of said meeting. The said commissioners shall meet at the time and place so appointed, and shall qualify by taking an oath to discharge the duties of their office to the best of their ability, which affidavit shall be filed in the office of the secretary of state. The said commissioners shall at said meeting choose a president of said board, who shall be a member thereof, and shall appoint some person to act as secretary and treasurer of said board. After the filing of said map, as above required, the commissioners shall give written or printed notice to each owner, mortgagee, and judgment creditor of the several tracts, proposed to be taken, so far as they can be ascertained, as hereinbefore provided, declaring that the state of Minnesota intends to take and appropriate the lands described by the said survey, as shown by said map, and acquire title thereto, and that the said commissioners intend to apply to the district court of the Fourth judicial district, which is hereby vested with jurisdiction to hear and decide any matter arising under this act, at a general or special term thereof, for the appointment of three freeholders, residents of the state of Minnesota, on a day in said notice named, to act as appraisers to ascertain and report the just compensation to be paid to the person or persons or corporation owning or having an interest in said property, which notice shall be served on the owners and parties in interest in the same manner as a summons in a civil action is now provided to be served by the laws of the state of Minnesota. In case of non-resident owners or other parties in interest, the notice may be served in the same manner as now provided by statute for service of summons by publication. (*Id.* § 3.)

***§ 103. Appraisers.**

Upon the day designated in said notice, or on some other day to be named by said court, the court shall hear the application of said commissioners, and shall appoint three disinterested appraisers for the purpose aforesaid. And in case any appraiser shall decline to serve, the said court may, on application of said board of commissioners, upon notice of such vacancy and application to be published in a newspaper to be named by the court, published in the county where such lands are situated, for ten successive week days, appoint another appraiser in his place. (*Id.* § 4.)

***§ 104. Same—Proceedings.**

The appraisers shall, before they enter upon their duties, take and subscribe an oath, to be administered by some person authorized to administer oaths, faithfully to perform their duties according to the best of their ability. They shall give notice of the time and place of their meeting to view the said property, by publishing the same in a newspaper designated by said court, published in the county for ten consecutive week days, which meeting shall not be less than ten days after the last publication of said notice. (*Id.* § 5.)

***§ 105. Same—Award.**

The appraisers shall together view such property, and shall receive any legal evidence as to the compensation that should be made, and may adjourn from time to time. They shall ascertain and award to the respective owners of the property to be taken, and to all persons or corporations interested therein, such compensation therefor as in their opinion shall be just and proper, and in fixing the amount of such compensation said appraisers shall not make any allowance or reduction on account of any real or supposed benefits which the parties interested may derive from the said park or improvement for which said lands are to be taken. In case of railroads having the right of way through any lands so selected for the said park, the title shall be taken subject to the rights of the corporation or corporations having such right of way. The report of said appraisers, signed by them or a majority of said appraisers, shall be filed in the office of the clerk of said district court as soon as completed, and said report shall be made and filed within six months from the time of their appointment. (*Id.* § 6.)

***§ 106. Report—Hearing—Notice.**

After the report of the said appraisers shall be so filed, the board of commissioners shall give notice by publishing the same in ten successive week-day numbers of some newspaper designated by the court and published in the county where such lands are situated, that they will, on a day specified in said notice, apply to the said district court for an order confirming the said report, and on the day so appointed the said court, upon being furnished with proof of the due publication of said notice, as above provided, shall hear the matter, and shall make such order in the premises as may be just; and, in case it confirm said report, it shall make an order containing a recital of the substance of the proceedings in the matter of the appraisal and a description of the real estate appraised, for which compensation is to be made, and shall also direct to whom the money is to be paid. (*Id.* § 7.)

***§ 107. Order—Recording.**

A certified copy of the order so to be made as aforesaid shall be recorded in the office of the secretary of state, and also in the office of the register of deeds of said Hennepin county. (*Id.* § 8.)

***§ 108. Appeal.**

Within twenty days after the confirmation of the report of the appraisers, as provided for in the seventh section of this act, any party interested in any of said lands may appeal by notice in writing to the supreme court, from the appraisement and the report of the appraisers. Such appeal shall be heard by the supreme court on ten days' notice thereof being given to either party by the other, according to the rules and practice of the court. On the hearing of such appeal the court may direct a new appraisal before the same, or new appraisers, at his discretion. The second report shall be final and conclusive on all the parties interested: *provided, however*, that the state shall not take possession of the said appraised premises until the amount awarded for the same shall have been duly appropriated by act of the legislature of this state for

this purpose, and the money tendered or paid the owners thereof, or paid into the court, as provided in section ten of this act. (1885, c. 129, § 9.)

***§ 109. Paying money into court.**

If there should be diverse and conflicting claimants to the money, or any part of it, to be paid as compensation for the real estate taken for the purpose aforesaid, the court may direct the moneys paid into the court, and may determine who is entitled to the same, and direct to whom the same shall be paid, and may in its discretion order a reference to ascertain the facts upon which said determination and order are to be made. (*Id.* § 10.)

***§ 110. Amendments.**

Said court shall have power at any time to amend any defect or informality in any of the proceedings to acquire title to the said land as may be necessary, and also to appoint other appraisers in place of any who may die, or refuse or neglect to serve, or be incapable of serving, upon like notice as required by section four of this act, in like cases of neglect or refusal to serve. (*Id.* § 11.)

***§ 111. Proceedings de novo.**

If at any time after an attempt to acquire title by compensation as aforesaid it shall be found that the title attempted to be acquired is defective, said board of commissioners shall proceed anew to acquire or perfect such title in the manner hereinbefore set forth, and as if no appraisal had been made, or may apply to said court to otherwise perfect said title. (*Id.* § 12.)

***§ 112. Report of commissioners.**

After the proceedings herein provided for the purpose of acquiring title by the state to the said lands shall have been concluded, the said board of commissioners shall report such proceedings and all other action by them taken, together with the amounts awarded by the appraisers to the legislature of this state: *provided*, that at any time before making such report said board of commissioners may, if in their judgment the public interests will be subserved thereby, abandon all proceedings for the taking of the lands so by them designated, and may give notice of such abandonment by publishing the same for ten successive week days in some newspaper published in the county wherein said lands are situated. Upon such publication all proceedings under this act shall be deemed abandoned, and the lands so designated shall be released from the effect of such proceeding as fully as though the same had not been instituted. (*Id.* § 13, as amended 1887, c. 88.)

***§ 113. Proceedings—When void.**

It is further provided that in case the legislature shall fail to make any appropriation to pay the owners of the land which may be selected and located by said commissioners pursuant to the provisions hereof, at the session thereof next succeeding that to which their report shall have been submitted, all the proceedings which may have been taken for the acquiring of the said land shall be void and of no effect; but in such case the parties whose lands have been condemned in pursuance of the provisions of this act shall be paid the reasonable disbursements expended by them in such proceedings, the amount of such disbursements to be fixed and allowed by the said district court, and to be paid out of any moneys in the treasury not otherwise appropriated. (1885, c. 129, § 14.)