

# MASON'S MINNESOTA STATUTES

1927

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## CHAPTER 25

BOARD OF CONTROL AND CHARITIES UNDER  
ITS EXCLUSIVE MANAGEMENT

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Certain powers, etc., of State Board of Control transferred to Commission of Administration and Finance. See § 53-90.

THE BOARD.

Department of Public Institutions under control of state board of control, see § 53-39.

4398. Membership of Board of Control—The State Board of Control, shall consist of four members at least one of whom shall be a woman, appointed by the Governor, with the consent of the Senate, each for the term of six years and until their successors qualify. Provided, however, that when the term of one of the members expires on Dec. 31, 1924, that no appointment shall be made and the board shall thereafter consist of three members only. Not more than two (2) Commissioners shall belong to the same political party. 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. (R. L. '05 § 1858; G. S. '13 § 4001, amended '21 c. 381 § 1; '23 c. 275 § 1) Title of 1901 c. 122, establishing board, held sufficient (85-165, 88+533).

4399. 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) [4002]

4400. 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) [4003]

4401. Institutions under exclusive control of State board of 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 hospital asylums for the insane, the state school for the blind, the state school for the deaf, the state public school for dependent children, the state hospital for indigent, crippled and deformed children, the state hospital for inebriates and except as otherwise provided by law, the state sanatorium for consumptives, the home school for girls and

1308Eseq.  
20 — 159  
29 — 221  
4308Eseq.  
31 — 84  
31 — 115  
4398  
33 — 126  
33 — 162  
4398  
34 — 1  
34 — 20  
34 — 87  
See 63  
See 6537

the state reformatory for women. All expenditures for or on account of said institutions shall be made out of the funds appropriated or provided for each respectively. (R. L. '05 § 1861; G. S. '13 § 4004, amended '17 c. 343 § 1)

**4402. 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) [4005]

Repealed in part.

The powers of the State Board of Control as to construction of buildings has been transferred to the Commission of Administration and Finance. See supra, § 53-9. The operation of this section is also limited by the amendments to the preceding section, by Laws 1917, c. 343, § 1.

As to management and control of state university and state normal schools see supra, §§ 3110 to 3154.

**4403. Powers of institution boards**—The official boards in charge of the respective institutions named in § 4402 shall control their general educational 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) [4006]

The operation of this section is limited by § 4401, as amended, supra, and by § 53-9, supra. See, also, note to § 4402, supra.

**4404. 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) [4007]

Certain purchasing powers are transferred to the Commission of Administration and Finance by § 53-9.

**4405. 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) [4008]

**4406. 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) [4009]

**4407. 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) [4010]

**4408. 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) [4011]

**4409. 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) [4012]

**4410. 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 expenditures 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) [4013]

**4411. 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) [4014]

**4412. 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) [4015]

**4413. 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) [4016]

4414. 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) [4017]

4415. 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) [4018]

4416. 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) [4019]

4417. 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 evi-

dence 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) [4020]

Power of city council to punish for contempt. 131-120. 154+752.

4418. 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) [4021]

4419. Supervision over paroled patients from certain institutions—State agents—Patients paroled to United States Veterans Bureau Neuro-physchiatric hospital—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. The duty of the state board of control or the superintendent of any state institution exercising such supervision over any patient who has been or may be paroled to the custody of the superintendent or other proper officer or authority in charge or control of any United States Veterans Bureau Neuro-physchiatric hospital shall cease to exist upon acceptance of his custody thereby. ('07, c. 292, § 1; amended '25, c. 308) [4022]

4420. Qualifications of agents for feeble minded—No one shall be appointed as such agent without having had previous experience in caring for the insane or feeble-minded at a hospital for the insane or school for the feeble-minded for a period of not less than one year. ('07 c. 292 § 2, amended '17 c. 208 § 1) [4023]

4421. 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-mind-

ed 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) [4024]

**4422. 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) [4025]

**4422-1. Sterilization by vasectomy or tubectomy**—Feeble minded persons committed to guardianship of board of control—Consent to operation—When any person has lawfully been committed as feeble-minded to the guardianship of the state board of control the said board, after consultation with the superintendent of the state school for feeble-minded, a reputable physician, and a psychologist selected by said board, and after a careful investigation of all the circumstances of the case, may, with the written consent of the spouse or nearest kin of such feeble-minded person, cause such person to be sterilized by the operation of vasectomy or tubectomy. Provided, that if no spouse or near relative can be found the board of control, as the legal guardian of such feeble-minded person, may give its consent. ('25, c. 154, § 1)

**4422-2. Same—Insane persons in state hospitals**—Consent to operation—When any person has been committed as insane to the custody of the superintendent of a state hospital for the insane and has been an inmate of such hospital for at least six consecutive months, the board of control, after consultation with the superintendent of the said hospital wherein such person is an inmate, a reputable physician, and psychologist selected by the board of control, and after a careful investigation of all the circumstances of the case, may, with the written consent of the patient and of the spouse or nearest kin, or the duly appointed guardian of such insane person, cause such insane person to be sterilized by a competent surgeon by the operation of vasectomy or tubectomy. ('25, c. 154, § 2)

**4422-3. Same—No civil or criminal liability**—Sterilization, as outlined in this act, shall be lawful and shall not render the board of control, its members, employes, or other persons participating in the examination or operation, liable either civilly or criminally. ('25, c. 154, § 3)

**4422-4. Same—Records kept**—A complete record of the case shall be made and kept as a permanent file in the office of the board of control. ('25, c. 154, § 4)

**4423. 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 em-

ployes, in order to determine their fitness for their duties. (1879) [4026]

**4424. 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) [4027]

**4425. 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) [4028]

**4426. 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 employe, 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 employe 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) [4029]

**4427. 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 institutions, 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) [4030]

Biennial budget '15 c. 356. See 139-235, 166+179.

**4428. 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) [4031]

Appropriations '15 c. 376.

**4429. 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) [4032]

See § 53-9 limiting purchasing power.

**4430. 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 Min-

nesota 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) [4033]

**4431. Stationery, furniture, supplies, etc., to be purchased for all governmental departments by board of control—**It shall be the duty of the state board of control to purchase for all the governmental departments of the State of Minnesota, not now under the financial or exclusive management of said board, all stationery, furniture, supplies and equipment now or hereafter required by law to be furnished by the state, and for such purposes the board may appoint a purchasing agent and fix his compensation, who under its direction and subject to its rules, shall attend to such purchases. (17 c. 174 § 1)

See § 53-9 transferring certain powers to the Commission of Administration and Finance.

**4432. 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) [4034]

The powers herein are transferred to the Commission of Administration and Finance. See § 53-9.

**4433. 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) [4035]

**4434. Material produced in state to be given preference in public buildings—**That in any and all buildings hereafter erected by the State of Minnesota, or to the erection of which the State of Minnesota has granted aid, preference shall always be given in the erection thereof to materials produced or manufactured in the State of Minnesota by citizens or residents thereof wherever practicable; provided, that in the building and erecting of foundations, steps, approaches, and the outer walls of any and all such buildings, materials produced and manufactured in the State of Minnesota by citizens and residents thereof only shall be used. Provided, that the provisions of this act shall not apply to metal lath or Portland cement necessarily;



used in any such foundations, steps, approaches or outer walls. ('15 c. 211 § 1)

The powers conferred by this section and the two sections following have been transferred to the Commission of Administration and Finance. See § 53-9.

**4435. Not to affect buildings in process of construction**—This act shall not affect buildings now in process of construction nor shall it affect buildings for which contracts for the construction thereof have been entered into prior to the passage of this act. Provided further, that nothing in this act shall prevent the completion of buildings now partially erected with the same kind of materials which have heretofore been used. Provided further, that nothing in this act shall prevent an addition being made to any building now constructed out of the same material as the original building, nor the completion of any group of buildings out of the same material as was used in the construction of the buildings already completed. ('15 c. 211 § 2)

See note under § 4434.

**4435-1. Home products used in buildings**—That in all such buildings that involve the use of cut or dressed stone in their construction the work of cutting, dressing or fabricating such stone shall be done within the territorial limits of the State of Minnesota, and provisions to this effect shall be incorporated in all contracts hereafter made for the erection of such buildings. Provided that this act shall not be held to affect contracts existing at the time this act goes into effect. ('15, c. 211, § 2-A; added '25, c. 189, § 1)

**Explanatory note**—This section is added to Laws 1915, c. 211, as § 2-a by Laws 1925, c. 189, § 1.

**4435-2. Same—Laws applicable**—That all provisions of Chapter 211, General Laws of 1915, are hereby re-enacted and made applicable to the new subject matter hereof. ('25, c. 189, § 2)

**Explanatory note**—For Laws 1915, c. 211 see §§ 4434 to 4436.

**4436. Not to apply where it appears pool has been formed**—The provisions of this act shall not apply in any case where, in the judgment of the different officers, boards or other authority in this state, now or hereafter vested with the power of contracting for the buildings hereinbefore referred to, it appears that an attempt is being made by producers or manufacturers in this state to form a pool, trust or combination of any kind for the purpose of fixing or regulating the price of materials to be used in any such building or buildings. ('15 c. 211 § 3)

See note under § 53-9.

**4437. 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 en-

trance 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) [4036]

**4438. 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) [4037]

**4439. 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 employe, 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) [4038]

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

**4440. 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) [4039]

**4441. Disposition of funds**—Every officer and employe of said several institutions shall pay to the ac-



counting 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) [4040]

4442. **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) [4041]

4443. **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) [4042]

4444. **Gifts and gratuities**—No member, officer, agent or employe 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) [4043]

4445. **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 employe terminates during the month, where such termination is not in violation of his contract of employment, the salary due such employe may be advanced from the contingent fund, which fund shall be reimbursed by the regular pay check of such employe when received at the institution. (R. L. § 1896, amended '09 c. 74 § 1) [4044]

4446. **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) [4045]

4447. **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) [4046]

The provisions of R. L. 1905 c. 15 are included in chapter 15 hereof.

Residence of paupers (89-91, 93+1052).

4448. **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) [4047]

85-165, 196, 88+533.

4449. **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) [4048]

4450. **Insurance of state buildings—Fuel**—Said board may keep insured in solvent insurance compa-

nies, 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) [4049]

The powers herein are transferred to the Commission of Administration and Finance. Sec § 53-9.

**4451. 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) [4051]

**4452. 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 employe 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) [4052]

**4453. 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 [4053])

#### ILLEGITIMATE CHILDREN

**4454. Board of control may have legal guardianship of children**—The state board of control shall have powers of legal guardianship over the persons of all children who may be committed by courts of competent jurisdiction to the care of the board, or to institutions under its management. After commitment to its guardianship the board may make such provision for and disposition of the child as necessity and the best interests of the child may from time to time require; provided, however, that no child shall be placed in an institution maintained for the care of delinquents who has not been duly adjudged to be delinquent; and provided further, that the board shall not be authorized to consent to the adoption of a child who is committed to its guardianship on account of delinquency. ('17 c. 194 § 1)

**4455. Illegitimate children**—It shall be the duty of the board of control when notified of a woman who is delivered of an illegitimate child, or pregnant with child likely to be illegitimate when born, to take care that the interests of the child are safeguarded, that appropriate steps are taken to establish his paternity, and that there is secured for him the nearest possible approximation to the care, support and education that he would be entitled to if born of lawful marriage.

For the better accomplishment of these purposes the board may initiate such legal or other action as is deemed necessary; may make such provision for the care, maintenance and education of the child as the best interests of the child may from time to time require, and may offer its aid and protection in such ways as are found wise and expedient to the unmarried woman approaching motherhood. ('17 c. 194 § 2)

**4456. Duties in behalf of children—Executive officers**—It shall be the duty of the board to promote the enforcement of all laws for the protection of defective, illegitimate, dependent, neglected and delinquent children, to co-operate to this end with juvenile courts and all reputable child-helping and child-placing agencies of a public or private character, and to take the initiative in all matters involving the interests of such children where adequate provision therefor has not already been made. The board shall have authority to appoint and fix the salaries of a chief executive officer and such assistants as shall be deemed necessary to carry out the purposes of this act. ('17 c. 194 § 3)

**4457. County child welfare boards—Appointment of agents**—The state board of control may when requested so to do by the county board appoint in each county three persons resident therein, at least two of whom shall be women, who shall serve without compensation and hold office during the pleasure of the board, and who, together with a member to be designated by the county board from their own number and the county superintendent of schools, shall constitute a child welfare board for the county, which shall select its own chairman; provided, that in any county containing a city of the first class five members shall be appointed by the state board of control. The child welfare board shall perform such duties as may be required of it by the said board of control in furtherance of the purposes of this act; and may appoint a secretary and all necessary assistants, who shall receive from the county such salaries as may be fixed by the child welfare board with the approval of the county board. Persons thus appointed shall be the executive agents of the child welfare board. ('17 c. 194 § 4)

Separation of dependent child from parent to be averted, if at all possible. 194-435, 183+956; 150-20, 184+29.

**4458. Agents where no child welfare board**—In counties where no child welfare board exists the judge of the juvenile court may appoint a local agent to co-operate with the state board of control in furtherance of the purpose of this act, who shall receive from the county such salary as may be fixed by the judge with the approval of the county board. ('17 c. 194 § 5)

**4459. Additional duties of agents**—Agents appointed pursuant to sections 4 and 5 may also, when so directed by the county board, perform the duties of probation and school attendance officers, and may aid in the investigation and supervision of county allowances to mothers. ('17 c. 194 § 6)

**4460. Expenses of members and agents**—The traveling and other necessary expense of the several members of the child welfare board, while acting officially as members of such board, and of the executive agents while exclusively employed in the business of the board, shall be paid, so far as approved by the county board, out of the general revenue fund of the county in the same manner as other claims against the county. ('17 c. 194 § 7)

**4461. State board of control to co-operate with child welfare board**—The state board of control and the several county child welfare boards within their

respective jurisdictions, upon request of county boards, city, village or borough councils, town boards, or other public boards or authorities charged by law with the administration of the laws relating to the relief of the poor, may co-operate with such boards and authorities in the administration of such laws. ('23 c. 152 § 1)

4462-67  
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#### SOCIAL SERVICE

**4462. Social welfare fund established**—Except as hereinafter expressly provided otherwise, all moneys and funds now or hereafter held by the state board of control and the child welfare boards of the several counties in trust or for the benefit of defective, illegitimate, dependent, neglected and delinquent children, or persons feeble-minded, inebriate or insane, or other wards or beneficiaries, under any law now or hereafter in force, shall be and the same hereby are constituted and made into a single fund to be known as the "social welfare fund," which shall be deposited at interest, held or disbursed as hereinafter provided. ('23 c. 106 § 1)

**4463. To be deposited in state treasury**—Said "social welfare fund" and all accretions thereto shall be deposited in the state treasury, as a separate and distinct fund, to the credit of the state board of control as trustee for the beneficiaries thereof in proportion to their several interests. But the state treasurer shall be responsible only to the state board of control for the sum total of said fund, and shall have no duties nor direct obligations toward the beneficiaries thereof individually. ('23 c. 106 § 2)

**4464. Social welfare fund—Use and disposition of—Depositories**—The state board of control at least thirty days before the first day of January and the first day of July in each year shall file with the state treasurer an estimate of the amount of the social welfare fund to be held in the treasury during the succeeding six months' period, subject to current disbursement, and the remainder thereof shall be placed by the treasurer at interest for the period of six months, or when directed by the board of control, for the period of twelve months thereafter at the highest rate of interest obtainable in a bank, or banks, designated by the board of deposit as a suitable depository therefor. All the provisions of law relative to the designation and qualification of depositories of other state funds shall be applicable to this act except as herein otherwise provided. Any bond given, or collateral assigned, or both, to secure a deposit hereunder may be continuous in character to provide for the repayment of any moneys belonging to the fund theretofore or thereafter at any time deposited in such bank until its designation as such depository is revoked and the security thereof shall be not impaired by any subsequent agreement or understanding as to the rate of interest to be paid upon such deposit, or as to time for its repayment. The amount of money belonging to the fund deposited in any bank, including other state deposits, shall not at any time exceed the amount of the capital stock thereof. In the event of the closing of the bank any sum deposited therein shall immediately become due and payable. ('23, c. 106, § 3; amended '25, c. 253)

**4465. Purposes**—From that part of said "social welfare fund" held in the state treasury subject to disbursement as hereinabove provided the state board of control at any time may pay out such amounts as it deems proper for the support, maintenance or other legal benefit of any of the said defective, illegitimate, dependent, neglected and delinquent children, or per-

sons feeble-minded, inebriate or insane, or other wards or persons entitled thereto, not exceeding in the aggregate to or for any person the principal amount previously received for the benefit of said person, together with the increase thereof from an equitable apportionment of interest realized from said "social welfare fund" as hereinabove provided.

And whenever any such person dies or is finally discharged from the guardianship, care, custody and control of the state board of control, the amount then remaining subject to use for the benefit of such person shall be paid as soon as may be from said "social welfare fund" to the persons thereto entitled by law. ('23 c. 106 § 4)

**4466. State board of control shall keep books of account**—Within thirty days after this act becomes effective it shall be the duty of the state board of control and of the child welfare boards of the several counties of this state to cause to be transferred to and deposited with the state treasurer all moneys and funds then in their possession or under their control and hereinbefore designated as and for said "social welfare fund;" and thereafter all such moneys and funds shall be so deposited in the state treasury as soon as received. The state board of control shall keep books of account or other records showing separately the principal amount received and deposited in said "social welfare fund" for the benefit of any person, together with the name of such person, and the name and address (if known to the board) of the person from whom such money was received; and at least once every two years the amount of interest, if any, which said money has earned in said "social welfare fund" shall be apportioned thereto and posted in said books of account or records to the credit of such beneficiary. ('23 c. 106 § 5)

**4467. Application**—The provision of this act shall not apply to any fund or money now or hereafter deposited or otherwise disposed of pursuant to the lawful orders, decrees, judgments or other directions of any probate or district court having jurisdiction thereof. ('23 c. 106 § 6)

**4468. Conferences of board and other officials**—For the purpose of promoting economy and efficiency in the enforcement of laws relating to children, and particularly of laws relating to defective, delinquent, dependent and neglected children, the state board of control may at such times and places as it deems advisable call an annual conference with officials responsible for the enforcement of such laws. When practicable such conference shall be held at the same time and place as the state conference of social work. ('17 c. 224 § 1, amended '21 c. 403 § 1)

**4469. Expense of attendance**—The necessary expenses of all probate judges and of one member of the county child welfare board in each county, invited to attend such conference shall be paid out of the funds of their respective counties. ('17 c. 224 § 2, amended '21 c. 403 § 2)

#### STATE TRAINING SCHOOL

**4470. 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) [4054]

**Explanatory note**—Laws '17, c. 238 repeals G. S. '13, § 4055 to 4060 and 4067.

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).

4471. **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) [4061]

4472. **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) [4062]

4473. **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) [4063]

4474. **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 offenses 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) [4064]

4475. **Board of control authorized to appoint agents to investigate homes, etc., and salary of agents**—Said board may appoint an agent or agents at a salary of not more than one hundred dollars per month and expenses, and who under regulations prescribed by it, shall investigate the homes of inmates previous to their parole and have supervisions over those out on parole and those apprenticed and perform such other

duties as it may require. They shall hold office during the pleasure of the board, devote their entire time to such work, occupy no other position and receive no other compensation for their services. They may enter any dwelling house or other building whenever they have 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 them in the discharge of their duties shall be guilty of a misdemeanor. (R. L. '05 § 1909; G. S. '13 § 4065, amended '17 c. 343 § 2)

4476. **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) [4066]

4477. **Roads and streets**—No individual, co-partnership 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) [4068]

#### MINNESOTA HOME SCHOOL FOR GIRLS

4478. **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) [4069]

**Historical**—1895 c. 153, and 1899 c. 156, amendatory thereof, were repealed by R. L. §§ 5541, 5543; the provisions of the first act being incorporated in R. L. §§ 1905 to 1912.

4479. **Girls between 8 and 18 years to be admitted to Minnesota Home School for Girls**—Any girl over the age of eight years and under the age of eighteen years, hereafter found guilty of any crime or offense for which, prior to the passage of this act, such girl, but for the fact that she was over seventeen years of age, could have been lawfully committed to the Minnesota Home School for Girls, may hereafter be committed to said school. ('15 c. 293 § 1)

4480. **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) [4070]

4481. **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) [4071]

4482. **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) [4072]

See '23 c. 65 authorizing State Board of Control to sell lands in Stearns county and use proceeds for Minnesota Home School for girls.

4483. **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) [4073]

4484. **Terms of members of board of women visitors**—That on and after the first day of August, 1917, the board of women visitors of the Minnesota Home School for Girls shall be appointed by the governor of Minnesota in the following manner:

One member of said board shall be appointed for a period of one year commencing with the first day of August, 1917; two members thereof for a period of two years commencing with the first day of August, 1917, and the other two members of said board be appointed for a period of three years commencing with the first day of August, 1917, and that thereafter upon the expiration of their respective terms, mem-

bers of the said board shall be appointed for a period of three years. ('17 c. 182 § 1)

Board of women visitors abolished, and powers, etc., transferred to board of visitors appointed by Governor. See § 53-45, herein.

4485. **Inconsistent acts repealed**—All acts and parts of acts inconsistent herewith are hereby repealed. ('17 c. 182 § 2)

4486. **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) [4075]

4487. **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) [4076]

4488. **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) [4077]

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

4489. **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) [4078]

4490. **Two sections of land for colony of feeble-minded**—The state board of control, with the approval of the state auditor, is hereby authorized to select from the public lands of this state, the title to which is vested in the state, not to exceed two (2) sections of land to be used as a location for a colony for feeble-minded persons, and also not to exceed two (2) sections of land to be used as a location for a colony for epileptics. ('19 c. 407 § 1)

4491. **Auditor to make report**—It shall be the duty of the state auditor, after conference with the state board of control to investigate the public lands owned by the state and available for selection as aforesaid, for the purpose of ascertaining what lands are available for selection for the purposes aforesaid, and shall make report concerning the same to the state board of control. ('19 c. 407 § 2)

4492. **Certificate by board of control and notation of selection**—The state board of control shall certify to the state auditor the lands which it desires to select, setting forth therein the respective legal descrip-

tions selected for each of the colonies aforesaid; in case the auditor approves such selection he shall endorse his approval thereon, and such certificates shall be filed and preserved in his office, and he shall thereupon make an appropriate notation of such selection on the land records of his office. The auditor shall not thereafter sell or dispose of or offer for sale or other disposition the lands so selected until authorized so to do by the legislature. The state auditor shall cause said lands to be appraised. There is hereby appropriated from any moneys in the state treasury not otherwise appropriated, an amount equal to the value of said lands as so appraised, which sum so appropriated shall be credited and transferred to the fund or funds into which the proceeds of the sale of the lands selected would be paid and credited in case the same were sold to a private party. ('19 c. 407 § 3)

**4493. Board of control to purchase land for epileptic colonies, etc.**—If, after inquiry and investigation, the state board of control shall be unable to find public lands, the title to which is vested in the state, suitable for use as colonies for feeble-minded persons and epileptics, the said board is hereby authorized and empowered to invite, in such form or manner as its members may deem best, proposals for a site for said colonies for feeble-minded and epileptic persons of not less than three hundred and twenty (320) acres, situated in any county in this state; and in selecting such site said board of control shall consider, among other things, the healthfulness of the location, the character and quality of the soil, facilities for drainage, the quality of the water supply, the market value of the site offered, and its convenience to railroad transportation and to the needs of the state. ('19 c. 407 § 3, amended '23 c. 168 § 1)

**4494. Acquisition of site**—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 unincumbered title in fee simple thereto in the name of this state, either by grant or by purchase, and if by grant or by purchase shall pay therefor such sum as said board of control shall deem to be the reasonable market value thereof, not to exceed \$50,000.00, which payment shall be made out of the money appropriated under Section 8 of Chapter 465 of the Session Laws of 1919 for colonies for feeble-minded and epileptics, upon the execution and delivery of a deed therefor vesting in the state the title of said land in fee simple; 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 deems to be its reasonable market value, then said board 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 (or a majority of its members), and which can be purchased at what said board deems to be its reasonable market value or less. ('19 c. 407 § 3, amended '23 c. 168 § 1)

**Explanatory note**—Laws 1919, c. 465, § 8, referred to, was an appropriation.

**4495. Lands to be used for purposes mentioned**—The said lands from and after their selection as aforesaid shall be used for the purpose of establishing thereon respectively a colony for feeble-minded persons and a colony for epileptics. ('19 c. 407 § 4)

**4496. Buildings to be erected**—The state board of control shall erect suitable buildings on such lands and make such other improvements thereon as may be necessary to adapt said tracts of land to the respective purposes for which they are so selected. ('19 c. 407 § 5)

**4497. Maintenance**—The said colony for the feeble-minded and said colony for epileptics shall be established and maintained under the general supervision and control of the state board of control. ('19 c. 407 § 6)

**4498. Admission to colony**—When suitable improvements shall have been made on the land selected for use as a colony for epileptics, the state board of control may provide for the admission thereto of any epileptic person who is a resident of this state. Likewise, when the colony for the feeble-minded shall have been suitably prepared for the admission of inmates thereto, the state board of control may provide for the admission thereto of any feeble-minded person resident of this state who would be eligible for admission to the school for feeble-minded, or who may have been heretofore or may hereafter be committed to the guardianship of the state board of control.

Any person so admitted to or placed in either of said colonies shall be so admitted and maintained therein subject to the respective restrictions, terms and conditions prescribed by the laws applicable to the admission of inmates to the school for feeble-minded and colony for epileptics now maintained at Faribault. ('19 c. 407 § 7)

**4499. Transfer from feeble-minded school at Faribault**—The state board of control may transfer to said colony for epileptics any inmate of the colony for epileptics at Faribault; and likewise, may transfer to said colony for feeble-minded any inmate of the school for feeble-minded at Faribault. ('19 c. 407 § 8)

**4500. 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) [4079]

**4501. Commitment of feeble minded persons—Petition for discharge—**

This section is the same as § 8960, herein, as amended by '27, c. 231, which see.

**4502. Abduction a felony in certain cases—**Every person who shall abduct, entice or carry away, from the State School for the Feeble-minded and Colony for Epileptics, any inmate thereof, who has not been legally discharged therefrom, shall be guilty of a felony and punished by a fine of not to exceed one thousand (\$1,000.00) dollars or imprisonment in the State prison or State reformatory not to exceed three years, or by both, in the discretion of the court. ('23 c. 365 § 1)

**4503. Sheriff shall care for and transport feeble-minded in certain cases—**It shall be the duty of the sheriff of any county, upon request of the state board of control, to take charge of and transport any feeble-minded person who has been committed by the probate court of his county to the care and custody of the state board of control to the school for feeble-minded at Faribault, or to such other institution as may be designated by said board, and there deliver such feeble-minded person to the superintendent of said school or institution. ('21 c. 76 § 1)

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

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

In case the feeble-minded person shall be a female, the sheriff shall appoint some suitable woman to act in his place and stead, and in such case the person so appointed shall have and exercise all the powers vested in the sheriff and shall be paid the sum of three (3) dollars per day for the time necessarily and actually employed in the performance of such service, together with reimbursement for expenses as hereinbefore provided for. ('21 c. 76 § 2)

**4505. Probate court to audit expense accounts—**The fees and expenses of any sheriff or other person performing the service under the provisions of this act shall be audited by the probate judge of the county and be paid by the county auditor and county treasurer upon the written order of the probate judge, without other or further allowance. ('21 c. 76 § 3)

**4506. 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) [4080]

**4507. 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) [4081]

**HOSPITALS AND ASYLUMS FOR THE INSANE.**

**4508. Location—Superintendents—**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. (1915) [4082] (Amended '27, c. 59, § 1)

See 1907 c. 144.

**4509. 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) [4083]

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

142-283, 171+928.

**4510. 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 [4509], shall be made thereto. ('07 c. 48, amended '09 c. 224 § 2) [4084]

**4511. 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) [4085]

**4512. 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 [4511] hereof for voluntary commitments. ('07 c. 48, amended '09 c. 224 § 4) [4086]

**4513. 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 [4512] 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 [4511] hereof for voluntary commitments. The mem-

bers of the board provided for in section 4 [4512] and 5 [4513] 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) [4087]

**4514. 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 [4511] hereof. If adjudged sane, he shall be required to leave the institution. ('07 c. 48, amended '09 c. 224 § 6) [4088]

**4515. 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) [4089]

**4516. Times of meeting**—The said state hospital commission shall meet at the detention hospital as often as may be requested by the superintendent thereof, but not oftener than twice each month except in cases requiring immediate action as herein provided. Its members shall receive compensation as provided by section 3862, Revised Laws of 1905, but in any case not to exceed ten dollars per day for such service. ('07 c. 48, amended '09 c. 224 § 8) [4090]

**Explanatory note**—Section 3862, R. L. 1905, referred to was repealed by Laws 1917, c. 344, § 20. See § 3972, herein.

**4517. 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) [4091]

**4518. 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) [4092]

**4519. 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) [4093]

**4520. 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 §§ 4518, 4519, 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) [4094]

**4521. 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) [4095]

**4522. 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) [4096]

**4523. 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 parole 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) [4097]

**4524. Discharge of patients—**Such superintendent may discharge any patient certified by him to be recovered, unless charged with or convicted of some

criminal offense. 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) [4098]

Discharge of person tried for crime and committed on ground of insanity at time of commission of crime (116-62, 133+82.

**4525. 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) [4099]

**4526. 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) [4100]

142-286, 171+928.

**4527. 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) [4101]

**4528. 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) [4102]

Section 9 repeals inconsistent acts, etc.

**4529. 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) [4103]

**4530. Allowances—**Whenever any convict is discharged from the asylum for the dangerous insane, he

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244nw 156

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) [4104]

4531. **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) [4105]

4532. **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) [4106]

4533. **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) [4107]

4534. **Transfer from other asylum, etc.**—Whenever any inmate of a state hospital or asylum for the insane or the school for feeble-minded and colony for epileptics, is found by the state board of control to have homicidal tendencies, or to be under sentence or indictment or information, he shall be transferred by the board to said asylum for the dangerous insane for safekeeping and treatment. ('07 c. 338 § 7) [4108]

4535. **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) [4109]

4535-1. **Willmar State Asylum—Location**—There is hereby located and established at the city of Willmar, county of Kandiyohi, State of Minnesota, an asylum for the insane. ('17, c. 44, § 1)

**Explanatory note**—Section 5 of Laws 1917, c. 44, repeals all inconsistent acts and parts of acts.

4535-2. **Same—Hospital farm for inebriates transferred to—Control, etc.**—All lands, buildings, property and funds heretofore acquired and held for the foundation and maintenance of a hospital farm for inebriates at Willmar, Minnesota, are hereby transferred and set apart and appropriated to the establishment, support and maintenance of said asylum for the insane hereby provided for, and shall be subject to the same control and management as the property and funds now set apart for and used for the support and maintenance of an asylum for the insane. ('17, c. 44, § 2)

4535-3. **Same—Control, etc., by board of control—Laws, etc., applicable to**—Said hospital shall be under the control and management of the State Board of Control and all laws, rules and regulations now applic-

able to other insane asylums in the State of Minnesota, are hereby made to apply insofar as they may be necessary, to the insane asylum at Willmar. ('17, c. 44, § 3)

4535-4. **Same—Treatment of inebriates**—The State Board of Control is hereby authorized to continue the treatment of inebriates at the said State Hospital Farm for inebriates as now provided by law, but no inebriate shall be committed for treatment except as may be authorized and permitted by the State Board of Control. ('17, c. 44, § 4)

4536. **Designation for the several Minnesota asylums, hospitals and farm for inebriates**—That the state asylum for the insane located at Anoka shall hereafter be known and designated as the Anoka State Asylum; that the state asylum for the insane located at Hastings shall hereafter be known and designated as the Hastings State Asylum; that the state asylum for the insane and the hospital farm for inebriates located at Willmar shall hereafter be known and designated as the Willmar State Asylum; that the state hospital for the insane located at Fergus Falls shall hereafter be known and designated as the Fergus Falls State Hospital; that the state hospital for the insane located at Rochester shall hereafter be known and designated as the Rochester State Hospital; and that the state hospital for the insane located at St. Peter shall hereafter be known and designated as the St. Peter State Hospital. ('19, c. 99, § 1)

#### HOSPITAL FOR INEBRIATES

4537. **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) [4110]

1907 c. 288 is constitutional (105-170, 117+393).

4538. **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) [4127]

4539. **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) [4130]

4540. **Compulsory treatment for habitual users of narcotics**—That whenever an affidavit duly verified by a person claiming to have knowledge of the facts and setting forth that with resulting injury to his health any person named or described therein is a habitual user otherwise than under the direction of a duly

licensed and practicing physician, of opium, or cocoa leaves or any compound, manufacture, salt, derivative or preparation thereof, shall be filed with the county attorney of any county in which such alleged habitual user is or may be found, such county attorney under his hand shall issue a notice requiring the person so named or described to appear before a judge of the district court of the county in chambers at a time and place specified in such notice, and shall cause a copy thereof to be served by the sheriff upon the person so named or described not less than two days before the dates specified for such appearance. The affidavit and the original notice with proof of service shall be filed with the clerk of court at or before the time specified for such appearance, but the same and the other records and files of the proceeding shall be open for inspection only by the person named or described therein or his counsel, and by public officers. ('23 c. 235 § 1)

4541. **Hearings—Orders**—That at the time and place specified in the notice, the person named or described in such notice, or his counsel being present, the judge shall hear the evidence presented, and, upon being satisfied that the allegations contained in the affidavit are true, shall make and file an order requiring such habitual user forthwith to take and continue until otherwise ordered by the court, treatment for the cure of said habit, at a private institution to be selected by the user and approved by the judge if the user is able to pay therefor, otherwise at some public institution selected by the judge, and at the expense of the county. In either case the order shall further require reports to be made to the court at stated intervals therein specified, by said person and by the physician or superintendent in charge as to the effect and progress of the treatment. A copy of the order forthwith shall be served upon said user. ('23 c. 235 § 2)

4542. **Violations of orders to be contempt of court**—Any person named or described in a notice so issued by the county attorney and duly served upon him and who shall fail, refuse or neglect to appear at the time and place therein specified, and any person named or described in the order so made and served and who shall fail, refuse or neglect to comply with the terms and conditions of such order shall be deemed guilty of contempt of the court and shall be proceeded against accordingly. ('23 c. 235 § 3)

4543  
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### STATE SANATORIUM FOR CONSUMPTIVES.

4543. **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) [4131]

Advisory commission abolished. See § 53-39, herein.  
See Counties.

4544. **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 employes 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) [4132]

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

Provided, that in all counties in this state now or hereafter having a population of over 200,000 inhabitants and maintaining a county tuberculosis sanatorium, the county sanatorium commission shall have the same powers with reference to tubercular persons as county boards under this section, and the charges for their care shall be paid by said county sanatorium commission out of its funds. (R. L. '05, § 1929; amended '07, c. 135, § 1; '27, c. 386) [4133]

4545-1. **Treatment in state or county sanatorium of necessitous or needy persons ineligible for admission to county sanatoriums**—Whenever, after an investigation the Advisory Commission of the State Sanatorium for Consumptives finds that a person is afflicted with tuberculosis and is in need of treatment in a sanatorium and that such person is in necessitous or indigent circumstances and is unable to secure admission in any existing county sanatorium, by reason of the fact that such person has not resided a sufficient length of time in any one county of the state, then and in such case, said commission shall apply for the admission of such person to the State Sanatorium if the patient is eligible for admission or to some county sanatorium in the state and said commission shall pay out of its appropriations for the maintenance of county sanatoria funds to the sanatorium where such person may be received, the same fee for the maintenance and care of such person as is received by a county sanatorium for the maintenance and treatment of a non-resident. ('25, c. 213, § 1)

4546. **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) [4134]

**Explanatory note**—The reference to the appropriation by Laws 1903, c. 316 is to section 11 thereof, which makes an appropriation of \$25,000 for the acquisition of a site for the state sanatorium and the construction, etc., of buildings thereon. R. L. '05, §§ 1927 to 1930, relating to the state sanatorium, appears to be a restatement of Laws 1903, c. 316, omitting many of its provisions. R. L. '05, § 5546 (§ 10980) repeals said Laws 1903, c. 316.

GILLETTE STATE HOSPITAL FOR CRIPPLED CHILDREN.

4547. Gillette State Hospital for Crippled Children—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 Gillette State Hospital for Crippled 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:

Northerly twenty-four feet of the westerly forty-five feet of lot three (3), and westerly forty-five feet of lots four (4) and five (5), and southerly two and six-tenths feet of the westerly forty-five feet of lot six (6), and the southerly two and six-tenths feet of lot seventeen (17), and all of lots eighteen (18) and nineteen (19), and the northerly twenty-four feet of lot twenty (20), all in block fourteen (14), of Stinson, Brown and Ramsey's Addition to St. Paul.

Commencing at a point on the southerly line of Niederhoefer street and one hundred three feet easterly from the easterly line of Richmond street, thence southerly parallel with Richmond street, seventy-three feet; thence westerly, parallel with the southerly line of Niederhoefer street, forty feet; thence southerly, parallel with Richmond street one hundred forty-two feet; thence westerly, parallel with the southerly line of Niederhoefer street one hundred twenty-eight feet; thence southerly, parallel with Richmond street to a point one hundred fifty feet south of the southerly line of Jefferson avenue; thence easterly on a line parallel with the southerly line of Jefferson avenue to a point where the center line of Richmond street if produced southerly would intersect said line; thence southerly on said center line of Richmond street if produced southerly to the northerly line of the right-of-way of the Chicago, St. Paul, Minneapolis and Omaha Railway Company; thence northeasterly along said right-of-way to a point on the northerly line of lot thirty-three (33), Sloan's Subdivision of part of block fifteen (15), Stinson, Brown and Ramsey's Addition, intersecting said right-of-way; thence westerly on the northerly line of lots 33, 34, 35 and 36, Sloan's Subdivision of part of block 15, Stinson, Brown and Ramsey's Addition, to the southeasterly corner of lot 10 of said Sloan's Subdivision; thence northerly along the easterly line of said lot 10 to the southerly line of Niederhoefer street; thence westerly on the southerly line of Niederhoefer street one hundred forty-seven feet to place of beginning, being part of Sloan's Subdivision and part of block 16, Stinson, Brown and Ramsey's Addition to St. Paul.

All of the northeast quarter of the southwest quarter of section twenty-one (21), township twenty-nine (29), range twenty-two (22), Ramsey county, Minnesota, reserving therefrom seventeen acres of land taken under condemnation proceedings by the City of St. Paul for Phalen Park.

And the proper officials of the City of St. Paul are hereby authorized and empowered to make the necessary conveyance to the State of Minnesota for the purposes aforesaid, of the two tracts of land first herein described. ('07, c. 81, § 2; amended '25, c. 61, § 1) [4135]

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.

4548. 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) [4136]

150-17, 184, 27.  
See '23 c. 297 accepting donations of Minnesota Editorial Association and the Minnesota Bankers Association, for the Michael J. Dowling Memorial Hall, for Crippled Children.

4549. 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) [4137]

See '23 c. 152 requiring co-operation by the Board of Welfare agency, § 4461 herein.

MATERNITY HOSPITALS

4550. Maternity hospital defined—Any person who receives for care and treatment during pregnancy or during delivery or within ten days after delivery, more than one woman within a period of six months, except women related to him or her by blood or marriage, shall be deemed to maintain a maternity hospital. The word "person" where used in this act shall include individuals, partnerships, voluntary associations and corporations; provided, however, that this act shall not be construed to relate to any institution under the management of the state board of control or its officers or agents. ('19 Ex. Sess. c. 50 § 1)

4551. Licensed by board of control—The state board of control is hereby empowered to grant a license for one year for the conduct of any maternity hospital that is for the public good and that is conducted by a reputable and responsible person; and it shall be the duty of the board of control to prescribe such general regulations and rules for the conduct of all such hospitals as shall be necessary to effect the purposes of this act and all other laws of the state relating to children so far as the same are applicable and to safeguard the well-being of all infants born therein, and the health, morality and best interests of the parties who are inmates thereof. No maternity hospital shall receive a woman for care therein without first obtaining a license to conduct such hospital from said board of control. No such license shall be issued unless the premises are in fit sanitary condition. The license shall state the name of the licensee, designate the premises in which the business may be carried on, and the number of women that may be properly treated or cared for therein at any one time. Such license shall be kept posted in a conspicuous place on the licensed premises. No greater number of women shall be kept at any one time on the premises for which the license is issued than is authorized by the license and no woman shall be kept in a building or place not designated in the license. A record of the license so issued shall be kept by the board of control, which shall forthwith give notice to the state board of health and to the local board of health of the city, village or town in which the licensee resides of the granting of such license and the conditions thereof. The license shall be valid for one year from the date

of the issuance thereof. The state board of control may, after due notice and hearing, revoke the license in case the person to whom the same is issued violates any of the provisions of this chapter, or when, in the opinion of said board, such maternity hospital is maintained without due regard to sanitation and hygiene, or to the health, comfort or well-being of the inmates or infants born to such inmates or in case of the violation of any law of the state in a manner disclosing moral turpitude or unfitness to maintain such hospital or that any such hospital is conducted by a person of ill repute or bad moral character.

Written charges against the licensee shall be served upon him at least three days before hearing shall be had thereon and a written copy of the findings and decision of the board upon hearing shall be served upon the licensee in the manner prescribed for the service of a summons in civil actions.

Any licensee feeling himself aggrieved by any decision of the board may appeal to the district court by filing with the clerk thereof in the county where his hospital is situated within ten days after written notice of such decision, a written notice of appeal specifying the grounds upon which the appeal is made.

The appeal may be brought on for hearing in a summary manner by an order to show cause why the decision of the board should not be confirmed, amended or set aside. The written notices and decisions shall be treated as the pleadings in the case and may be amended in the discretion of the court. The issues shall be tried anew by the court and findings shall be made upon the issues tried.

Either party may appeal to the supreme court from the determination of the district court within five days after notice of filing the decision, in the manner provided for appeals in civil action.

No revocation of license shall become effective until any appeal made shall have been determined. In case of the revocation of a license, the board shall make a notation thereof upon its records and give written notice of such revocation to the licensee by delivery of a copy of the order of revocation to the licensee, or leaving a copy thereof with a person of suitable age and discretion living upon the premises. In case of revocation the board of control shall also notify the state board of health and the local board of health of the city, village or town in which the hospital is situated. ('19 Ex. Sess. c. 50 § 2)

**4552. Disposition of children**—No person, as an inducement to a woman to go to any maternity hospital during confinement, shall in any way offer to dispose of any child or advertise that he will give children for adoption or hold himself out as being able to dispose of children in any manner. ('19 Ex. Sess. c. 50 § 3)

**4553. Board of control to prescribe forms**—The state board of control may prescribe forms for the registration and record of persons cared for in any such hospital, and the licensee shall be entitled to receive gratuitously from the board of control a book of forms for such registration and record. Each book shall contain a printed copy of this chapter. The licensee of a maternity hospital shall keep a record in the form to be prescribed by said board, wherein shall be entered the true name of every patient, together with all her places of residence during the year preceding admission to said hospital, the name and address of the physician or midwife who attended at each birth taking place at such hospital, or who attended any sick infant therein, and the name and address of the mother of such child; the name and age of each child who is given out, adopted or taken away to or by any person,

together with the name and residence of the person so adopting or taking away such child, and such other information as will be within the knowledge of the licensee and as the board shall prescribe. ('19 Ex. Sess. c. 50 § 4)

**4554. Physician or midwife to make report**—Every birth occurring in a maternity hospital shall be attended by a legally qualified physician or midwife. The licensee owning or conducting such hospital shall within twenty-four hours after a birth occurs therein, make a written report thereof to the state board of control, giving the name of the mother, the sex of the child and such additional information as shall be within the knowledge of the licensee and as may be required by the board. The licensee owning or conducting any such hospital shall immediately after the death in a maternity hospital of a woman, or an infant born therein or brought thereto, cause notice thereof to be given to the local board of health of the city, village or town in which such hospital is located. ('19 Ex. Sess. c. 50 § 5)

**4555. Inspection of hospitals**—The officers and authorized agents of the state board of control, and of the state board of health and the local board of health of the city, village or town in which a licensed maternity hospital is located, may inspect such hospital at any time and examine every part thereof. The officers and agents of the state board of control may call for and examine the records which are required to be kept by the provisions of this act and inquire into all matters concerning such hospital and patients and infants therein; and the said officers and authorized agents of the state board of control shall visit and inspect such hospitals at least once every six months and shall preserve reports of the conditions found therein. The licensee shall give all reasonable information to such inspectors and afford them every reasonable facility for viewing the premises and seeing the patients therein. ('19 Ex. Sess. c. 50 § 6)

**4556. Information as to legitimacy of child**—Whenever a woman, who within ten days after delivery of a child, or a woman who is pregnant, is received for care in a maternity hospital, the licensee of such maternity hospital or the officer in charge of such other hospital, shall use due diligence to ascertain whether such child is legitimate and if there is reason to believe that such child is illegitimate, or will be when born illegitimate, such licensee shall report to the state board of control forthwith the presence of such woman, together with such other information as shall be within the knowledge of the licensee and as the board may require. ('19 Ex. Sess. c. 50 § 7)

**4557. Disclosure of contents**—No officer or authorized agent of the state board of control, state board of health or the local boards of health of the city, village or town where such licensed hospital is located, or the licensee of such a hospital, or any of its agents, or any other person, shall directly or indirectly disclose the contents of the records herein provided for, or the particulars entered therein, or facts learned about such hospital, or the inmates thereof, except upon inquiry before a court of law, at a coroner's inquest or before some other tribunal, or for the information of the state board of control, state board of health or the local board of health of the village, city or town in which said hospital is located. Provided, however, that nothing herein shall prohibit the board of control, with the consent of any patient in such hospital, disclosing such facts to such proper persons as may be in the interest of such patient or the infant born to her. ('19 Ex. Sess. c. 50 § 8)



4558. **Burden of proof**—In a prosecution under the provisions of this act or any penal law relating thereto, a defendant who relies for defense upon the relationship of any woman or infant to himself, shall have the burden of proof. ('19 Ex. Sess. c. 50 § 9)

4559. **Violation a gross misdemeanor**—Every person who violates any of the provisions of this act shall upon conviction of the first offense be guilty of a misdemeanor. The second or subsequent offense shall be a gross misdemeanor. ('19 Ex. Sess. c. 50 § 10)

#### CUSTODY OF CHILDREN.

4560. **Placing out—Records**—Every person permitted by law to receive, secure homes for or otherwise care for children, shall keep a record containing the names, ages and former residences of all children received; the names, former residences, occupations and character so far as known of the parents; the dates of reception, placing out and adoption, together with the name, occupations and residences of the person with whom the child is placed; the date and cause of the cancellation of any contract of indenture; the date and cause of any removal to another home; the date and cause of termination of guardianship, and a brief history of each child until he shall have reached the age of eighteen years, or shall have been legally adopted or discharged according to law. ('19 Ex. Sess. c. 51 § 1)

4561. **Surrender of parental rights**—No person other than the parents or relatives may assume the permanent care and custody of a child under fourteen years of age unless authorized so to do by an order or decree of court. Except in proceedings for adoption, no parent may assign or otherwise transfer to another his rights or duties with respect to the permanent care and custody of his child under fourteen years of age, and any such transfer hereafter made shall be void. ('19 Ex. Sess. c. 51 § 2)

4562. **Notification of state board of control**—Whenever any person shall place a child in a private home for the purpose of providing the child with a permanent home; and whenever a child shall have been in such a home for a longer period than six months, the person responsible for the placing of the child shall immediately notify the state board of control, giving the name and address of the child, the name of the person with whom the child has been placed, with such other information regarding the child and his foster home as may be required by the board. ('19 Ex. Sess. c. 51 § 3)

4563. **Visitation of children**—Within ninety days after the receipt of the notice provided for in section 3, the state board of control shall cause the child and the home in which he has been placed to be visited by its agents for the purpose of ascertaining whether the home is a suitable one for the child; and shall continue to visit and supervise the case of such child the same as though the child were placed out by the state public school. Whenever satisfied that a child has been placed in an unsuitable home, the board may order its transfer, and if said order is not obeyed within thirty days or such shorter time as may be named in the order, the board itself shall take charge of and provide for such child. ('19 Ex. Sess. c. 51 § 4)

4564. **Importation of children**—No person shall bring or send into the state any child for the purpose of placing him out or procuring his adoption, without first obtaining the consent of the state board of control, and such person shall conform to the rules of the board. He shall file with the board a bond to the

state, approved by the board, in the penal sum of one thousand dollars, conditioned that he will not send or bring into the state any child, who is incorrigible or unsound of mind or body; that he will remove any such child who becomes a public charge or who, in the opinion of the board of control, becomes a menace to the community prior to his adoption or becoming of legal age; that he will place the child under a written contract approved by the board that the person with whom the child is placed shall be responsible for his proper care and training. Before any child shall be brought or sent into the state for the purpose of placing him in a foster home, the person so bringing or sending such child shall first notify the state board of control of his intention, and shall obtain from the board a certificate stating that such home is, in the opinion of the board, a suitable home for the child. Such notification shall state the name, age and personal description of the child, and the name and address of the person with whom the child is to be placed, and such other information as may be required by the board. The person bringing or sending the child into the state shall report at least once each year, and at such other times as the board of control shall direct, as to the location and well-being of the child so long as he shall remain within the state and until he shall have reached the age of eighteen or shall have been legally adopted. Provided, however, that nothing herein shall be deemed to prohibit a resident of this state from bringing into the state a child for adoption into his own family. ('19 Ex. Sess. c. 51 § 5)

4565. **Exportation of children**—Before any child is taken or sent out of the state for the purpose of placing him in a foster home, otherwise than by a parent or guardian, the person so taking or sending him shall give the state board of control such notice and information as is specified in section 5, and thereafter shall report to the board at least once each year and at such other times as the board may direct, as to the location and well-being of such child until he shall have reached the age of eighteen years or shall have been legally adopted. It shall be the duty of the state board of control to carry out the provisions of this section. ('19 Ex. Sess. c. 51 § 6)

4566. **Written agreement**—Every person placing a child in a foster home shall enter into a written agreement with the person taking the child, which agreement shall provide that the person placing the child shall have access at all reasonable times, to such child and to the home in which he is living, and for the return of the child by the person taking him whenever in the opinion of the person placing such child, or in the opinion of the board of control, the best interests of the child shall require it. The provisions of this section shall not apply to children who have been legally adopted. ('19 Ex. Sess. c. 51 § 7)

4567. **Supervision by board of control**—It shall be the duty of the state board of control to pass annually on the fitness of every agency, public, semi-public or private, which engages in the business, for gain or otherwise, of receiving and caring for children or placing them in private homes. Annually at such time as the board shall direct every such agency shall make a report showing its condition, management and competency to care adequately for such children as are or may be committed thereto or received thereby, the system of visitation employed for children placed in private homes, and such other facts as the board may require. When the board is satisfied that such agency is competent and has adequate facilities to care for such children, and that the requirements of the statutes



covering the management of such agencies are being complied with, it shall issue to the same a certificate to that effect which shall continue in force for one year unless sooner revoked by the board. A list of such certified agencies shall be sent by the board at least annually to all juvenile courts and to all the agencies so approved. No agency which has not received such a certificate within the fifteen months next preceding, and which certificate remains unrevoked, shall receive a child for care or placing out, or place a child in another home, or solicit money in behalf of such agency. All such agencies shall be subject to the same visitation, inspection and supervision by the state board of control as are the public charitable institutions of this state. For the purpose of this section the term agency means any individual, association or corporation. ('19 Ex. Sess. c. 51 § 8)

4568. Every person who violates any of the provisions of this act, or who shall intentionally make any false statements or reports to the board of control with reference to the matters contained herein, shall, upon conviction of the first offense, be guilty of a misdemeanor. A second or subsequent offense shall be a gross misdemeanor. ('19 Ex. Sess. c. 51 § 9)

4569. *Infants' home defined*—Any person who receives for care or treatment or has in his custody at any one time three or more infants under the age of three years, unattended by a parent or guardian, for the purpose of providing them with food, care and lodging, except infants related to him by blood or marriage, shall be deemed to maintain an infants' home. The word "person" where used in this act shall include individuals, partnerships, voluntary associations and corporations; provided, however, that this act shall not be construed to relate to any institution under the management of the state board of control or to its officers or agents, nor to any person who has received for care alone, children from not more than one family during any period of three months. ('19 Ex. Sess. c. 52 § 1)

4570. *Licensed by board of control*—The state board of control is hereby empowered to grant a license for one year for the conduct of any infants' home that is for the public good, and is conducted by a reputable and responsible person; and it shall be the duty of the board to provide such general regulations and rules for the conduct of all such homes as shall be necessary to effect the purposes of this act and all other laws of the state relating to children so far as the same are applicable, and to safeguard the well-being of all infants born therein and the health, morality and best interests of the patients who are inmates thereof. No person shall receive an infant for care in any such infants' home without first obtaining from said board a license to conduct such infants' home. No such license shall be issued unless the premises are in a fit sanitary condition. The license shall state the name of the licensee, the particular premises in which the business may be carried on, and the number of infants that may be properly boarded or cared for therein at any one time; and such license shall be kept posted in a conspicuous place on the licensed premises. No greater number of infants shall be kept at any one time on the premises than is authorized by the license and no infant shall be kept in a building or place not designated in the license. A record of the licenses so issued shall be kept by the board of control, which shall forthwith give notice to the state board of health and to the local board of health of the city, village or town in which the licensee resides of the granting of such license and the conditions thereof. The license

shall be valid for one year from the date of issue. The state board of control may, after due notice and hearing, revoke the license if any provision of this chapter is violated, or when, in the opinion of said board such infants' home is maintained without due regard to sanitation and hygiene or to the health, comfort, morality or well-being of the inmates thereof, or in case of the violation of any law of the state, in a manner disclosing moral turpitude or unfitness to maintain such hospital, or upon evidence that any such hospital is conducted by a person of ill repute or bad moral character. Written charges against the licensee shall be served upon him at least three days before hearing shall be had thereon and a written copy of the findings and decision of the board upon hearing shall be served upon the licensee in the manner prescribed for the service of a summons in civil actions.

Any licensee feeling himself aggrieved by any decision of the board may appeal to the district court by filing with the clerk thereof in the county where his hospital is situated within ten days after written notice of such decision, a written notice of appeal specifying the grounds upon which the appeal is made.

The appeal may be brought on for hearing in a summary manner by an order to show cause why the decision of the board should not be confirmed, amended or set aside. The written notices and decisions shall be treated as the pleadings in the case and may be amended in the discretion of the court. The issues shall be tried anew by the court and findings shall be made upon the issues tried.

Either party may appeal to the supreme court from the determination of the district court within five days after notice of filing the decision, in the manner provided for appeals in civil action.

No revocation of license shall become effective until any appeal made shall have been determined.

In case of revocation the board shall make an appropriate notation upon the records of the granting of such license and give written notice of the revocation of the license to the licensee by serving a copy of the order of revocation upon the licensee in the manner provided by law for the service of a summons in a civil action. Upon such revocation the board of control shall forthwith notify the state board of health, and the local board of health of the city, town or village in which the infants' home is situated. ('19 Ex. Sess. c. 52 § 2)

4571. *Forms to be prescribed by board*—The state board of control may prescribe forms for the registration and record of infants cared for in such home and the licensee shall be entitled to receive gratuitously from the board of control a book of forms for such registration and record. Each book shall contain a printed copy of this chapter. The licensee of an infants' home shall keep a record in a form to be prescribed by the state board of control, wherein shall be entered the name and age of each child received or cared for in such home, together with the names and addresses of the parents and the name and address of the person bringing the child to the home; the name of any physician attending any sick infant in the home; the name and age of each infant who is given out, adopted or taken away to or by any person, together with the name and residence of the person so adopting or taking away such infant; and such other information as the board shall prescribe. The licensee immediately after the death in an infants' home of an infant shall cause notice thereof to be given to the local board of health of the city, village or town in which such home is located. ('19 Ex. Sess. c. 52 § 3)

4572. **Inspection**—The officers and authorized agents of the state board of control and of the state board of health and the local board of health of the several cities, villages and towns of the state in which a licensed infants' home is located may inspect such home at any time and examine every part thereof. The officers and agents of the state board of control may call for and examine the records which are required to be kept by the provisions of this act and inquire into all matters concerning such home and the infants therein; and the officers and agents of the state board of control shall visit and inspect such homes at least once in every six months and shall make, and the board shall preserve, reports of the conditions found therein. The licensee shall give all reasonable information to such inspectors and afford them every reasonable facility of viewing the premises and seeing the inmates. ('19 Ex. Sess. c. 52 § 4)

4573. **Ascertaining of legitimacy**—Whenever an infant is received for care in an infants' home, the licensee of such home shall use due diligence to ascertain whether such child is legitimate and in case there is any reason to believe that such infant is an illegitimate child, then and in such case such licensee shall notify the board of control thereof and furnish said board with such information bearing on such question as may have come to the knowledge of the licensee or any officer or agent of any such home. ('19 Ex. Sess. c. 52 § 5)

4574. **Disclosure prohibited**—No officer or authorized agent of the state board of control, state board of health or the local boards of health of the city, village or town where such licensed home is located, or the licensee of such a home, or any of its agents, or any other person, shall directly or indirectly disclose the contents of the records herein provided for, or the particulars entered therein, or facts learned about such homes, or the inmates thereof, except upon inquiry before a court of law, at a coroner's inquest or before some other tribunal, or for the information of the state board of control, state board of health or the local board of the village, city or town in which said home is located. Provided, however, that nothing herein shall prohibit the board of control, disclosing such facts to such proper persons as may be in the interest of any child maintained in said home with the consent of the mother of said child. ('19 Ex. Sess. c. 52 § 6)

4575. **Burden of proof**—In a prosecution under the provisions of this act or any penal law relating thereto, a defendant who relies for defense upon the relationship of any infant to himself, shall have the burden of proof as to such relationship. ('19 Ex. Sess. c. 52 § 7)

4576. **Violation a gross misdemeanor**—Every person who violates any of the provisions of this act shall upon conviction of the first offense be guilty of a misdemeanor. The second or subsequent offense shall be a gross misdemeanor. ('19 Ex. Sess. c. 52 § 8)

#### MINNESOTA GENERAL HOSPITAL.

4577. **Minnesota General Hospital established**—The hospitals now and hereafter established in connection with the Medical School of the University of Minnesota shall be known as the Minnesota General Hospital. The Student Infirmary, the University Dispensary, and the Elliot Memorial Building shall be parts of the said Minnesota General Hospital. ('21 c. 411 § 1)

4578. **What patients may be treated—Research work**—(1) Said Minnesota General Hospital shall be primarily and principally designed for the care of

legal residents of Minnesota who are afflicted with a malady, deformity, or ailment of a nature which can probably be remedied by hospital service and treatment and who are unable, financially, to secure such care or, in case of a minor, whose parent, guardian, trustee or other person having lawful custody of his person, as the case may be is unable financially to secure such care. The Minnesota General Hospital is hereby designated as a place of treatment for such persons.

Said hospital shall be utilized for such instruction and for such scientific research as will promote the welfare of the patients committed to its care, and assist in the application of science to the alleviation of human suffering. ('21 c. 411 § 2)

4579. **Officers to report cases needing hospital care**—Whenever the existence of a case described in Section 2 of this act shall come to the notice of the sheriff, town clerk, health officer, public health nurse, policeman, or any other public official, or any physician or surgeon, it shall be his duty to, and any other person may, file with the judge of probate of the county of the legal residence of such person, an application for the treatment of such person at the Minnesota General Hospital.

Such application shall be made in duplicate on blanks to be furnished by the Minnesota General Hospital, and shall contain a full statement of the financial situation of the person sought to be treated and a general statement of his physical condition, and shall be verified. Upon the filing of such application, the judge of probate shall make investigation in such manner as he shall deem advisable, and it shall be the duty of any public official of any county, city, town, village or ward of the residence of the person sought to be treated to supply to the judge of probate on request thereof, all information within his knowledge relative to the financial situation of the person sought to be treated. If after such investigation, said judge of probate shall be satisfied that the person on whose behalf the application is made is not financially able to provide himself with such treatment, or, in case of a minor, that his parent, guardian or trustee, in representative capacity, or the person having legal custody over him or legally responsible for his support or maintenance, is not financially able to provide such treatment, then said judge shall appoint a physician of said county whose duty shall be personally to make an examination of the person on whose behalf said application for treatment has been filed. Said physician shall thereupon make and file with the judge of probate a verified report in writing, setting forth the nature and history of the case, and such other information as will be likely to aid in the medical or surgical treatment of the disease, malady, deformity or ailment affecting said person, and shall also state in said report whether or not, in his opinion, the condition of such person can probably be remedied at a hospital. The report of said physician shall be made in duplicate within such time as the court may direct, and upon blanks to be furnished by the Minnesota General Hospital for that purpose. Said report shall include any information within the knowledge of said physician relative to the financial situation of the person purposed to be treated. The physician appointed to make said examination unless he is already a salaried officer of the state or some division thereof, shall receive five dollars for making said examination and in any case shall receive his actual and necessary expenses; which fee and expenses shall be paid by the county of residence of said patient; and it shall be the

duty of the board of county commissioners to provide for such payment.

If, upon filing of said report, the judge of probate shall be satisfied that the case is one which should be treated at the Minnesota General Hospital, and that the person to be treated, or his parent, guardian, trustee or other person having legal custody of his person in case of a minor, is not financially able to provide such person with proper treatment, the judge of probate shall enter an order finding such facts. In case the court is not so satisfied, he may take additional testimony or make such further investigation as to him shall seem proper. The court may reject any application which is found to be without sufficient merit. Upon the entry of the order of the judge of probate approving said application, he shall communicate with the superintendent of the Minnesota General Hospital and ascertain whether or not the applicant can be received as a patient. If the Minnesota General Hospital can receive such applicant, the court shall thereupon certify his approval of such application to said hospital and to the chairman of the board of county commissioners. One copy of the application and the physicians' report shall be sent to the superintendent of said hospital.

If the court should find that an applicant or the person legally responsible for him is able to pay in part but not in full for care at the Minnesota General Hospital at the rate to be charged as determined in Section 5, the court may approve the application of such patient on such terms of division of hospital charges as the court may deem equitable and just. ('21 c. 411 § 3)

**4580. Transportation of patients to hospital—Payment for by county—**Upon approval of such application, if the patient is unable to travel alone the Board of County Commissioners may appoint a suitable official or person to take the patient to said hospital, and such person shall receive his actual and necessary expenses, and, if not a salaried officer of the state or any subdivision thereof, shall receive in addition \$3.00 per day for the time actually and necessarily consumed in transporting said patient to said hospital and returning. The traveling expenses of such patient, the per diem and expenses of the person appointed to accompany him, and one-half of the expense charged against such patient while an inmate of the hospital shall be paid by the county of residence of said patient, and it shall be the duty of the Board of County Commissioners of said county to provide for such payment. ('21, c. 411, § 4; amended '27, c. 431, § 1)

**4581. Actual cost to be charged patients—**The Minnesota General Hospital shall treat patients admitted on certificate of the judge of probate of any county at rates based on actual cost as determined by the Board of Regents of the University. Any resident of the state, upon a proper showing to the Board of Regents of the University, that he is unable to pay ordinary physician's fees and hospital charges, may be received upon paying the same rate as charged for county patients. It shall be the duty for the Board of Regents to investigate applications made for such treatment under this section; and, if satisfied of the truth of the allegations made, and of the necessity for treatment, the Board of Regents shall admit such patients whenever there is room in said hospital.

Students of the University and such other patients as the Board of Regents to an extent that will not interfere with the primary purpose of said hospital as set forth in Section 2, may direct, may be received in said General Hospital whenever there is room and any

fees received from such patient shall be used for the purposes of said hospital. ('21 c. 411 § 5)

**4582. Physicians and attendants not to charge for services—**No compensation shall be charged or received, by any officer of the Minnesota General Hospital, or by any physician or surgeon or nurse in its employment, who shall treat or care for any patient in said hospital, other than the compensation provided for such persons by the Board of Regents of the University. ('21 c. 411 § 6)

**4583. Quarterly report by Board of Regents—**The Board of Regents of the University shall file a verified quarterly report with the state auditor, containing an itemized statement of the expense charged against each patient received on certification of any Board of County Commissioners, together with the name of the county from which said patient was certified, and a statement of any sums paid by the patient, or by any person in his behalf. ('21, c. 411, § 7; amended '27, c. 431, § 2)

**4584. Expenses paid by counties—**The auditor shall audit the quarterly reports submitted by the Board of Regents and shall draw his draft for the proper amount against each county from which expense charges are due and deliver it to the treasurer for collection. The treasurer shall notify the county auditor of each county against whom a draft has been issued of the amount due. Upon receipt of such notice the county auditor shall issue his warrant on the poor fund for the amount due, except that in any county now or hereafter caring for the poor under a county poor commission, said notice shall be given to said county poor commission, which shall issue its warrant on the poor fund of the county for the amount due. Such warrant shall be delivered to the county treasurer who shall, if funds are available, issue his check, payable to the treasurer of the state of Minnesota for the amount of such warrant. If no funds are available in the poor fund for the payment of the warrant, it shall be registered. The check or registered warrant shall be mailed to the state treasurer. All charges heretofore accrued against any county shall be collected in the same manner as charges hereafter to be filed with the state auditor under the provisions of this act. All payments hereunder shall be credited to the revenue fund. ('21, c. 411, § 8; amended '27, c. 431, § 3)

**4585. Discharge from hospital—**Whenever, in the opinion of the superintendent of the Minnesota General Hospital, any patient should be discharged therefrom as cured, or as no longer needing treatment, or for the reason that treatment cannot benefit his case, said superintendent shall discharge said patient. If the patient is a county patient and is unable to return to his place of residence alone, said superintendent shall appoint some suitable person to accompany said patient from said hospital to his place of residence. Such person shall receive his actual and necessary expenses, and if not a salaried officer of the state or any political subdivision thereof, shall receive in addition three dollars per day for the actual time necessarily consumed. The traveling expenses of all county patients and the said per diem and expenses of person appointed to accompany such patient shall be part of the legitimate expenses of caring for such patients in the Minnesota General Hospital and as such included by the superintendent in his monthly bill to the state auditor, provided for in Section 7. ('21 c. 411 § 9)

4586. Inmates of state institutions may be admitted—The State Board of Control may make application to the Board of Regents of the University, for the admission to the Minnesota General Hospital of any inmate of any state institution under the said Board of Control, or any person committed to or applying for admission thereto, who is afflicted with any disease, malady, deformity or ailment, which can probably be remedied, or which can be advantageously treated by proper medical or surgical care at the Minnesota General Hospital. Said application shall be accompanied by the report of the physician of said institution or by a physician appointed by the Board of Control, in the same form as reports of other physicians for admission of patients to said hospital. The superintendent of the Minnesota General Hospital shall decide whether such patient may be received by the hospital and if received when he shall be discharged or returned to the institution from which he came. The Board of Control shall pay the Regents of the University for the treatment of such patients at the same rate charged for county patients, and the expense of such treatment and of transporting such patient, to and from the Minnesota General Hospital shall be paid out of the appropriation for operation of the institution from which said patient is sent. Said Board of Control may, when necessary, send an attendant with or to bring back such patient and pay for traveling expenses in like manner. ('21 c. 411 § 10)

4587. To co-operate with other hospitals—The Minnesota General Hospital shall, upon request of proper authorities, co-operate with any county hospital or sanatorium established under existing statutes or any hospital supported in whole or part by public funds. The Superintendent of the Minnesota General Hospital shall, upon request, advise the county commissioners or others in control of such existing or proposed county or other hospital or sanatorium in regard to the survey of the hospital needs of the county and in regard to location, buildings, equipment or other matters pertaining to hospitals. It shall be the duty of the members of the staff of said general hospital on request to assist or advise, so far as circumstances permit, such county or other hospital or sanatorium in the medical or surgical care of patients, in X-Ray and laboratory diagnosis or in any other matter contributing to the efficiency of such hospital or sanatorium, and so far as possible to furnish internes and other personnel.

No employee of the University shall receive any compensation for such advice or service other than that paid him by the Board of Regents, except that actual expenses incurred in rendering such advice or service may be paid. ('21 c. 411 § 11)

4588. Counties may build and maintain hospitals—Proceedings—In addition to the authority to erect and maintain and assist hospitals conferred upon individual counties by Chapter 392 and Chapter 123, General Laws of Minnesota for 1913 the boards of county commissioners in any group of counties shall have and are hereby given power to acquire lands, to purchase or erect buildings and to equip and maintain the same for general hospital purposes. The procedure for the cooperation of a group of counties in building and maintaining such a hospital shall be as follows:

(a) The preliminary step shall be a majority vote of the county commissioners of each county of the cooperating group of counties in favor of the establishment of such hospital, the place of its location, the approximate amount (hereinafter to be known as the "cost") to be expended for the purchase of a site and

erection of buildings and the apportionment of such costs among the several counties of the group.

(b) If the share of the cost to be paid by any county shall not exceed the sum that may be raised by a tax levy of not to exceed one mill on the dollar of the taxable property of such county, it shall be lawful for the county commissioners of said county to order a tax to pay its share of the cost of such hospital; and the said tax shall be levied, extended and collected in the same manner as other county taxes are levied, extended and collected, and shall be used for no other purpose than that for which it was authorized and collected.

(c) When such share of the cost to be paid by any county shall exceed the sum indicated in subdivision (b) hereof or whenever it is necessary to issue bonds of any county to defray its share of the cost of such hospital, or whenever in any case the county commissioners shall deem it desirable, then the question of (1) whether such hospital shall be established and (when necessary) (2) whether bonds shall be issued to defray such county's proportion of the cost thereof, shall be submitted to the voters of such county; and the hospital shall not be established nor bonds issued therefor unless a majority of the voters of such county shall vote in favor of each question submitted to them. The manner of voting shall be as indicated in the existing statutes governing the establishment of tuberculosis sanatoria in counties or groups of counties. The board of county commissioners of a county is authorized to levy a tax to pay interest and principal of any bonds authorized hereunder by the voters of said county, as the same shall become due and payable; and the said tax shall be levied, extended and collected in the same manner as other county taxes are levied, extended and collected, and shall be used for no other purpose than that for which it was authorized and collected.

(d) The sums collected by taxation or sale of bonds under subdivisions (b) or (c) hereof shall be paid into the county treasuries of the respective counties of the cooperating group of counties, and in each case shall be kept in a separate fund to be known as the "county hospital building fund."

(e) Upon the preliminary decision under subdivision (a) hereof to establish and maintain a hospital under this act there shall be established a commission to be known as the county hospital commission. Said Commission shall consist of three residents of the county in which the hospital is to be located, chosen by the county commissioners of said county for a term of three years from the first of July next succeeding such choice or until their successors are chosen (except that the first three commissioners shall be chosen for one, two and three years respectively, so that annually thereafter one commissioner shall be chosen), and of two residents from each other county of the cooperating group of counties, chosen likewise by their respective county commissioners for a term of two years from the first of July next succeeding such choice or until their successors are chosen (except that in each such county the first two commissioners shall be chosen for one and two years respectively, so that annually thereafter one commissioner shall be chosen in each county). Said commissioners shall serve without compensation, but may be reimbursed for actual expenses incurred by them in connection with their official duties.

Said county hospital commission shall have power to purchase real estate, to erect and equip buildings for hospital purposes, and have full charge and con-

trol of the operation and management of such county hospital. They may, when deemed necessary, employ a competent superintendent, who shall be the executive officer of the hospital and act as secretary of the county hospital commission. One member of said commission shall be elected annually by the commission as its president. The county treasurer of the county in which the hospital is located shall be the treasurer of the county hospital commission. He shall pay out of the funds of the hospital commission on properly authenticated vouchers of the hospital commission signed by the president and secretary.

The county hospital commission is empowered to accept as a trust any gift, donation or endowment from any source, whether subject to special provisions of the donors or not; and such gifts, donations or endowments shall be placed to the credit of the county hospital fund in the treasury of the county in which the hospital is located and disbursed, as to principal or income as the donors may have indicated, by the county hospital commissioners.

(f) When the county hospital commission is satisfied that each county in the cooperating group of counties has collected its share of the cost of said hospital, it shall so certify to the county commissioners of each county, who shall thereupon respectively order the county treasurer of their respective county to pay over to the treasurer of the county hospital commission the county hospital building fund in the possession of such county treasurer. The county hospital commission shall thereupon proceed to erect such hospital and to carry it on. ('21 c. 411 § 12)

4589. General hospital and sanatorium may be in conjunction—It shall be lawful with the consent of the Advisory Commission of the State Sanatorium for Consumptives for any county or any group of counties which has or which may hereafter erect a tuberculosis sanatorium in accordance with existing statute, to erect in conjunction therewith or in the neighborhood thereof a General hospital and to conduct the two institutions under a common management and under one commission, to be known as the County Hospital and Sanatorium Commission. ('21 c. 411 § 13)

4590. Certain powers of judges of probate transferred to County Board—All the rights, powers, duties and privileges now vested in and conferred upon judges of probate by chapter 411, Session Laws of Minnesota for 1921, are hereby transferred to and vested in the members of the several boards of county commissioners in the state, and any member of such a board may receive, investigate and act upon applications for treatment in the general hospital. ('23 c. 265 § 1)

**Explanatory note**—For Laws 1921, c. 411, see §§ 4577 to 4589, herein.

4591. Psychopathic department of the Minnesota General Hospital established—An institution to be known as the "Psychopathic Department of the Minnesota General Hospital" is hereby established. It shall be erected, equipped, maintained, and administered for the care, observation, study, and treatment of defective persons as defined in existing statutes, and of such other persons as are afflicted or supposed to be afflicted with any other abnormal mental condition. It may conduct an outpatient service for the diagnosis, care, and treatment of cases less pronounced in type than those thought proper for hospital residence. It may conduct clinics, investigate conditions or conduct educational work in regard to mental disease and mental hygiene in any part of the state. Persons who are addicted to the use of habit forming drugs shall be

proper patients for admission to and treatment in the Psychopathic Department. ('23 c. 385 § 1)

4592. Duties of department—The Psychopathic Department in all matters relating to the commitment, custody, guardianship, care, and control of defective persons shall be governed by the statutes pertaining to such persons and all powers granted by law to the State Board of Control in regard to such persons shall apply to them in said hospital, subject to the provisions hereinafter contained. ('23 c. 385 § 2)

4593. Shall be part of Minnesota General Hospital—The Psychopathic Department shall be a part of the Minnesota General Hospital system and under the same organization and administration. ('23 c. 385 § 3)

4594. Board of regents to appoint medical director—The Board of Regents of the University shall appoint a medical director of the Psychopathic Department and such other officers and employes as may be necessary for its proper conduct. ('23 c. 385 § 4)

4595. Duties of medical director—The medical Director shall supervise and direct the medical care and treatment of all patients in the Psychopathic Department; carry on and direct investigations into the nature, causes, and cure of abnormal mental conditions; ask for and be entitled to receive the co-operation of all experts in the employ of the University, such as physicians, surgeons, pathologists, psychologists, sociologists, and X-Ray specialists; seek to bring about systematic co-operation between the Psychopathic Department and all state institutions under the jurisdiction of the Board of Control so far as these institutions may have in their custody defective persons or persons afflicted or supposed to be afflicted with any other abnormal mental condition; visit, from time to time, said institutions upon request of the respective superintendents thereof or upon request of the Board of Control; and may advise the medical officers of such institutions or the Board of Control or any court, on request, in subjects relating to abnormal mental conditions. ('23 c. 385 § 5)

4596. Who may be sent to department—Any defective person may be sent to, committed to, or received by the Psychopathic Department in the same manner and form and for the same causes as such person would be sent to, committed to, or received by any institution under the State Board of Control. It shall be in the discretion of any court acting in accordance with existing statute or in the discretion of the State Board of Control to send any person to the Psychopathic Department instead of some other institution to which such person would be sent under existing statute. The Psychopathic Department is designated as a place of temporary detention to which under existing statutes any probate judge may send defective persons for temporary detention. The State Board of Control shall have authority to transfer any patient or inmate from any institution under its control to the Psychopathic Department for observation and treatment or for medical and surgical care and treatment under the staff of the Minnesota General Hospital.

Persons not defective but who are afflicted or supposed to be afflicted with any abnormal mental condition may be admitted to the Psychopathic Department under such rules as the Board of Regents may adopt.

Provided in every case that the consent of the superintendent of the Minnesota General Hospital, shall be obtained before any patient is sent to, transferred to or received by the Psychopathic Department. ('23 c. 385 § 6)

4597. **Discharge—Transfer**—Whenever in the judgment of the superintendent of the Minnesota General Hospital, any defective in the Psychopathic Department should be discharged from said hospital, said superintendent shall inform the State Board of Control, which shall immediately order the patient to be sent to the proper institution for such patient. The Medical Director of the Psychopathic Department shall furnish the institution to which a patient is transferred, or the State Board of Control on request or the proper court on request, with full information and advice concerning such patient. The expense of transferring patients for study and treatment to and from the Psychopathic Department shall be a proper charge upon the counties as under existing statutes or upon institutions under the State Board of Control from which or to which patients may be removed, under such rules as the State Board of Control may prescribe. The expense of transferring patients for study and research purposes shall be a proper charge upon the Psychopathic Department under such rules as the Board of Regents may prescribe. The Superintendent of the Minnesota General Hospital may discharge any voluntary patient in the Psychopathic Department or may take steps to secure commitment and transfer of such a patient whenever in the judgment of said superintendent such patient should be discharged from the said Psychopathic Department. ('23 c. 385 § 7)

4598. **Appropriation**—There is hereby appropriated from any funds not otherwise appropriated the sum of \$15,000.00 for the support and current expense of the Psychopathic Department for the biennium ending June 30, 1925. ('23 c. 385 § 8)

#### STATE SOLDIERS WELFARE FUND.

4599. **Funds from United States**—Whereas, the State Board of Control is now permitted by law to collect for the maintenance of ex-service inmates of state institutions only the current cash disbursements for maintenance, and such amounts so permitted to be collected do not include costs of investment, carrying cost or depreciation, or provision for additional facilities for civilian inmates crowded out to make room for such ex-service persons, and

Whereas, the United States Government has allowed and is willing to pay the State Board of Control a larger sum for the support and maintenance of such ex-service persons than the existing law permits it to collect, and

Whereas, it is just and proper that the State receive for the maintenance of such ex-service persons such sums as the United States is willing to pay therefor, and as will cover such investment, depreciation and carrying costs, and

Whereas, the State of Minnesota desires to use any moneys the United States is willing to pay for the maintenance of such ex-service persons in excess of the cash disbursements for their maintenance for the benefit of disabled and indigent citizens who served in the military or naval forces of the United States.

Be it enacted by the Legislature of the State of Minnesota:

**State board of control to collect funds from veterans' bureau for certain purposes**—That the State Board of Control, the Board, superintendent, commission or other administrative body in charge of any State insane hospital, the state sanatorium for consumptives, the Minnesota general hospital, or any state institution or in charge of any county hospital or sanatorium for consumptives, whether maintained by one county

or by a group of counties in which any persons suffering from disability incurred in or connected with service in the military or naval forces of the United States in the world war are inmates or domiciled for whose care and maintenance provision is made by the United States Government, be and are hereby authorized and directed to collect from the United States Veterans Bureau or other agency of the United States Government authorized to pay for the care and support of such persons, the maximum amount allowed and that can be collected for the care, maintenance and treatment of any and all such ex-service persons. ('23 c. 436 § 1)

4600. **Funds to be used for care and maintenance of disabled soldiers**—The State Board of Control, the board superintendent, commission or other administrative body in charge of any such hospital, sanatorium or institution shall retain and pay into the funds of such institution for and on account of such ex-service persons for whose care, maintenance and treatment an allowance is collected as hereinbefore provided for from the United States Government or other agency of the United States Government, out of the moneys so collected, only the average gross per capita cost of maintaining and supporting inmates in any such hospital, sanatorium or other institution and any special or extra expenditures or disbursements made for or in connection with the care and maintenance of such ex-service persons, and shall retain in a separate fund and shall pay to the State Board of Control as hereinafter provided, for and on account of the State Soldiers Welfare Fund hereinafter established, the excess of such amounts so collected over and above such gross per capita maintenance cost and disbursements and expenditures. The proper officer of each of said institutions shall keep in a book prepared for that purpose a daily record of the ex-service persons actually residing there and domiciled in such institution and shall make monthly reports thereof to the State Board of Control.

The governing board, commission or administrative head of any such institution shall on or before the 10th day of every month transmit to the State Board of Control the excess of such amounts so collected over and above such gross per capita costs and disbursements, and the State Board of Control shall pay into the State Soldiers Welfare Fund hereinafter established the sums so received from any such institution, and the excess of the sums collected by it as herein provided for from the United States Government or any agency thereof, in excess over and above such gross per capita maintenance cost and disbursements. ('23 c. 436 § 2)

4601. **State soldiers' welfare fund created**—There is hereby created a State Soldiers Welfare fund to aid and assist any citizen of Minnesota who served in the military or naval forces of the United States, and who was a citizen of Minnesota at the time of entering such service in securing compensation, hospitalization, medical treatment, insurance or other relief or benefits to which he may be entitled from the United States or any other government or state and for the emergency, hospitalization, treatment and maintenance of all such persons. ('23 c. 436 § 3)

4602. **Composition of fund**—The said State Soldiers Welfare Fund shall consist of all sums paid to or received by the State Board of Control under the provisions of this act and of any and all moneys and properties that may be donated, given, bequeathed or devised to said State Soldiers Welfare Fund or to the

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State Board of Control for the benefit of said fund. ('23 c. 436 § 4)

**4603. Board of Control to expend fund**—The said State Soldiers Welfare Fund shall be administered by the State Board of Control and shall be used to locate and investigate the facts as to any citizen of Minnesota who served in the military or naval forces of the United States and who was a citizen of Minnesota at the time of entering such service and who is indigent or suffering from any disability whether acquired in such service or not; to assist any such person in establishing and proving any just claim he may have against the United States Government, or any other government or state for compensation, insurance, relief or other benefits and to provide emergency hospitalization, treatment, maintenance and relief for any such person suffering from disability and to co-operate with other state, municipal and county officials and civic or civilian agencies or organizations in carrying out the provisions of this act.

Such fund is hereby appropriated to be used in such manner as the State Board of Control may determine for such purposes. ('23 c. 436 § 5)

**4604. Soldiers' welfare agent—Appointment—Powers**—The state board of control shall appoint a soldiers welfare agent to have charge of its activities hereunder and is hereby empowered to employ such assistants and to incur such other expense as may be necessary for the administration of said state soldiers welfare fund and carrying out the provisions of this act; provided that no expense shall be incurred under the provisions of this act in excess of the moneys available in such state soldiers welfare fund. The soldiers' welfare agent may be appointed by the probate court guardian of the person or estate or both of any former service man or woman for whom or for whose estate or for both the appointment of a guardian is found by the court to be necessary, and when so appointed and qualified may act as such. Any compensation received by him for so acting shall be paid into and become a part of the state soldiers welfare fund. ('23, c. 436, § 6; amended '25, c. 88)

**4605. Soldiers' welfare fund to be deposited in**

state treasury—Said State Soldiers Welfare Fund shall be deposited in the state treasury and paid out only in such vouchers as may be authorized and approved by the State Board of Control in the same manner and under the same restrictions as are now provided by law for the disbursement of funds by said State Board of Control. ('23 c. 436 § 7)

**4605-1. Soldiers tuition fund—Transfer of part to soldiers' welfare fund**—\$120,000.00 of the cash balance remaining unexpended in the soldiers and sailors tuition fund hereby is transferred to the state soldiers welfare fund created by Chapter 436, General Laws 1923; \$10,000.00 of the principal of said fund available immediately and for the fiscal year ending June 30, 1926, and \$10,000.00 of the principal of said fund available for the fiscal year ending June 30, 1927, hereby are appropriated to the state board of control for the benefit, uses and purposes of said state soldiers welfare fund as now or hereafter provided by law; subject to such appropriations the principal of said fund so transferred and any balances thereof, principal or interest or both, from time to time remaining unexpended, shall be invested and reinvested by the state board of investment in securities in which by law said board is authorized to invest and reinvest trust funds of the state and in the manner and form prescribed by law for the investment and reinvestment of such trust funds by said board; from and after June 30, 1927, the principal of said fund so transferred shall remain inviolate, but the accumulated interest thereon from time to time received from such investment and reinvestment, to be continuously available from and after June 30, 1927, hereby is appropriated to the state board of control for the benefit, uses and purposes of said state soldiers welfare fund as now or hereafter provided by law. ('25, c. 396, § 1)

**Explanatory note**—For Laws 1923, c. 436 see §§ 4599 to 4605, herein.

**4605-2. Same—Transfer of part to soldiers bonus fund**—The cash balance remaining unexpended in the Soldiers and Sailors tuition fund and not transferred by Section 1 hereof hereby is transferred to the Soldiers bonus fund. ('25, c. 396, § 2)

CHAPTER 25A

BOARD OF VISITORS FOR STATE INSTITUTIONS

How constituted—Appointment—Terms—Expenses	Sec.
—Annual appropriation, etc.	4606
Meetings—Powers and duties	4607
Biennial report	4608
Disqualification of members, etc.	4609

Board of visitors for state institutions abolished, and powers, etc., transferred to board of visitors appointed by Governor. See § 53-45, herein.

**4606. 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) [4139]

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