

# GENERAL STATUTES

OF

# MINNESOTA

1913

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3999. **Same—Action for damages**—Any person who is debarred from such enjoyment contrary to the provisions of section 1 [3998] of this act shall be entitled to recover in an action on the case from any corporation, association or person guilty of such violation, his actual damages and \$100 in addition thereto; and evidence that such person debarred was at the time sober, orderly and willing to pay for such enjoyment in accordance with rates fixed therefor for civilians, shall be prima facie evidence that he was debarred on account of his wearing such uniform or of his being in such service. ('11 c. 261 § 2)

4000. **Same—Violation a misdemeanor**—Any person violating any provision of this act shall be guilty of a misdemeanor. ('11 c. 261 § 3)

## CHAPTER 25

### BOARD OF CONTROL AND CHARITIES UNDER ITS EXCLUSIVE MANAGEMENT

#### THE BOARD

4001. **Organization**—The state board of control shall consist of three members, appointed by the governor with the consent of the senate, each for the term of six years, and until their successors qualify. Vacancies shall be filled by like appointment for the unexpired terms. The member whose term first expires shall be chairman. The governor may remove any member for malfeasance or nonfeasance in office, or for any cause which renders him incapable or unfit to discharge his official duties. (1858)

Title of 1901 c. 122, establishing board, held sufficient (85-165, 88+533).

4002. **Bond—Duties—Examination**—Before entering upon such office, each member shall give bond to the state in the sum of twenty-five thousand dollars, to be approved by the governor, conditioned for the faithful discharge of his official duties. Each shall devote his entire time to such duties, and shall hold no other lucrative office. The books and affairs of the board shall be subject to examination by the public examiner. (1859)

4003. **Office, seal, supplies, etc.**—Said board shall be provided with suitably furnished offices at the seat of government, and may procure all books, blanks, stationery, postage, and other office supplies required in the transaction of its business. It shall employ an architect, a secretary, and other needed office help. It shall have an official seal, and authenticate therewith all commissions, discharges, paroles, and other like documents. All contracts made by the board shall be in writing, signed by its chairman. (1860)

4004. **Institutions under exclusive control**—The board shall have the exclusive management of the state prison, state reformatory, state training school for boys and girls, the school for the feeble-minded, the state hospitals and asylums for the insane, and, except as otherwise provided by law, the state sanatorium for consumptives. All expenditures for or on account of said institutions shall be made out of the funds appropriated or provided for each, respectively. (1861)

4005. **Institutions under financial control**—Except as otherwise provided by law, the board shall have the financial management of the state university, the state normal schools, the state public school, and the state schools for the deaf and the blind, and all expenditures of public money provided for their administration and support shall be under its control; but, in the planning of buildings and other improvements for their use, it shall co-operate with the respective boards in charge thereof. It shall not have control of private donations made to such institutions unless the donor shall so direct, but they shall be used and expended by the institution board as directed by the donors. (1862)

Repealed in part. See § 3060 and note thereunder, and § 3066.

4006. **Powers of institution boards**—The official boards in charge of the respective institutions named in § 4005 shall control their general educa-

tional policy, have charge of the grounds, buildings, and apparatus, and employ all necessary officers, teachers, janitors, and other help, and fix their compensation; but the total expenditure for such purposes shall not exceed in any year such proportion of the whole sums available for the uses of the institution during such year as the board of control shall prescribe. All contracts with such employees shall be reported to the board of control upon blanks furnished by it, and all disbursements for salaries and supplies shall be made under proper rules adopted by such board. (1863)

**4007. Purchasing agents**—The board of control may appoint a purchasing agent for each or any of the institutions under its financial or exclusive management, who, under its direction and subject to its rules, shall attend to the purchase of necessary supplies therefor. The compensation and necessary expenses of such agent shall be paid out of the funds provided for the institution to which he is assigned. (1864)

**4008. Institution officers**—Said board shall appoint a chief executive officer for each institution under its exclusive control, and may remove him for misconduct, incompetency, or neglect of official duty. No such removal shall be made except upon written charges and opportunity to be heard. Every such executive officer shall have the qualifications and perform the duties now or hereafter required by law, or by rules prescribed by said board. In case of an apparent conflict between the powers conferred by law upon any executive officer of a state institution, and those conferred by this chapter upon the board of control, it shall be conclusively presumed that the power belongs to the latter. (1865)

**4009. Assistants and employees**—The chief executive officer of each of said institutions shall appoint all assistants and other employees required in the management thereof, the number being first determined by said board, and may discharge any of them; but he shall keep a record of the date of such discharge, and the reason therefor. The board shall fix the compensation of all officers and other employees in such institutions, except those fixed by law, and shall classify the officers and employees; and the salaries paid to any class shall be uniform in similar institutions. Such compensation shall be included in the monthly estimates, and paid in the same manner as other expenses. (1866)

**4010. Political influence—Removal**—Every officer or member of said board, and every officer or employee of any institution under its control, who by solicitation or otherwise exerts his influence, directly or indirectly, to induce other officers or employees of the state to adopt his political views, or to favor any particular person or candidate for office, or to contribute funds for campaign or political purposes, shall be removed from his office or position by the authority appointing him. (1867)

**4011. Official bonds**—The board shall require its officers and employees, and those of the several institutions under its control, who may be charged with any money or property belonging to the state, to give bond to the state, properly conditioned, in such sum and with such sureties as it shall approve. (1868)

**4012. Traveling expenses**—Every member, officer, and employee of the board, who shall necessarily travel on official business, shall be paid the actual expenses thereof by the nearest practicable route. But no expenditure for traveling expenses to other states, except when authorized by law, shall be made by said board, or by any officer or employee thereof, or by any officer, employee, or agent of any institution under its control, unless authority therefor be first granted by a resolution of the board, stating the reason and purpose of such trip, upon which the governor has indorsed his approval. (1869)

**4013. Statement of expenditures—Salaries**—Before any expenses of a member, officer, agent, or employee of the board, or of any person acting under its direction, or of any officer or employee of any institution under its control, shall be paid, a statement of the items thereof, accompanied by a subvoucher for each item, shall be presented to the state auditor, with an affidavit that such expense bill is just, accurate, and true, and is for cash ex-

penditures actually made and paid to the parties named therein. The salaries and expenses of the board and its officers and employees shall be paid monthly upon the warrant of the state auditor. (1870)

**4014. Rules**—The board may adopt rules for the conduct of its business, and prescribe reasonable regulations defining the duties and providing for the government of the officers and employees of the institutions under its control. (1871)

**4015. Books and accounts**—Said board shall keep at its office a proper and complete system of books and accounts with each institution, showing every expenditure authorized and made therefor. Such books shall contain a separate account of each extraordinary or special appropriation made by the legislature, with every item of expenditure therefrom. (1872)

**4016. Uniform accounts and records—Annual statement**—Said board shall establish a perfected uniform system of books, accounts, and records to be kept by the institutions under its exclusive control, and require similar institutions to keep similar books. The requisitions and accounts of every such institution shall show the purchase, storage, and consumption of all supplies for subsistence, construction and other purposes. It shall cause the books and accounts of every such institution to be examined by the public examiner at least once in each year, and shall make an annual settlement with the officers of every such institution. It shall annually prepare for publication a statement of the cost for the preceding year, or maintaining each of said institutions, including improvements, itemized as far as practicable, and so arranged as to show the cost of the various kinds of provisions and supplies. Nothing contained in this chapter shall limit the general supervisory or examining powers vested in the governor by the constitution and laws of the state, or those of any committee appointed by him. (1873)

**4017. Dissemination of information**—Said board shall gather, compile, and disseminate information embodying the experience of charitable, reformatory, and penal institutions in this and other countries, regarding the best and most successful methods of caring for the insane, defective, and criminal classes. It shall encourage and urge the scientific investigation of the treatment of insanity and epilepsy by the medical staffs of the insane hospitals and asylums and the school for the feeble-minded, and from time to time shall publish bulletins and reports of the scientific and clinical work done in said institutions. It shall provide the forms for statistical returns to be made by said institutions in their annual and other reports. The total annual expenditure under this section shall not exceed five hundred dollars. (1874)

**4018. Biennial and other reports**—On or before November 15 in each even-numbered year, said board shall make a report to the governor and legislature, covering the biennial period ending July 31 preceding, therein giving its observations and conclusions respecting each institution under its control. Said report shall contain the reports of the executive officers of said institutions, a statement of the visitations thereto, and when and by whom made, the name and salary of every employee of said board, and of every officer and employee of said several institutions. Such report shall be published under the direction of the state printer, and paid for out of the appropriation for public printing. Said board shall make such other reports to the governor as he may from time to time require, or as it may deem necessary, relating to the condition and wants of the said several institutions. (1875)

**4019. Daily records**—Said board shall require the proper officer of each of said institutions to keep, in a book prepared for that purpose, a daily record of the time and number of hours of service of each employee; and the monthly pay roll shall be made from such time book, and accord therewith. Whenever an appropriation is based on the number of inmates in, or persons at, an institution, said board shall require a daily record to be kept of the persons actually residing at and domiciled in such institution. (1876)

**4020. Investigation—Witnesses—Contempt**—As often as once in six months, said board, or a committee thereof, shall visit and inspect each of

said institutions, and investigate its financial condition and management. It shall have power to summon and compel the attendance of witnesses; to examine them under oath, and order the production of all books, property, and papers material to such investigation. Witnesses other than those in the employ of the state shall receive the same fees as in civil cases in the district court. The claim that any testimony or evidence sought to be elicited or produced may tend to criminate the person giving or producing it, or to expose him to public ignominy, shall not excuse him, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any matter or thing concerning which he may be so required to testify or produce evidence: Provided, that he shall not be exempted from prosecution and punishment for perjury committed in so testifying. Said board shall cause the testimony so taken to be transcribed and filed with the secretary of the board as soon as practicable, and when so filed it shall be open to public inspection. Every person failing or refusing to obey any order of such board issued under this section, or to give or produce evidence when so requested, shall be reported by the board to the district court, and shall be dealt with as for a contempt of court. (1877)

4021. **Insane hospitals, etc.—Visitation**—Each hospital and asylum for the insane shall be visited by a member or the secretary of the board once each month. The board, when it deems proper, may appoint a competent woman to visit and report upon any such hospital or asylum. She shall be paid a reasonable compensation for services and expenses from the funds appropriated for the support of the institution visited. (1878)

4022. **Supervision over paroled patients—State agents**—The state board of control, so far as possible, shall exercise supervision over paroled patients of the state hospitals and asylums for the insane and of the school for feeble-minded and colony for epileptics, and, when deemed necessary for that purpose, may appoint one or more state agents and fix salary. It may also appoint suitable persons in any part of the state for the same purpose. Every such agent or person shall perform such duties as the board may prescribe in behalf or in supervision of patients paroled from any hospital or asylum for the insane in the state and from the school for feeble-minded and colony for epileptics, including assistance in obtaining employment and the return of paroled patients when necessary. Such agents and such persons shall hold office at the will of the board, and the persons so appointed shall be paid a reasonable compensation for the services actually performed by them. Each shall be paid from the current expense fund of the institutions for the benefit of which they were appointed in proportion to the number of patients paroled from each. ('07 c. 292 § 1)

4023. **Same—Qualifications of agents**—No one shall be appointed as such agent without having had previous experience in caring for the insane at a hospital for the insane for a period of not less than one year. ('07 c. 292 § 2)

4024. **Surgical operations**—That whenever in the opinion of the superintendent of a state hospital or asylum for the insane or of the school for feeble-minded and colony for epileptics a surgical operation is necessary to save the life, health, eyesight, hearing or a limb of any inmate committed thereto, he shall call in consultation some reputable physician in general practice in the city or village where such institution is situated, and if such consulting physician and superintendent shall certify to the state board of control that in their opinion such operation is necessary, as herein provided, the said superintendent shall be authorized by and with the written consent of said board and under its direction to perform or cause to be performed such surgical operations upon any such inmate as may be necessary and proper for such purpose, provided that the consent of the proper relatives or guardian cannot be had in season to effect such saving. ('07 c. 145 § 1)

4025. **Same—Guardianship of inmates**—The said board shall be deemed the guardian of the persons of the inmates of such institutions for the purpose of consenting to such operations. ('07 c. 145 § 2)

4026. **Inspection by board**—Said board, or any member thereof, upon stated visits to any institution, shall inspect every part thereof, the general

and special dietary, and the stores and methods of supply, and, so far as practicable, shall see all inmates of the charitable institutions, especially those admitted since the preceding visit, and shall give such as desire it suitable opportunity to converse with them privately. The board, or any of its members, may examine under oath the officers, attendants, guards, and other employees, in order to determine their fitness for their duties. (1879)

**4027. Estimates for supplies**—On or before the fifteenth of each month, the chief executive officer of every such institution shall cause to be prepared triplicate estimates, in minute detail, of all expenditures required for the next month, with estimated cost of each item. Such estimates shall be accompanied by a statement of all revenues received by such institution, and accounted for to the state treasurer, on the first of such month. Two of said estimates shall be filed with the board, and the other retained. The board may revise such estimates as to quantity, quality, and cost, and shall certify thereon that the articles named therein, as so revised, are required for actual use. One copy of the revised estimate shall be sent to the institution, and one retained. The copy so sent shall be sufficient to authorize the proper officer to purchase such supplies, at prices not exceeding those therein named, upon at least thirty days' time. Itemized bills in duplicate, verified in the form prescribed by the rules of the board, shall be required for all purchases, whether upon contract or otherwise. (1880)

**4028. Monthly statement**—Some officer of each institution designated by said board shall prepare a monthly statement showing purchases and expenditures of every kind for the preceding month, which shall be signed by him, approved by the chief executive officer, and filed with the board on a day by it fixed. The officer shall attach to such statement his affidavit that such articles were purchased by him, or under his direction, at a fair cash market value, on not less than thirty days' credit, and received at the institution; that neither he, nor any person in his behalf, had any pecuniary or other interest in the purchases made, or received any pecuniary or other benefit therefrom, directly or indirectly, by commission, percentage, deduction, or in any manner whatsoever; and that the articles specified in such bill conformed in all respects to the goods ordered, in both quantity and quality. Whenever any such bill, or any part thereof, is found objectionable, the board shall indorse its disapproval thereon, with its reasons therefor, and return it to the chief executive officer of the institution, who shall correct and return the same. (1881)

**4029. Pay roll—Triplicate abstract**—The monthly statement so made, approved, and verified, together with the original invoices of purchases, and an itemized statement of every expense of any such institution, including the verified pay roll, shall be filed with said board, which, at a time fixed by it, shall audit all accounts for the preceding month. The monthly pay roll of each institution shall show the name of every officer and employee, when first employed, his monthly pay, time actually served, and amount to be paid, with deductions for careless loss or destruction of property; and in no case shall a substitute receive compensation in the name of an employee for whom he acts. When said accounts are audited, the secretary of the board, under its seal, shall prepare in triplicate an abstract, showing the name, residence, and amount due each claimant, and the institution and fund thereof on account of which payment is made. He shall deliver one copy thereof to the state auditor, one to the state treasurer, and retain the other in the office of the board. If the institution has sufficient funds, said auditor shall issue his warrant upon said treasurer for the gross amount shown by said abstract, who shall send checks to the several persons for the amount of their respective claims as shown by said abstract. He shall preserve in his books a record of each check and remittance, showing the date of its issue, the name of the payee, and any other facts tending to evidence its payment. (1882)

**4030. Biennial estimates—Suggestions for legislation**—Said board shall prepare, for the use of the legislature, biennial estimates of appropriations necessary or expedient to be made for the support of the said several institu-

tions, and for extraordinary and special expenditures for buildings and other improvements. It shall also, in connection therewith, make suggestions relative to legislation for the benefit of said institutions, or for improving the condition of the dependent, defective, or criminal classes. Said board and its secretary, on request, shall appear before any legislative committee and furnish any required information in regard to the condition of any such institution. (1883)

**4031. Plans and specifications—Limitations—**Said board shall prepare plans for all improvements or buildings costing more than one thousand dollars, for which it may recommend an appropriation. Such plans shall be paid for out of any money in the state treasury not otherwise appropriated, but when an appropriation has been made for the purpose of constructing such building, the fund from which payment for plans was made shall be reimbursed from such appropriation and no part of the balance shall be expended until the board has secured suitable plans and specifications, prepared by a competent architect, and accompanied by a detailed statement of the amount, quality, and description of all material and labor required for the completion of the work; and no plan shall be adopted, and no improvement made or building constructed, that contemplates the expenditure for its completion of more money than the appropriation therefor, unless otherwise provided in the act making the appropriation. In no event shall the board direct or permit any expenditure beyond that appropriated or contemplated by law, and any member, officer, or agent of the board violating this provision shall be guilty of a gross misdemeanor. (R. L. § 1884, amended '09 c. 38 § 1)

**4032. Contracts for supplies—**The proper officers of any such institution, under direction of said board, may make contracts for such supplies as it may find expedient for such institution to purchase in bulk for use or consumption for periods longer than thirty days. But such contracts shall be made only in conformity with the provisions of this chapter relating to estimates. Said board, whenever it deems it for the best interest of the state, may contract for the purchase of supplies, in bulk or otherwise, for any or all the institutions under its control. (1885)

**4033. Same—Rules—**Said board shall make specific rules as to the manner in which supplies shall be purchased and contracts made for the several institutions, so as to insure competition and publicity. Any person desiring to sell supplies to an institution, who shall file with the chief executive officer thereof, and with the secretary of the board, a memorandum showing his address and business, shall be afforded an opportunity to compete for the furnishing of supplies, under such rules and limitations as the board may prescribe. In purchasing supplies, preference shall be given to Minnesota dealers when it can be done without loss to the state. Samples furnished shall be properly marked and preserved for six months after purchase of such supplies. (1886)

**4034. Contracts for buildings, etc.—Bids—**All contracts for the erection or repair of buildings or the improvement of the grounds of any institution mentioned in this chapter shall be let by the board to the lowest responsible bidders, upon public notice such as the board may deem proper; but any and all bids may be rejected, and new proposals received upon like advertisement. All plans and specifications shall be prepared under the direction of the board, and a certified check for such proportion of the cost as the board may specify in the advertisement shall accompany each bid. (1887)

**4035. Day labor—Work of inmates—**Whenever the cost of the building or improvement does not exceed three hundred dollars, the board may permit the chief executive officer of the institution to do the same by day labor. The provision requiring all work to be done by contract shall not be mandatory as to labor on construction work at the state prison or reformatory, but the board shall establish rules whereby such construction work shall be performed with the strictest economy in the consumption of materials and in the expenditure of money. On proper representations, said board may so construct buildings and make improvements at other institutions that the

work of inmates may be utilized, if advantageous to the state, but in the use of such labor no substantial departure shall be permitted from the requirements of this chapter; and in no case shall any expenditure be made, except on estimates approved by said board. No payment shall be authorized for construction purposes until satisfactory proof has been furnished to said board by the proper officer or supervising architect that the contract has been complied with. All payments shall be made in the same manner as current expenses are paid. (1888)

**4036. Record of inmates**—Said board shall keep in its office, accessible only to the members, secretary, and proper clerks, except by its consent, or on the order of a judge or court of record, a record showing the residence, sex, age, nativity, occupation, civil condition, and date of entrance or commitment of every person, patient, inmate, or convict in the institutions under its exclusive control, the date of discharge, and whether such discharge was final, the condition of such person when he left the institution, and the date and cause of all deaths. It shall state every transfer from one institution to another, naming each. This information shall be furnished to the board by each institution, with such other obtainable facts as it may from time to time require. The chief executive officer of each such institution, within ten days after the commitment or entrance thereto of a person, patient, inmate, or convict, shall cause a true copy of his entrance record to be forwarded to the board. Whenever a patient or inmate leaves, is discharged, transferred, or dies in any institution, the chief executive officer or other person in charge shall inform the board within ten days thereafter on forms by it furnished. (1889)

**4037. Transfers—Questionable commitments**—The board may transfer an inmate from one hospital or asylum for the insane to another, or to the school for feeble-minded or from said school to any hospital or asylum for the insane, and shall cause a proper record thereof to be made at such institutions and in its office. The superintendent of any state hospital or asylum for the insane, or school for the feeble-minded, shall at once notify said board if there is any question as to the propriety of the commitment or detention of any person admitted to such institution, and said board shall immediately take action thereon. (1890)

**4038. Money of inmates**—The chief executive officer of each of such institutions shall have the care and custody of all moneys belonging to inmates thereof which may come into his hands, keep accurate accounts thereof, and pay them out under rules and regulations prescribed by law or by the said board, taking vouchers therefor. He shall give such additional bond as the board may require, conditioned to safely keep and account for such funds. All such moneys received by any officer or employee, shall be paid to the chief executive officer forthwith. Every such executive officer at the close of each month, or oftener if required by the board, shall forward to said board a statement of the amount of all moneys so received and the names of the inmates from whom received, accompanied by his check for the amount, payable to the state treasurer. On receipt of such statement, said board shall transmit the same to the state auditor, together with such check, who shall deliver the same to the state treasurer. Upon the payment of such check, the amount shall be credited to a fund to be known as "Inmates' Fund," for the institution from which the same was received. All such funds shall be paid out by the state treasurer upon vouchers duly approved by said board, as in other cases. Said board may permit a contingent fund to remain in the hands of the executive officer of any such institution from which necessary expenditure may from time to time be made. (R. L. § 1891, amended '07 c. 280 § 1)

1907 c. 280 § 2 repeals inconsistent acts, etc.

**4039. Unclaimed money of inmates of state institutions**—That whenever there has heretofore accumulated, or shall hereafter accumulate, in the hands of the superintendent of any state institution, money belonging to inmates of such institution who have died therein, or disappeared therefrom, and for which money there is no claimant or person entitled thereto known



to said superintendent, such money may at the discretion of such superintendent be expended under his direction for the amusement, entertainment and general benefit of the inmates of such institution. Provided, that no money shall be so used until it shall have remained unclaimed for at least five years. Provided, further, that if at any time after the expiration of the said five years the legal heirs of said inmate shall appear and make proper proof of such heirship, they shall be entitled to receive from the state treasurer such sum of money as shall have been expended by the aforesaid superintendent belonging to said inmate. ('05 c. 199 § 1)

**4040. Disposition of funds**—Every officer and employee of said several institutions shall pay to the accounting officer thereof any funds in his hands belonging to the institution. Every accounting officer, at the close of each month or oftener, shall forward to said board a statement of the amount and sources of all moneys received. On receipt of such statement, said board shall transmit the same to the state auditor, who shall deliver to the state treasurer a draft upon said accounting officer for the same, specifying the funds to which it is to be credited. Upon payment of such draft, the amount shall be so credited. (1892)

**4041. Protection against fire**—Said board shall provide at each of said institutions adequate and ready means of protection against fire, construct proper means of escape for inmates, and establish and enforce rigid regulations by which danger from fire may be minimized. (1893)

**4042. Annual report and inventory**—The chief executive officer of every such institution, on or before September 1 of each year, shall submit to said board a statement of the condition thereof, and an accurate inventory of all the property, stock, and supplies belonging to such institution; with the amount and value thereof, in the order prescribed by said board. In such inventory, land and buildings shall be listed at their actual cost to the state, as nearly as known, and movable property at its estimated value. Such inventory shall be kept by said board, and an abstract published in its biennial report. (1894)

**4043. Gifts and gratuities**—No member, officer, agent, or employee of said board, and no officer or manager of any institution under its charge, shall, directly or indirectly, for himself or another, or for any such institution, receive or accept any gift or gratuity from any dealer in goods, merchandise, or supplies which are or may be used in any such institution, or from any servant or agent of such dealer. Any violation of the provisions of this section shall be a misdemeanor. (1895)

**4044. Contingent fund**—Said board may permit a contingent fund to remain in the hands of the accounting officer of any such institution, from which expenditures may be made in case of actual emergency requiring immediate payment to prevent loss or danger to the institution or its inmates, and for the purpose of paying freight, purchasing produce, live stock, and other commodities requiring a cash settlement, and for the purpose of discounting bills incurred, but in all cases subject to revision by the board. An itemized statement of every expenditure made during the month from such fund shall be submitted to the board, under rules established by it. If necessary, the board shall make proper requisition upon the state auditor for a warrant upon the treasurer to secure said contingent fund for each institution. Provided, That when for any reason the services of an employee terminates during the month, where such termination is not in violation of his contract of employment, the salary due such employee may be advanced from the contingent fund, which fund shall be reimbursed by the regular pay check of such employee when received at the institution. (R. L. § 1896, amended '09 c. 74 § 1)

**4045. Blanks and forms**—Said board shall provide each institution with proper blank forms for all statements and accounts necessary for furnishing the information required therefrom. (1897)

**4046. Persons admissible to institutions**—No person who has not a settlement in a county, town, city, or village, as defined in chapter 15, shall be admitted to a hospital or asylum for the insane, the school for the deaf, the

school for the blind, the school for the feeble-minded, or the state public school, except that said board may authorize admission thereto when the residence cannot be ascertained, or when the circumstances, in its judgment, make it advisable. When application is made to a judge of probate for admission to any such hospital or asylum, or to the state public school, or to the superintendent of one of the other institutions above named for admission thereto, if he finds that the person for whom application is made has not such residence, or that his residence cannot be ascertained, he shall so report to said board; and he may also recommend that such person be admitted notwithstanding, giving his reasons therefor. The board shall thereupon investigate the question of residence, and, if it finds that such person has not such residence, and has a legal residence in another state or country, it may cause him to be returned thereto at the expense of this state. Whenever the overseer of a county poorhouse believes an inmate thereof not to have a residence in the state, but to have a residence elsewhere, he shall so notify said board, which shall thereupon proceed in the manner above provided, except that, if deemed impracticable to return such person to the state of his residence, it may so certify, and such person shall thereafter be a charge upon the county, town, city, or village in which he has longest resided within the preceding year. (1898)

The provisions of R. L. 1905 c. 15 are included in chapter 15 hereof.  
Residence of paupers (89-91, 93+1052).

**4047. Additional general powers**—In addition to its entire or partial control of the several state institutions specified in this chapter, said board shall investigate the whole system of public charities, and all charitable and correctional institutions in the state, especially prisons, jails, infirmaries, public hospitals, and asylums, and examine their condition and management. It may require the officers in charge of any such institution to furnish such information and statistics as it may deem necessary, upon blanks furnished by it. It shall examine all plans for new jails, lockups and infirmaries, or for repairs at an estimated cost of over two hundred dollars, before the same are adopted by the county or other municipal board, and shall have an advisory supervision over all such institutions. Upon the request of the governor, said board, or a committee thereof, shall specially investigate any penal, reformatory, or charitable institution, and report its condition; and for this purpose said board, or its committee, is hereby authorized to send for persons and papers, administer oaths, and take testimony, which it shall cause to be transcribed and included in said report. (1899)

85-165, 196, 88+533.

**4048. Compromise of claims**—In case of any disagreement between the board of control and any person concerning a claim of such person to any right, interest, or estate in or lien upon lands occupied by or used in connection with any state institution under the exclusive or partial control of the board, or of any claim by the board for damages to any such land, or the improvements thereon, the board, with the approval of the governor and auditor, may compromise and settle such claim, and, in so doing, may make any necessary conveyance of land. All moneys received by the board upon any such settlement shall be paid into the state treasury to the credit of the revenue fund. (1900)

**4049. Insurance of state buildings—Fuel**—Said board may keep insured in solvent insurance companies, all state buildings except the soldiers' home, and all other insurable property belonging to the state, to an amount not exceeding two-thirds of the value thereof and said board shall also purchase fuel for all such buildings. (R. L. § 1901, amended '07 c. 259; '13 c. 312 § 1)

**4050. Homes for children**—Said board shall examine the proceedings of societies for securing homes for children, and, whenever satisfied that a child has been placed by such society in an improper home, it may order its transfer to a proper one, and, if said order is not obeyed within thirty days, it shall itself take charge of and provide for such child. (1902)

**4051. Indigent blind infants—Duties of board of control**—The board of control of the state of Minnesota is hereby authorized and directed to provide

at some state institution by law under its control, to be selected by it, for the care, medical treatment, maintenance and education of indigent blind infants, residents and citizens of the state of Minnesota, under such rules and regulations as said board may prescribe. ('13 c. 284 § 1)

**4052. Religious instruction**—Said board shall provide at least one hour, on the first day of each week, between 9 o'clock a. m. and 5 o'clock p. m., for religious instruction to inmates of all prisons and reformatories under its control, during which clergymen of good standing in any church or denomination may freely administer and impart religious rites and instruction to those desiring the same. It shall provide a private room where such instruction can be given by clergymen of the denomination desired by the inmate, or, in case of minors, by the parents or guardian, and, in case of sickness, some other day or hour may be designated; but all sectarian practices are prohibited, and no officer or employee of the institution shall attempt to influence the religious belief of any inmate, and none shall be required to attend religious services against his will. (1903)

**4053. Salaries—Standing appropriation**—Each member of the board shall receive a salary of forty-five hundred dollars per annum, payable in monthly installments, and there is hereby appropriated annually from any funds in the state treasury not otherwise appropriated so much thereof as may be necessary to pay the salaries and expenses of said board and of the members of said board as authorized by this chapter. (R. L. § 1904, amended '11 c. 344 § 1)

As to salaries, see § 294.

As to repeal of standing appropriations, see §§ 48, 49.

#### STATE TRAINING SCHOOL

**4054. Location and management**—The state training school for boys and girls shall be continued at its present site, at Red Wing, in the county of Goodhue, and be under the general management of the state board of control. (1905)

See 1911 cc. 35, 74 authorizing sale of portions of state training school farm.

1895 c. 153, establishing school, held constitutional (73-77, 75+1029).

**4055. Who may be committed**—Whenever an infant over ten and under sixteen years of age shall have been convicted of any offence punishable by imprisonment, except that of murder, or shall be a vagrant or incorrigibly vicious, the court or magistrate may commit him to the guardianship of the board of control, to be trained in said school during minority, or for such other time as may be provided by law. No such commitment shall be made by a justice for vagrancy or incorrigibility, except upon verified complaint, in writing, containing a statement of the facts constituting the vagrancy or incorrigibility, the name, age, and residence of the infant, and the name and residence of his parents or guardian, and of the person in whose custody he may be; nor unless such facts are substantiated by at least two disinterested witnesses, and the commitment is approved by a judge of the district court of the county. In such cases the justice shall reduce all the evidence to writing, and transmit the same, together with the name, age, and residence of each witness, to the district judge, who shall examine the same, and approve or disapprove of the action of the justice; but no infant shall be committed to said school who is a proper subject for commitment to the state public school. (1906)

See following section.

**4056. Who may be committed**—Whenever any infant over the age of eight years and under the age of seventeen years shall hereafter be duly convicted in any of the courts of this state of any crime prescribed by any general law of this state, punishable by imprisonment, except the crime of murder, or when any such infant shall be found by any of said courts after due trial, as herein provided, to be incorrigibly vicious or to be an habitual tramp or vagrant, said court may thereupon commit such infant to the Minnesota state training school for boys and girls. Provided, that no child shall be so com-

mitted who is a proper subject for commitment to the state public school at Owatonna. ('05 c. 233 § 1)

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

By 1899 c. 156, 1895 c. 153 §§ 4, 6, was amended. Said acts were repealed by §§ 9451, 9453; the provisions of sections 4 to 6 of 1895 c. 153 being incorporated in part in §§ 4053, 4063. So far as the provisions of 1905 c. 233 differ from the Revised Laws, they are to be construed, by virtue of § 9398, as amendatory or supplementary.

**4057. Same—How committed—Complaint**—No infant shall be committed to said training school as incorrigibly vicious or as an habitual tramp or vagrant unless upon formal complaint in writing, signed and verified by the person making the same, and filed in the court, setting forth the name, age and place of residence, if known, of said infant, the name and residence of its parent or guardian, and of the person in whose custody such infant may be, and stating the conduct and habits of the child, and particularly the facts constituting the ground of complaint. ('05 c. 233 § 2)

**4058. Same—Infant, how brought before court—Parent or guardian—Custody—Bail**—Upon the filing of the complaint, as provided in the preceding section, the court shall, if said infant is not already in custody, cause him to be apprehended and brought before the court, for which purpose the court shall issue a warrant to the proper officer, and shall also thereupon cause a summons to be issued to the parent or guardian of said infant or to the person in whose custody he may be, requiring such parent, guardian, or person to appear before the court at a time and place to be fixed by the court and stated in said summons, and show cause, if any, why such infant should not be so committed, which summons shall be served on such parent, guardian or person having the custody of said infant, at least twenty-four hours before such hearing, and shall also forthwith notify the probation officer of the county, if any, of the time and place of hearing. Until the hearing the court shall provide for the care and custody of the accused infant, but no child under twelve years of age shall be committed to jail, and in cases where committed, the child shall be subject to bail. ('05 c. 233 § 3)

**4059. Same—Guardian ad litem—Place of hearing**—If such infant has no parent, or guardian, or person having his custody, living at the place, or if such parent, guardian or person, being so summoned, fails or neglects to appear at the hearing and act on behalf of the child, the court shall appoint some suitable person to appear at said hearing and protect the interests of the infant, and the person so appointed shall be given an opportunity to investigate the facts and show cause why such child should not be committed. Provided, that if the probation officer of the county is present, it shall be his duty to investigate the facts and defend the interest of said child at the hearing. All hearings under this act shall take place separate and apart from the trial of criminal cases. ('05 c. 233 § 4)

**4060. Same—Evidence—Hearing before justice or municipal court**—The same presumption of innocence and the same rules of evidence shall prevail at the hearing in behalf of such infant as in the trial of criminal causes, and no infant shall be so committed unless the charges alleged in the complaint are proven by the testimony of at least two disinterested witnesses, and the name, age and place of residence of all witnesses shall be given. All evidence shall be reduced to writing and a finding made thereon and entered in the record of the court. In case of hearings before justices of the peace or municipal courts the record and all the evidence shall be forthwith transmitted, together with the complaint, to the judge of the district court of the county in which such hearing is had, who shall thereupon examine the same, and approve or disapprove the findings in writing thereon, and return the same to the justice of the peace or municipal court from whom received, and no commitment shall be made by said justice of the peace or municipal court until the proceedings have been so examined and approved by such district judge. ('05 c. 233 § 5)

**4061. Same—Commitment—Probation**—With the commitment the court or justice shall transmit by the officer executing the same to the superintendent of the training school a copy of the record of the case, including all the

evidence, and a written statement of such other particulars concerning the child as can be ascertained. Sentence of commitment may be stayed by the court, and the infant placed on probation in the discretion of the court. ('05 c. 233 § 6)

**4062. Same—Duties of board—Girls—Discharge—**It shall be the duty of the board of control of state institutions to receive, clothe, maintain and instruct, at the expense of the state, all infants duly committed, as herein provided, to said training school, and keep them in their custody until their arrival at the age of twenty-one years, unless sooner discharged, apprenticed, paroled, or transferred, and said board may, in its discretion, place any of said children, until their arrival at eighteen years of age, in suitable homes, or bind them out as apprentices to such persons at such places, and to learn such trades or employment as in the judgment of the board will be most conducive to their reformation and amendment, and will tend to the future benefit and advantage of said infants. Provided, however, that whenever a similar separate institution for girls shall be established and opened by the state, girls between the ages aforesaid may be committed to and detained therein in like manner and upon the same conditions as herein provided. The board may discharge any child so committed, or may recall to the school at any time any child placed out, apprenticed, paroled or transferred, and upon such recall may resume the care and control thereof. The discharge of a child by the board shall be a complete release from all penalties and disabilities created by reason of the commitment or sentence. ('05 c. 233 § 7)

**4063. Duties of board—**Said board, so far as the accommodations of the institution and the means at its disposal will permit, shall receive under its care and guardianship, and keep during their minority, or until apprenticed, placed in homes, or discharged, all infants so committed. It may place such infant, during his minority, at such employment, and cause him to be instructed in such branches of useful knowledge, as may be suitable to his years and capacity, and may place him in a suitable home, or bind him as apprentice to learn such trade or employment as will, in its judgment, be for his best advantage; and, under such rules as it may prescribe, when deemed best for such infant, it may parole or discharge him from the institution. All pupils in said school shall be clothed, instructed, and maintained by said board at the expense of the state. (1907)

See note under § 4056.

**4064. Commitment from federal courts—**Said board shall receive into its custody and guardianship, and keep until duly discharged, all infants within the prescribed ages committed to said training school by order of any court of the United States within the state for offences committed against the laws of the United States, and for the support of which infants the United States shall undertake to pay fifty cents each per day. (R. L. § 1908, amended '09 c. 122 § 1)

**4065. Agent to investigate homes, etc.—**Said board may appoint an agent, at a salary of not more than one hundred dollars per month and expenses, who, under regulations prescribed by it, shall investigate the homes of inmates previous to their parole, and have supervision over those out on parole and those apprenticed, and perform such other duties as it may require. He shall hold office during the pleasure of the board, devote his entire time to such work, occupy no other position, and receive no other compensation for his services. He may enter any dwelling house or other building whenever he has reasonable cause to believe that any ward of said school is detained or concealed therein, and take possession of such ward when found, and every person who shall wilfully resist, obstruct, or interfere with him in the discharge of his duties shall be guilty of a misdemeanor. (1909)

**4066. Interference with inmates—**Every person who shall abduct, conceal, entice, carry away, or improperly interfere with any inmate of said training school shall be guilty of a misdemeanor. (1910)

**4067. Transfer of inmates—**Said board may transfer to the state reformatory inmates whose presence is deemed detrimental to the interests of the school, and who are proper subjects for the discipline of the reformatory;

and it may transfer to the state public school any inmate whose interests, in its judgment, would be better subserved thereby. ('05 c. 233 § 8)

This section does not differ from R. L. § 1911.

**4068. Roads and streets**—No individual, copartnership, or corporation, public or private, shall lay out, construct, or open any road or street upon or through any grounds of said school without the consent of said board. (1912)

#### MINNESOTA HOME SCHOOL FOR GIRLS

**4069. School created—Commitment—Laws applicable**—There is hereby created and established a separate school for the care, training and education of girls, to be known as the "Minnesota Home School for Girls," and the provisions of chapter one hundred fifty-three (153) of the General Laws of Minnesota for the year 1895 and all acts amendatory thereof or supplementary thereto providing for the commitment of girls to the present state training school for boys and girls shall govern and regulate the commitment of girls to the school hereby established, and as soon as the school hereby established shall be ready for occupancy, of which notice shall be given by the board of control, all girls theretofore committed to and then in the state training school for boys and girls aforesaid, created and established shall be transferred by the board of control to the school hereby established; and thereafter all girls committed under chapter one hundred fifty-three aforesaid, and acts amendatory thereof and supplementary thereto, or which may hereafter be enacted as related to the subject matter thereof, shall be committed to the "Minnesota Home School for Girls" hereby created and established. ('07 c. 282 § 1, amended '11 c. 3 § 1)

**Historical**—1895 c. 153, and 1899 c. 156, amendatory thereof, were repealed by R. L. §§ 5541, 5543 [9451, 9453]; the provisions of the first act being incorporated in R. L. §§ 1905 to 1912 [4054-4068]. See note under § 4056.

**4070. Proposals for site**—As soon as practicable after the passage and approval of this act, the board of control of this state shall invite, in such form or manner as its members may deem best, proposals for a site for said state industrial school for girls hereby created and established, of not less than one hundred sixty acres, situated in any county of this state, and in selecting such site the said board of control shall consider, among other things, the altitude and healthfulness of the location, the character and quality of the soil, the facilities for drainage, the quality of the water supply, the market value of the site offered, and its convenience to railroad transportation. ('07 c. 282 § 2)

**4071. Site, how acquired**—When said board of control (or a majority of its members) has selected the site, in the way and manner provided in the preceding section hereof, said board of control shall, without unnecessary delay, proceed to acquire an unencumbered title in fee simple thereto in the name of this state, either by gift or by grant or purchase, and if by grant or purchase shall pay therefor such sum as said board of control shall deem to be the reasonable market value thereof; but if no site is proposed or offered which meets with the approval of the said board of control (or a majority of its members), or if such a site is offered and agreed upon, but said board of control is unable to purchase the same at what said board of control deems to be its reasonable market value, then the said board of control shall forthwith invite further and additional proposals and shall so continue until a site has been proposed and offered which meets with the approval of the said board of control (or a majority of its members), and which can be purchased at what said board of control deems to be its reasonable market value, or less. ('07 c. 282 § 3)

**4072. Cottage plan**—When a site for said state industrial school for girls has been acquired by the state, it shall be the duty of the board of control of this state, without unnecessary delay, to cause to be constructed thereon school buildings upon what is known to the public as the "cottage plan," in order that the inmates thereof may be properly classified and grouped, and their occupations and their training diversified. ('07 c. 282 § 4)

4073. **Powers of board**—The financial control and the general supervision of said state industrial school for girls hereby created and established, shall be and hereby is vested in the board of control of this state as now provided by law in respect to other state institutions; and said board of control is hereby vested with power and authority to appoint a superintendent and such other officers and employes as said board of control may deem necessary and proper for the due administration of the affairs of said school, and may prescribe their duties, and may fix their compensation; and said board of control is also hereby vested with power and authority to make and establish such rules and regulations for the government and management of said school, and for the education, employment and training, discipline and safe keeping of the inmates thereof as may be deemed by it to be expedient and proper; provided, that all the officers of said school shall be women. ('07 c. 282 § 5)

4074. **Advisory board**—It is hereby made the duty of the governor of Minnesota to appoint, as soon as may be after the passage of this act, and annually after August 1, 1907, an advisory board of five women, to be known and styled as the "Board of Women Visitors of the Minnesota Home School for Girls." ('07 c. 282 § 6, amended '11 c. 3 § 1)

4075. **Duty of advisory board**—It shall be the duty of said board of women visitors to advise with the said board of control with reference to the architecture and the arrangement of the buildings erected under the provisions of this act; to visit said school at or about the time the buildings therefor are completed and report to and advise with said board of control as to the style and character of the furnishings thereof, and the fixtures to be placed therein, and upon such other matters as the said board of control may deem necessary. ('07 c. 282 § 7)

4076. **Same—Inspection—Reports**—It is hereby made the duty of said board of visitors to visit said school at least twice in each year, at such times as the members of said board may deem best; to carefully inspect the buildings at each visit, and carefully examine into the condition thereof—sanitary and otherwise; to inquire into the treatment and the condition of the girls therein; and for this purpose, may examine any or either of said girls separate and apart from any of the officers of the said school; and as soon as may be, after each visit, to report, in writing, to the board of control, making in connection therewith such recommendations as to said board of visitors shall seem meet and proper, in order to promote and conserve the best interests of the said school and the inmates thereof. ('07 c. 282 § 8)

4077. **Compensation—Expenses**—The members of the said board of visitors shall serve without compensation, excepting that they shall receive and be paid their expenses necessarily incurred in the performance of their said duties, their said expenses to be audited by the said board of control and paid out of any appropriation made for such state institutions and debited to the account thereof. ('07 c. 282 § 9)

#### SCHOOL FOR FEEBLE-MINDED, ETC.

4078. **Location and management**—The school for the feeble-minded and colony for epileptics shall be maintained at Faribault, under the general management of the board of control. (1913)

4079. **Who may be admitted—Expenses**—All feeble-minded persons, resident of the state, who, in the opinion of the superintendent of said school are of suitable age and capacity to receive instruction in said school and whose defects prevent them from receiving proper training in the public schools, and all idiotic and epileptic persons resident of the state may be admitted to their respective departments under such conditions and regulations as said board shall prescribe. The person legally responsible for the support of any person so admitted, shall pay annually to the superintendent of said institution a sum not exceeding forty dollars, to be fixed by the board, but if the person so liable be unable to pay such sum, of which inability the certificate of the judge of probate of the county from which said person is admitted, shall be prima facie evidence, it is hereby made a charge upon the

county, and upon the presentation of a certificate of the superintendent of said institution certified to by the secretary of the board of control to the auditor of said county, that such indigent person is a regular and proper inmate of such institution and of the sum so fixed by the board as a condition of admission, said auditor shall immediately remit to the superintendent of said institution the sum so fixed, and a like amount annually thereafter, so long as such person remains an inmate of said institution; said superintendent shall transmit the funds so received to the state treasurer to be credited to the proper funds of said institution as required by law in the case of other current receipts, and said board shall have authority to reimburse pro rata the persons and counties so paying respectively from the general support fund of the institution in case of the death or removal of such person so admitted, before the termination of the annual period for which such payment is made. Any crippled or deformed child who is helpless and who cannot be benefited by treatment at the state hospital for crippled and deformed children, or any child who is physically helpless from any chronic disease of the nervous system or any child or adult suffering from such or other incurable chronic invalidism, may be admitted to said department for incurables in said institution in the discretion of and under such conditions as the board of control shall determine: Provided, however that this section shall not apply to those who are helpless from insanity or senile dementia, or whose presence shall, in the opinion of the superintendent of said institution be incompatible with the general purposes of the institution, as specified above. The sum to be paid annually for each of such persons shall be \$150 instead of \$40 as hereinbefore specified to be paid in other cases, which amount shall be paid in the manner in this section hereinbefore prescribed. (R. L. § 1914, amended '09 c. 80 § 1)

**4080. Courses of instruction for teachers**—That the state board of control may establish and maintain at the school for feeble-minded and colony for epileptics at Faribault, Minnesota, courses of instruction for teachers and others interested in the care and training of mentally retarded or defective children, and make all necessary rules and regulations for the organization and conduct of such courses. ('13 c. 261 § 1)

**4081. Same—Fees and expenses**—The state board of control shall charge and collect from each person taking any such courses of instruction an amount for board and tuition not exceeding ten (10) dollars per week, and the moneys so collected shall be turned into the state treasury as are other miscellaneous receipts from said institution. The expenses incident to the conduct of such courses of instruction and for the board of those taking the same shall be paid as are the other expenses for maintaining the said school for feeble-minded and colony of epileptics. The courses of instruction herein referred to shall, within the limitation of charges as stated, be made as near self-sustaining as possible. ('13 c. 261 § 2)

#### HOSPITALS AND ASYLUMS FOR THE INSANE

**4082. Location and confirmation**—The state hospitals for the insane at St. Peter, Rochester, and Fergus Falls, and the state asylums for the insane at Anoka and Hastings, shall be maintained, under the general management of the board of control, and all conveyances and transfers of land, buildings, property, and funds heretofore made for any of them, are hereby confirmed. The chief executive officer of each shall be known as the superintendent. The superintendent and corps of physicians at the Fergus Falls hospital shall continue to be of the school of homeopathy. (1915)

See 1907 c. 144.

**4083. Detention hospitals**—Said board shall establish, erect, equip and maintain in connection with the said state hospitals three detention hospitals, to be known as first, second and third state detention hospitals, which shall be under the supervision respectively of the superintendent of the state hospital for the insane, at which it is located. Said board shall determine to what detention hospital patients shall be committed from each county and notify the probate judge thereof and of changes made from time to time.



Each person found to be insane, except those criminally insane, shall be committed to the proper detention hospital, there to be kept and treated until the superintendent shall determine and certify either that he is not insane or that he is a fit subject for a state hospital for the insane. If he is found to be sane he shall be discharged, as provided by law in other cases. If, after a reasonable time, the superintendent deems him a fit subject for a state hospital or asylum, and so certifies to the board, it shall transfer him to a hospital or asylum, to be detained and treated as provided by law. (R. L. § 1916, amended '07 c. 48; '09 c. 224 § 1)

1909 c. 224 § 9 repeals inconsistent acts, etc.

**4084. Same—Commitments, when to be made—**Whenever one or more of the detention hospitals herein provided for is complete and ready for occupancy, all commitments from the district in which such completed detention hospital or hospitals is situated, as established by the state board of control under section 1916, Revised Laws 1905 [4083], shall be made, thereto. ('07 c. 48, amended '09 c. 224 § 2)

**4085. Same—Patients, how admitted—Discharge, etc.—**Any person believing himself to be afflicted with mental disease and desiring to receive treatment therefor at a detention hospital may voluntarily place himself therein. Before being admitted thereto he shall make and sign such written application as may be provided by the board of control for such admission, and when such application has been so signed, in presence of two witnesses not officers or employes of the detention hospital, and delivered to the superintendent thereof, such applicant may be received into the hospital for treatment. The superintendent is hereby authorized and empowered to continue such detention in the same manner as the custody of inmates of state hospitals for the insane is now maintained as provided by law, when in his judgment the condition of the patient is such that his own safety or that of the public, or both, requires such detention. Should such patient demand of the superintendent his release from the detention hospital and should such release be deemed unsafe, the superintendent shall within three days call in the state hospital commission herein provided for, which commission shall at once take charge of the case and determine, as hereinafter provided, whether such patient is insane. If adjudged insane, he shall be committed to the hospital for the insane. If found to be sane, he shall be required to leave the hospital. ('07 c. 48, amended '09 c. 224 § 3)

**4086. Same—Application by relative of insane person—Duties of judge of probate—**Any husband, wife, parent, son, daughter or guardian, believing their wife, husband, father, son, daughter, mother, brother, sister, or ward, to be afflicted with mental disease for which such person should be treated at a detention hospital, may apply to the judge of probate of the county in which such proposed patient is a resident for the appointment of a board of three physicians, one of whom shall be the family physician, if there be such. The judge of probate of such county shall immediately appoint such board which shall determine whether the proposed patient is, in fact, mentally disturbed and in need of treatment at such detention hospital, and if a majority of such board so determine, the proposed patient may be placed in such detention hospital by such relative, who shall sign the necessary application therefor, in the same manner and under the same restrictions and provisions as to detention, commitment to a hospital for the insane, or release, as provided in section 3 [4085] hereof for voluntary commitments. ('07 c. 48, amended '09 c. 224 § 4)

**4087. Same—Information filed with judge—Board of examiners—**When information is filed with any judge of probate that a resident of his county is in need of treatment at such detention hospital, he shall make proper investigation, and if the investigation so made substantiates the information filed, he shall at once appoint a board, as provided in section 4 [4086] hereof, which shall proceed in the same manner and under the same restrictions as provided therein to determine whether the proposed patient is in need of such treatment, and if it shall so determine, such patient shall be placed in such detention hospital under the same restrictions as to detention, commitment

to the hospital for the insane, or release, as provided in section 3 [4085] hereof for voluntary commitments. The members of the board provided for in section 4 [4086] and 5 [4087] hereof shall be paid the same amounts for services and travel as now provided by law for like service and in the same manner. ('07 c. 48, amended '09 c. 224 § 5)

**4088. Same—Discharge from hospital—**When in the judgment of the superintendent of said detention hospital any person or persons placed therein, either voluntarily or otherwise, have recovered, they shall be required to leave the institution. When the superintendent is of the opinion that any such person is, in fact, insane, and that longer treatment in the detention hospital will be of no benefit, he shall report such case or cases to the state hospital commission herein provided for, which shall at once proceed to determine whether such patient is insane. If adjudged insane, he shall be committed as provided in section 3 [4085] hereof. If adjudged sane, he shall be required to leave the institution. ('07 c. 48, amended '09 c. 224 § 6)

**4089. State hospital commission—**There is hereby created at each city or village where a state hospital for the insane is located a commission, to be known as the state hospital commission. It shall be composed of three reputable persons, at least one of whom shall be a duly qualified physician. Said commission shall be appointed by the judge or judges of the district court of the county in which such detention hospital is situated, and shall hold office for two years or until their successors have been appointed and qualified by taking the oath of office prescribed by law, which oath shall be in writing and filed with the judge of probate of the county in which the institution is located. Said commission shall have power to examine such alleged insane person and determine as to his sanity. Such examination, determination, and commitment, shall be made as now provided by law. When a person has been so committed, all subsequent proceedings relating to his detention, discharge from the hospital, and restoration to capacity, shall be governed by existing laws. ('07 c. 48, amended '09 c. 224 § 7)

**4090. Same—Times of meeting—**The said state hospital commission shall meet at the detention hospital as often as may be requested by the superintendent thereof, but not oftener than twice each month except in cases requiring immediate action as herein provided. Its members shall receive compensation as provided by section 3862, Revised Laws of 1905 [7479], but in any case not to exceed ten dollars per day for such service. ('07 c. 48, amended '09 c. 224 § 8)

**4091. Transfers between Anoka and Hastings asylums—Men and women—**That any building heretofore or hereafter erected for the housing of inmates at the Hastings and Anoka asylums for the insane may be used for the housing of men or women, as the board of control may deem advisable, and the said board is hereby authorized to transfer inmates from either one to the other of said asylums whenever in its judgment the interests of the state require such transfer. ('09 c. 63 § 1)

**4092. Death, illness, etc.—Notice—**Each superintendent shall give to the next of kin of any inmate immediate notice of his death, serious illness, or special change in his condition, and shall promptly and fully answer all letters of inquiry from relatives. Immediately after the death of a patient therein, he shall furnish for registration, to the proper clerk or health officer, and to the probate judge of the county from which he was committed, a certificate of the name of the patient, his age, the duration of his last sickness, and the cause and date of his death. The expenses of all coroners' inquests upon persons dying in such institution shall be paid from the appropriation for its current expenses. (1917)

**4093. Inmates may select correspondents, etc.—**Any inmate of such hospital or asylum may select a correspondent outside the institution, with whom he may freely correspond without censorship, and may change the same once in each quarter. He may also in the same manner correspond with the governor and the board of control. The superintendent shall register the name and postoffice address of every such correspondent, a copy of which register shall be posted in some public place in the institution. Within three days

after such selection by an inmate, the superintendent shall notify the correspondent thereof, and, in case of his refusal to act, shall notify the inmate, who may select another. Each correspondent shall indorse his name and address upon all envelopes sent to such inmate. (1918)

**4094. Duties of superintendent**—Such inmate shall be furnished with necessary paper and stamped envelopes for such correspondence, and with a postal card addressed to himself, having a form of receipt for the letter on the reverse side, to be enclosed therein. Such letter and postal card, when enveloped, sealed, directed, and delivered to the superintendent or an assistant physician, shall be mailed forthwith, without being opened or read. Every letter received from such correspondent, governor, or board shall be delivered to the inmate unopened, unless there appear to be good reasons to the contrary, in which case the superintendent shall communicate such reasons to the writer. The facts in reference to such correspondence shall be at once entered in the register. A copy of this section and §§ 4092, 4093, printed in pica type, shall be framed and posted in each ward of such institutions, and every violation of or non-compliance with their provisions shall be a misdemeanor. (1919)

**4095. Notice of escape**—Whenever a state prison or reformatory convict who has been committed to a hospital or asylum for the insane escapes therefrom or dies therein, the superintendent shall immediately notify the chief executive officer of such prison or reformatory of such fact. (1920)

**4096. Incurable insane**—Whenever the superintendent shall report to the board of control that any insane person in such institution or under his charge is incurable or not likely to be further benefited by treatment, that he may be safely cared for in a private family, and that his own family are not able to support him, said board may authorize the superintendent to procure board for him in a suitable private family, at an expense not exceeding three dollars per week, to be paid from the current expense fund of the institution. Such superintendent, or an assistant physician or other person delegated by the superintendent, shall visit him as often as once in three months, and may at any time direct his return to the institution. (1921)

**4097. Parole of inmates**—The superintendent, whenever he deems it advisable that a patient should return home or remain away from the institution on trial, may allow him to be absent on parol for a period not exceeding six months. The order of commitment shall remain in force until he is legally discharged, and he may be recalled at any time. (1922)

**4098. Discharge of patients**—Such superintendent may discharge any patient certified by him to be recovered, unless charged with or convicted of some criminal offence. In all other cases, patients shall be discharged only by the board of control. Whenever the superintendent recommends the discharge of a patient, improved or unimproved, he shall state his reasons therefor. (1923)

Discharge of person tried for crime and committed on ground of insanity at time of commission of crime (116-62, 133+82, 36 L. R. A. [N. S.] 578, Ann. Cas. 1913A, 1257).

**4099. Feeble-minded children**—The superintendent of every such institution, with the approval of said board, shall from time to time select from the patients therein such idiotic and feeble-minded children or youths as, in his opinion, are proper subjects for training and instruction, and transfer them, or as many thereof as can be received, to the school for the feeble-minded. (1924)

**4100. Clothing and money**—Every inmate of any state hospital or asylum for the insane shall be furnished with suitable clothing at the expense of the state, and, when discharged, if necessary, with sufficient money to defray his expenses home or to his friends, all of which shall be paid out of the current expense fund of the institution. (1925)

**4101. Annual report**—On or before September 1 in each year, the superintendent of each of such institutions shall report to the board of control the number of insane therein on July 31 preceding, giving the numbers of male and female and of the idiotic and epileptic separately, and a statistical exhibit

of the admissions, discharges, and deaths, with causes of death, and such other facts and information as said board may require. Neglect to so report shall be a misdemeanor. (1926)

**4102. Asylum for dangerous insane**—The state board of control is hereby authorized and directed to erect, equip and maintain, in connection with a state hospital at St. Peter, a suitable building, to be known as the state asylum for the dangerous insane, for the purpose of holding in custody and caring for such insane persons, idiots, imbeciles and epileptics as may be committed thereto by courts of criminal jurisdiction, or otherwise, or transferred thereto by said board, and for such persons as may be declared insane while confined in any penal institution, or who may be found to be mentally infirm and dangerous, and it shall supervise and manage the same as in the case of other state hospitals or asylums. ('07 c. 338 § 1)

Section 9 repeals inconsistent acts, etc.

**4103. Same—Commitment—Proceedings—Restoration of sanity**—Whenever any person confined in the state prison or the state reformatory is alleged to be insane, the warden or other person in charge shall forthwith notify the state board of control, which shall cause the prisoner to be examined by the probate court of the county where he is confined, as in the case of other insane persons. In case he is found to be insane, he shall be transferred by the order of the court to the state asylum for the dangerous insane or to a state hospital for the insane in the discretion of the court, there to be kept and maintained as in the case of other insane persons. If, in the judgment of the superintendent, his sanity is restored before the period of his commitment to the penal institution has expired, he shall be removed by the state board of control, upon the certificate of the superintendent, to the institution whence he came, and there complete the period of his sentence. ('07 c. 338 § 2, amended '13 c. 540 § 1)

**4104. Same—Allowances**—Whenever any convict is discharged from the asylum for the dangerous insane, he shall receive the same allowances in money, clothing and otherwise which he would have received had he remained at the institution from which he was received, and the expenditures in his behalf shall be made out of the same fund. While he is at said asylum, he shall be clothed and supported as are other insane patients. ('07 c. 338 § 3)

**4105. Same—Transfer proceedings**—Whenever any criminal shall be transferred to said asylum, the original warrant of his commitment to the penal institution shall be sent with him and returned to the penal institution upon his return or discharge. A certified copy thereof shall be preserved at the penal institution. ('07 c. 338 § 4)

**4106. Same—Terms of sentence**—A prisoner who is removed or returned under this act shall be held in the place to which he is so removed or returned in accordance with the terms of his original sentence, unless sooner discharged, and the period for which he is removed shall be counted as a part of the term of the confinement. ('07 c. 338 § 5)

**4107. Same—Commitment before conviction**—Whenever any person under indictment or information and before trial thereon, shall be found to be insane, an idiot, or an imbecile and to have homicidal tendencies; or whenever, during the trial of any person, on an indictment or information, such person shall be found to be insane, an idiot, or an imbecile and to have homicidal tendencies, the court in which such indictment or information is filed shall forthwith commit such person to said asylum for the dangerous insane for safekeeping and treatment, and such person shall be received and cared for thereat until he shall recover, when he shall be returned to the court from which he was received, there to be dealt with according to law. ('07 c. 338 § 6)

**4108. Same—Transfer from other asylum, etc.**—Whenever any inmate of a state hospital or asylum for the insane or the school for feeble-minded and colony for epileptics, is found by the state board of control to have homicidal tendencies, or to be under sentence or indictment or information, he shall

be transferred by the board to said asylum for the dangerous insane for safe-keeping and treatment. ('07 c. 338 § 7)

4109. **Correspondence without censorship**—Any inmate may correspond freely without censorship with the governor and with the state board of control or any member thereof. ('07 c. 338 § 8)

#### HOSPITAL FOR INEBRIATES

4110. **Hospital created**—There is hereby created and established a hospital farm for inebriates, and for that purpose the state board of control is hereby directed to select and acquire by purchase or otherwise a suitable tract of land not to exceed six hundred and forty acres, upon which shall be erected suitable buildings for said hospital, and to properly equip the same, and to appoint a superintendent who shall be a duly licensed physician, and to fix the compensation for his services. ('07 c. 288 § 1)

1907 c. 288 is constitutional (105-170, 117+393, 17 L. R. A. [N. S.] 984, 15 Ann. Cas. 961).

4111. **Inebriate defined**—The term "inebriate," as used in this chapter, includes every species of chronic inebriety, whether caused by the excessive use of intoxicating liquors, morphine, opium, cocaine, chloral, or other narcotics. ('07 c. 288 § 2)

105-170, 117+393, 17 L. R. A. (N. S.) 984, 15 Ann. Cas. 961.

4112. **Proclamation**—Upon the completion and equipment of said buildings and the appointment of the superintendent, the state board of control shall report such facts to the governor, stating the class of patients the institution is prepared to receive: when the governor shall forthwith issue a proclamation giving public notice that the said hospital for inebriates is prepared to receive such class of patients. A copy of said proclamation shall be forwarded by mail to each of the judges of the probate courts of this state. ('07 c. 288 § 3, amended '11 c. 17 § 1)

4113. **Examination as to inebriety by probate court—Petition—Warrant—Guardian**—Upon filing in the probate court a verified petition setting forth that a person in the county is an inebriate and in need of care and treatment, or that it is dangerous for said person to remain at large, and also stating therein the relationship of the petitioner, if any, to the alleged inebriate, and the evidence of his inebriety or lack of capacity to control his appetite for alcoholic beverages or the drugs enumerated, and praying that the court will make due inquiry into the matter, the court shall direct that such alleged inebriate person be brought before it, and when from the evidence in the petition it appears necessary, the court may issue a warrant, under its seal, directed to the sheriff or any constable in the county, or to any other person named therein, requiring him forthwith to bring such person before the court for examination as to his inebriety; provided, that whenever, after the passage of this act, any person shall have been within three years three times convicted of drunkenness in a court of competent jurisdiction, the justice of the peace holding such court, or the clerk of such court, if there be a clerk, shall file in the probate court of the county a certificate showing the dates of such convictions; and thereupon the probate court shall proceed to make inquiry and deal with said person as provided in this act, without the filing of a verified petition. The inability of any person to control his appetite for intoxicating liquor shall be a ground for the appointment of guardians of his person, and such guardians may be the superintendent of the hospital farm for inebriates and the state board of control. ('07 c. 288 § 4, amended '11 c. 17 § 1)

Cited (105-170, 117+393, 17 L. R. A. [N. S.] 984, 15 Ann. Cas. 961).

4114. **Board of examiners**—When such alleged inebriate person has been produced in court, the court shall make an order directed to two reputable persons, at least one of whom shall be a duly qualified physician, and such persons, with the judge of probate, shall constitute a board to examine such alleged inebriate person, and determine as to his inebriety. ('07 c. 288 § 5)

Cited (105-170, 117+393, 17 L. R. A. [N. S.] 984, 15 Ann. Cas. 961).

4115. **Examination—Report**—The board shall hear all proper testimony offered by any person interested, and the court may cause witnesses to be

subpœnaed. When the examination is completed, said board shall determine whether or not the person be an inebriate, and file in court a report of their proceedings, including said findings. ('07 c. 288 § 6)

Cited (105-170, 117-393, 17 L. R. A. [N. S.] 984, 15 Ann. Cas. 961).

**4116. Qualifications of examiners—Physician—**It shall not be unlawful [lawful] for any physician to certify to the inebriety of any person for the purpose of securing his commitment to custody unless such physician is of reputable character, a graduate of some incorporated medical college, a permanent resident of the state, and shall have been in the actual practice of his profession for at least one year next preceding the making of such certificate, and shall at the time of making the same be registered as licensed by the state board of medical examiners. The possession of such qualifications shall be certified to by the judge of probate of the county in which such examiner resides and such certificates shall constitute said physician an examiner in inebriety for the purpose of this chapter. A copy of said certificate shall be filed in the office of the judge of probate of the county in which such physician resides. No examiner in inebriety shall certify to the inebriety of any person for the purpose of committing him to a hospital or institution devoted to the custody, care and treatment of inebriates, of which said examiner is either the superintendent or proprietor, an officer or regular medical attendant, or when said examiner is a near relative of the alleged inebriate person. ('07 c. 288 § 7)

**4117. False representation or certificate—**Whosoever for any corrupt consideration or advantage, or through malice, shall make, or join in, or advise the making of any certificate aforesaid, or shall knowingly or willfully make any false representations for the purpose of causing any such certificate to be made shall be deemed guilty of a felony. ('07 c. 288 § 8)

**4118. Commitment—Appeal—Term—Voluntary commitment—**If it shall be determined by the said judge of probate and commission that such person is an inebriate, such person shall be committed to said hospital farm for inebriates. Such person shall, however, have the right to appeal from the decision of the probate court to the district court of the proper county, and on such appeal all questions involved in such examination shall be tried by jury de novo. The term of detention and treatment shall be for an indeterminate period, provided, that no one shall be confined in this institution more than two years without being released on parole. Any person may be admitted to the inebriate hospital farm as a patient upon his own application to the probate court, provided, that he signs a voluntary commitment and pays such sum for maintenance as may be fixed by the board of control. ('07 c. 288 § 9)

**4119. Patients, how paroled—Recommitment—**If, after not less than sixty days of treatment and detention, a patient shall appear to be a suitable case for parole, the physician in charge may recommend such parole to the state board of control and the board may parole said patient, provided, that said patient shall pledge himself or herself to refrain from the use of intoxicating liquors as a beverage and the habitual use of such drugs or other narcotics as above stated, and shall report in writing once each month to the probate judge of the county in which said patient shall have his or her residence, and furnish to said probate judge satisfactory evidence of said patient's sobriety and good habits, a certified copy of such report to be forwarded by said probate judge to the superintendent of said hospital. If at any time the patient on parole for any reason fails to make the above report, or upon satisfactory evidence that such patient has violated the conditions of his parole, the judge of probate may direct the sheriff of the county, without further writ or warrant, to return said patient to the said hospital farm for inebriates. ('07 c. 288 § 10)

**4120. Notice of discharge—**Whenever any person committed to a hospital for inebriates shall be discharged the superintendent, upon the day of such discharge, shall mail to the probate judge of the county from which such person was committed a certificate stating the fact of such discharge and the

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

**4121. Fees, how paid**—To the examiners in inebriety for every examination, five dollars each, and for every mile traveled by each of them in making such examination, 15 cents, to the person authorized to convey an inebriate person to a hospital for inebriates, or to the place of his legal residence, three dollars per day for the time necessarily employed and all necessary disbursements for travel, and for the support of himself, the inebriate person and authorized assistants. Such amounts to be audited by the judge of probate or court commissioner, and judgment entered of record thereof, to be paid out of the county treasury upon the written order of the judge of probate or court commissioner under seal of the court; and upon the payment thereof said judgment shall be satisfied of record by the judge of probate or court commissioner; provided, that the said written order shall be filed with the county auditor, who shall issue his warrant upon the county treasurer in payment of said sums. Provided, that in counties the sheriffs of which are paid by salary, such sheriff shall convey said inebriate person to the hospital for inebriety, or to his place of legal residence, and shall receive therefor the compensation now allowed said sheriff by law. ('07 c. 288 § 12)

**4122. Resident of another county**—Whenever the alleged inebriate person is found to have his residence in some other county, he may nevertheless be examined, and, if found inebriate, committed to a hospital for inebriates. The necessary costs and expenses of such examination and commitment shall be certified by such court, to the auditor of the county found to be his legal residence, and shall be paid as other claims against such county. ('07 c. 288 § 13)

**4123. Proceedings when residence is questioned**—Whenever the auditor of the county to which costs and expenses have been certified denies that such person has a legal residence in his county, he shall send such certificate, with a statement of his claim in reference thereto, to the state board of control, who shall immediately investigate and determine the question of residence, and certify its findings to the auditor of each of said counties. Such decision shall be final unless an appeal is taken therefrom within ten days after its filing. Such appeal may be to the district court of the county from which such person was committed. ('07 c. 288 § 14)

**4124. Relatives may take charge—Bond**—Upon request of the relatives or friends of any person alleged or found to be an inebriate, or who has been committed to a hospital for inebriates, they may be permitted to take charge of said person; but in such case the probate judge, or, if said person has been committed to the hospital, the superintendent thereof, may require a bond from such relatives or friends, running to the state, to be approved by such judge or superintendent, as the case may be, conditioned for the care and safekeeping of such person. ('07 c. 288 § 15)

**4125. Court commissioner**—Whenever from any cause the probate judge is unable to act upon any petition for inquiry as to inebriety, the court commissioner shall perform all his duties in such cases. ('07 c. 288 § 16)

**4126. Forms of blanks**—For the purpose of securing uniformity in the practice of the commitment of the inebriate the board of control is hereby authorized and empowered to prescribe forms of blanks which shall be used, and the information to be contained therein. ('07 c. 288 § 17)

**4127. Powers of board of control**—The board of control shall have the supervision and control of said hospital farm and may provide employment for patients committed thereto, at such occupation as provided by the rules and regulations adopted by said board of control. ('07 c. 288 § 18)

**4128. Tax on license fees—Inebriate fund—Certificates of indebtedness**—For the building and maintenance of said hospital a tax of 2 per cent. is hereby levied upon all license fees for the sale of intoxicating liquors under the laws of this state, and whenever a license is granted, by any city, village, county or municipality, for the sale of intoxicating liquors, 2 per cent. of the amount charged for such license shall be set aside by such city, village, county or municipality issuing such liquor license for the payment of

the tax specified in this section, and shall be immediately remitted by draft to the state treasurer, who shall credit the same to a fund known as the inebriate fund. The costs and expenses of the maintenance of said hospital shall be paid from the inebriate fund, if sufficient, and any deficit shall be paid from the appropriations made by the legislature of this state. Any moneys now or hereafter in the said inebriate fund are hereby appropriated for the erection and equipment of buildings and other necessary improvements and for the payment of the current expenses of said hospital farm for inebriates, and, pending the collection of said moneys as herein provided, the said state board of control is hereby authorized and empowered, if said state board of control deems it necessary or desirable so to do, to issue and sell, as funds are needed for construction purposes, certificates of indebtedness, to be known and classed as Minnesota inebriate hospital certificates of indebtedness, at not less than par value thereof, earning interest after the issuance and sale thereof, payable annually, at a rate not greater than 5 per cent. per annum, in such form and upon such terms and conditions as the said state board of control may determine, in an aggregate amount not exceeding one hundred thousand (100,000) dollars, provided that said certificates shall be issued in denominations of not less than five hundred (500) dollars, and provided that the first right of investment therein is reserved to the state, and provided that such of said certificates as are not purchased by the state shall, in such way and manner as the said state board of control may deem best, be offered to the general public for investment. ('07 c. 288 § 19, amended '11 c. 17 § 1)

**4129. Recovery by board**—If any city, village, county or other municipality shall fail or neglect to comply with the provisions of the last section, the board of control is hereby authorized to recover said taxes in a civil action, brought in the name of said board against such city, village, county or other municipality making default in the payment of said tax. ('07 c. 288 § 20)

Cited (105-170, 117+393, 17 L. R. A. [N. S.] 984, 15 Ann. Cas. 961).

**4130. Examination by probate judge—Duties of judge and county attorney**—The probate judge or court shall notify the state board of control in all cases when an alleged inebriate is brought before it for examination, and no person shall be committed to said hospital until notice is received by the court from said state board of control that there is room in said hospital to receive him. Whenever a probate judge or court commissioner orders an examination of any inebriate, he shall notify the county attorney, who shall appear and take such action as may be necessary to protect the rights of such inebriate, if he has no counsel, and the interests of the county, and upon the request of the county attorneys the judge of probate or court commissioner shall issue subpoenas for witnesses. ('07 c. 288 § 21, amended '11 c. 17 § 1)

### SANATORIUM FOR CONSUMPTIVES

**4131. Advisory commission**—The advisory commission of the state sanatorium for consumptives shall consist of five licensed physicians, appointed by the governor, and shall at all times include at least one homeopathic physician. Each shall hold office for five years, and until his successor qualifies. Every vacancy shall be filled by like appointment for the unexpired term. For cause, the governor may remove any commissioner. No member shall receive any compensation for his services as such, but each shall be allowed necessary expenses, incurred in the performance of his duties, payable by the state. (1927)

**4132. Buildings—Superintendent**—From the moneys appropriated for the purpose, the board of control shall erect and equip buildings, suitable for the care of consumptives, upon the site heretofore acquired therefor. All plans for buildings must be approved by the advisory commission. The board shall appoint a licensed physician to be superintendent of the sanatorium. Subject to the authority and approval of the board, he shall have entire charge of the administration thereof, appoint all employees and fix their compensation, pass upon the admission and discharge of patients and supervise



their treatment, and keep such books and records as the board may require. (1928)

**4133. Admission—Examination—Expenses, how paid—**Only persons who have resided in the state throughout the year preceding application and who are afflicted with incipient pulmonary tuberculosis shall be received into the sanatorium. Persons desiring admission shall apply to the superintendent, and all applications shall be numbered in the order of receipt. When a vacancy exists the superintendent shall give to the person whose name is first upon the list an order for examination directed to any examining physician. The advisory commission shall appoint such physicians, not exceeding three for each county, whose fee for examination shall be three dollars, payable out of funds appropriated for the sanatorium. The examiner shall determine whether the applicant is afflicted as aforesaid and report his conclusion to the superintendent. The board shall fix the amounts to be charged for maintenance and treatment. A person unable to pay such charges and without kindred legally liable therefor and able to pay may be admitted on request of his county board, and the charges shall be paid by the county. (R. L. § 1929, amended '07 c. 135 § 1)

**4134. Appropriation—**So much of the sum of twenty-five thousand dollars, appropriated by Laws 1903 c. 316, as is unexpended when the Revised Laws take effect, is hereby appropriated for the erection and equipment of said buildings. (1930)

#### HOSPITAL FOR INDIGENT, CRIPPLED AND DEFORMED CHILDREN

**4135. Establishment and location—**That there is hereby established a state hospital for indigent, crippled and deformed children of the state of Minnesota, which shall be known as the "State Hospital for Indigent, Crippled and Deformed Children," and such hospital is hereby located upon the following described lands in the city of St. Paul, county of Ramsey and state of Minnesota, to-wit: \* \* \* ('07 c. 81 § 2)

The preamble of the act recites the donation of certain lands, etc. By section 1 the donation is accepted. Section 2 contains a description of the lands, following that part of the section above set forth.

See 1905 cc. 78, 203; 1909 c. 37.

**4136. Control and management—Who may be admitted—**Said hospital shall be under the control and management of the state board of control, and said board of control is hereby authorized and empowered to make provision for the care and treatment in such hospital of indigent children who may have resided within the state of Minnesota for not less than one year, who are crippled or deformed, or are suffering from disease through which they are likely to become crippled or deformed, and such board is authorized and empowered to make the necessary contracts for the maintenance and care of such children in said hospital. ('07 c. 81 § 3)

**4137. Rules and regulations—**The said state board of control shall adopt such rules and regulations as said board may deem proper and necessary for the admission, discharge, care, treatment and education of such children. ('07 c. 81 § 4)

**4138. Sanitarium and school—**That the sum of fifty-five thousand (55,000) dollars or so much thereof as may be necessary, be and the same is hereby appropriated out of the moneys in the state treasury not otherwise appropriated, for the purpose of constructing and equipping upon the following described land in the city of St. Paul, in Ramsey county, Minnesota, to-wit: All of the northeast quarter (NE $\frac{1}{4}$ ) of the southwest quarter (SW $\frac{1}{4}$ ) of section twenty-one (21), township twenty-nine (29), range twenty-two (22), reserving therefrom seventeen (17) acres of land taken under condemnation proceedings by the city of St. Paul for Phalen park, a building or buildings to be used pursuant to the provisions of chapter 81 of the General Laws of the state of Minnesota for the year 1907 [4135-4137], for a fresh air sanitarium and educational and industrial school building for the indigent, crippled and deformed children of the state of Minnesota, and to care for and

educate such other indigent crippled persons as are unable to support themselves, and may be admitted to such institution by the board of control of the state of Minnesota. ('09 c. 130 § 1)

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## CHAPTER 25A

### BOARD OF VISITORS FOR STATE INSTITUTIONS

**4139. How constituted—Appointment—Terms—Expenses—Annual appropriation, etc.**—The governor with the advice and consent of the senate, shall appoint six persons, not more than three of whom shall be from the same political party, who shall serve, two for two years, two for four years, and two for six years, as indicated by the governor upon their appointment, and at the expiration of each term the successor shall be appointed in like manner for a term of six years. The governor shall be ex officio a member of this board. These persons shall constitute the state board of visitors for public institutions in the state of Minnesota, and they shall serve without compensation, their traveling expenses alone being paid by the state. They shall appoint such clerical help as they deem necessary, and a room shall be provided for their meetings in the state house; and there is hereby appropriated from any funds in the state treasury, not otherwise appropriated, the sum of one thousand dollars, per annum from July 31st, 1907, or so much thereof as may be necessary for the expenses of the board. All accounts and expenditures shall be certified as may be provided by the board, and shall be paid by the state treasurer upon an order from the state auditor. ('07 c. 441 § 1)

**4140. Meetings—Powers and duties—Regular meetings** of the said board shall be held quarterly or oftener, if required. The board shall make such rules and regulations for the transaction of business as they may deem necessary. They shall study the whole subject of the care and management of charitable and correctional institutions, and they shall visit those within the bounds of the state, whether state, county or municipal, and the officer in charge of said institution shall furnish to said board, upon its request, such information as it may require. The governor may at any time in his discretion order an investigation by the said board of visitors or by a committee therefrom of any penal or charitable institution in the state, and said board shall have power to send for persons and papers, and to administer oaths and affirmations, and the report of such investigation with the testimony shall be submitted to the governor, and by him transmitted with his recommendations to the legislature. ('07 c. 441 § 2)

**4141. Biennial report**—The state board of visitors shall make a full report to the legislature every two years of its transactions, and one thousand copies of said report shall be printed. ('07 c. 441 § 3)

**4142. Disqualifications of members, etc.**—No member of the board of visitors, or employé, shall be an employé of, or interested directly or indirectly in any contract for the building or maintenance of any institution which the board is authorized to visit. ('07 c. 441 § 4)

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## CHAPTER 26

### SCHOOLS FOR THE DEAF AND THE BLIND

**4143. Location—Organization**—The Minnesota schools for the deaf and the blind shall be continued at Faribault. They shall be maintained as the school for the deaf and the school for the blind, and shall be grouped and classed with the educational institutions of the state. (1931)

**4144. Directors—Officers—Meetings**—The board, consisting of the governor and state superintendent ex officio, and five directors appointed by the governor for a term of five years and until their successors qualify, and