

Nineteen Hundred Thirty-One  
Supplement

to

# Mason's Minnesota Statutes

(1927 thru 1931)

Containing the text of the acts of the 1929 and 1931 Sessions of the  
Legislature, both new and amendatory, and notes showing repeals,  
together with annotations from the various courts, state  
and federal, construing the constitution, statutes,  
charters and court rules of Minnesota



Edited by  
WILLIAM H. MASON, Editor-in-Chief  
W. H. MASON, JR., Assistant Editor

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Border Campaign and World War shall be preserved in the capitol, under the especial care of the adjutant general. They shall be suitably encased and marked, and, so far as the adjutant general may deem it consistent with their safety, shall at all times be publicly displayed. (As amended Apr. 25, 1931, c. 363, §6.)

**§4394. Membership of Board of Governors of recreation and recuperation camps.**—There is hereby established a Board of Governors who shall have and exercise supervision, care, control, and management of such recreation and recuperation camp, which board shall consist of ten members who shall be selected and appointed as follows: Two members thereof shall be selected and appointed by the State Department of the American Legion, two members thereof shall be selected and appointed by the State department of the Veterans of Foreign Wars of the United States, two members thereof shall be selected and appointed by the state department of the United Spanish War Veterans, two members thereof shall be selected and appointed by the state department of the Disabled American Veterans of the World War, one member thereof shall be selected and appointed by the state department of the American Red Cross, and one member, who shall act as the chairman of the said Board of Governors, shall be selected and appointed by the State Board of Control. The members of said Board of Governors shall be appointed in the first instance for the term ending on the first Monday in January, 1925, and thereafter for the term of two years, ending the first Monday of January of the odd numbered year next after the appointment and qualification of their suc-

cessors. Any vacancies at any time occurring in said Board of Governors shall be filled by appointment in like manner as hereinbefore provided for members of said board. If any organization fails to make the appointments hereinbefore provided within thirty days from the passage hereof, the State Board of Control is hereby authorized and required to make appointments for and on behalf of such organization. (As amended Apr. 3, 1929, c. 130.)

**§4397-1. County Board of Control may appropriate money to rest camp.**—The Board of Control of any county in this state for whose disabled American War Veterans a rest camp is now being operated, or which may hereafter be established, whether the said camp is located in said county or not, may annually expend an amount not in excess of the sum of \$9,000.00 in the operation and maintenance of said rest camp. (Act Apr. 24, 1929, c. 312.)

**§4397-2. County boards may appropriate money for rest camps in certain counties.**—That the Board of County Commissioners of any County having a population of over 500,000 in which a rest camp for disabled American War Veterans is being operated, may annually expend an amount not in excess of the sum of \$3,000.00 to assist in the operation and maintenance of said rest camp. (Act Apr. 24, 1931, c. 324.)

Act Apr. 25, 1931, c. 405, makes an appropriation for relief of veterans of Spanish American War, Philippine Insurrection and China Relief Expedition. The act creates a board for administration of the fund, and provides that its functions shall cease June 30, 1935. The act is omitted as temporary.

## CHAPTER 25

### Board of Control and Charities under Its Exclusive Management

#### THE BOARD

**§4398. Membership of board of control.**—The State Board of Control shall consist of three 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. Not more than two (2) members shall belong to the same political party. Vacancies shall be filled by like appointment for the unexpired terms. On the second Monday in April, 1931, and biennially thereafter, the board shall elect from its membership a chairman. A vacancy in the office of chairman shall be filled by like election for the unexpired term.

The Governor may remove any member for malfeasance or non-feasance in office or for any cause which renders him incapable or unfit to discharge his official duties. (As amended Mar. 24, 1931, c. 84.)

#### ILLEGITIMATE CHILDREN

**§4460. Travelling expenses.**—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. If a member or executive agent of the child welfare board uses his own automobile or other conveyance owned by him, he may be allowed reasonable compensation therefore at a rate of not more than seven cents per mile for each mile necessarily traveled in such automobile or other conveyance in the performance of his official duties. (As amended Apr. 20, 1931, c. 242.)

The cost of securing a surety bond for the treasurer of a county child welfare board may be paid by the county, even though such treasurer happens to be a public officer, such as superintendent of schools, and receives a salary

in connection with such office. Op. Atty. Gen., July 3, 1931.

### SOCIAL SERVICE

**§4467-1. State Board of Control to take possession of property in certain cases.**—In any case where the guardianship of the person of any defective, illegitimate, dependent, neglected or delinquent child, or person feeble-minded, has been committed to the State Board of Control, and such person's estate shall consist only of personal property not exceeding in value the sum of one thousand dollars, and there shall be no guardian of the estate of such person, the probate court having jurisdiction of such estate may, after three weeks' published notice of the hearing, and upon notice to the State Board of Control, authorize the State Board of Control to take possession of the property in such estate, liquidate the same, and hold the proceeds thereof in trust for such ward, to be invested, expended and accounted for as provided by Sections 4462, 4463, 4464, 4465, 4466 and 4467, General Statutes, 1923, and acts amendatory thereof. (Act Mar. 9, 1929, c. 55.)

**§4467-2. Board of Control to make reports.**—The state board of control shall annually or at such other times as the probate court may direct file with the court an account of moneys received and disbursed by it for such ward. Upon petition of the ward or of any person interested in such estate and upon notice to the state board of control the probate court may terminate such trust and require final accounting thereof. (Act Mar. 9, 1929, c. 55, §2.)

### MINNESOTA HOME SCHOOL FOR GIRLS

#### §§4484, 4485. [Repealed].

Repealed by Laws 1929, c. 273. See, also, §53-45, as amended by Laws 1929, c. 272.

#### §§4486 to 4488. [Repealed].

Laws 1929, c. 274, repeals "sections 6, 7, 8, and 9, chapter 282, General Laws of Minnesota for 1907, as amended by section 6 in section 1, chapter 3, General Laws of Minnesota for 1911."

### SCHOOL FOR FEEBLE-MINDED, ETC.

**§4500. Who may be admitted—expenses.**—All feeble-minded persons, resident of the state, duly committed to the guardianship of the state board of control, who, in the opinion of said board, are in need of care and training at some state institution for the feeble-minded may be admitted to such an institution, and epileptic persons who are not feeble-minded may on their own application be admitted to the colony for epileptics, 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 the institution of which such person is an inmate a sum not exceeding forty dollars, to be fixed by the board, but if the person so liable fails or refuses to pay such sum, of which non-payment the certificate of the superintendent of such institution shall be prima facie evidence, it is hereby made a charge upon the county in which the person so admitted has a legal settlement for the purpose of poor relief if

he has a settlement within the state and, if not, upon the county from which he was admitted, 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 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, which sums may be recovered by the county from any person of sufficient ability legally responsible for the support of such inmate; 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. (As amended Mar. 19, 1931, c. 74, §1.)

A bond given by the grandfather to secure payment to the school for feeble-minded for maintenance of his grandchild, held binding on him, and he is not entitled to discharge therefrom, though no bond is required by statute, he being the nearest relative of the child who is financially able to pay for its maintenance under §3157. Op. Atty. Gen., July 16, 1930.

**§4502. Abduction or enticing away a gross misdemeanor in certain cases.**—Every person who shall abduct, entice or carry away from a state institution for the feeble-minded or 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 dollars (\$1,000) or imprisonment in the state prison or state reformatory not to exceed three years, or both, in the discretion of the court; any and every person who shall abduct, entice or carry away from any place other than a state institution, a person duly committed as feeble-minded to the guardianship of the state board of control with the

intention of wrongfully removing such person from the direct custody of the state board of control, such person known by him to be under the supervision of the state board of control or its agents, shall be guilty of a gross misdemeanor. (As amended Apr. 18, 1929, c. 231, §1.)

**§4504. Sheriff to receive expense only.**

A sheriff transporting a feeble-minded person to a state institution is entitled to reimbursement for his actual expenses in transporting the person mentioned, and where he uses his own car the expense may exceed seven cents per mile while the feeble-minded person is in the car. Op. Atty. Gen., June 15, 1931.

**HOSPITALS AND ASYLUMS FOR THE INSANE**

**§4523. Patients may be paroled in certain cases.**—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 one year. The order of commitment shall remain in force until he is legally discharged, and he may be recalled at any time. (As amended Mar. 18, 1931, c. 73.)

**§4532. Terms of sentence.**

Time runs on jail sentence while in asylum. 176M572, 224NW156.

**CUSTODY OF CHILDREN**

**§4561. Surrender of parental rights.**

Custody of children given to maternal grandmother as against father. 175M518, 221NW868.

Welfare of child is to be considered, and where mother is dead, father, if fit person, has preferential right to custody, but in this case custody of female child awarded to maternal grandmother. 179M472, 229NW582.

The person who receives a child for permanent care without compliance with this act is guilty of an offense. Op. Atty. Gen., May 9, 1931.

**§4562. Notification of state board of control.**

Intent at time of placement of child is essential factor to be considered in determining guilt. Op. Atty. Gen., May 9, 1931.

"Any person" covers any party having actual custody of the child or the lawful right to such custody. Op. Atty. Gen., May 9, 1931.

**§4567. Supervision by board of control.**

A physician who arranges in a single instance to place a child in a home for permanent care is not within this section. Op. Atty. Gen., May 9, 1931.

**MINNESOTA GENERAL HOSPITAL**

**§4579. Officers to report case needing hospital care.**

Elements of "residence" suggested, and, held that "legal residence" does not mean the same as "legal settlement" within the poor laws. Op. Atty. Gen., June 13, 1930.

**§4588. Counties may build and maintain hospitals.**

For county aid to hospitals, see §683.

**STATE SOLDIERS WELFARE FUND**

**§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, 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 relief, hospitalization, treatment and maintenance of all such persons who were bona fide residents of the state at the time their need arose and their dependents as hereinafter provided. (As amended Apr. 24, 1929, c. 327, §1.)

**§4602.** 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 appropriated, donated, given, bequeathed or devised to said state soldiers welfare fund or to the state board of control for the benefit of said fund. (As amended Apr. 24, 1929, c. 327.)

**§4603.** The said state soldiers welfare fund shall be administered by the soldiers welfare director under the direction of 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 is indigent or suffering from any disability whether acquired in such service or not; to assist any such person and his dependents as hereinafter provided 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 who was a bona fide resident of the state at the time his need arose and his dependents as hereinafter provided, 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 soldiers welfare director under direction of the state board of control may determine for such purposes. (As amended Apr. 24, 1929, c. 327.)

**§4604.** The state board of control shall appoint a soldiers welfare director 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 director 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.

The duties and powers of the soldiers welfare agent, in addition to those otherwise provided, shall be to:

(a) Administer the state soldiers welfare fund under direction of the state board of control.

(b) Co-operate with all national, state, county, municipal and private social agencies in securing to former soldiers and their dependents the benefits provided by national, state and county laws, municipal ordinances or public and private social agencies.

(c) Establish and provide such assistance to a former soldier needing hospitalization but unable to accept hospitalization because the acceptance thereof would imperil his then employment, as would insure employment after hospitalization.

(d) Provide necessary assistance where other adequate aid is not available to the dependent family of a former soldier while such is being hospitalized and afterwards during such period as is necessary.

(e) Act as guardian for minors and incompetent persons receiving moneys from the United States government when no other suitable person will consent to act.

(f) Co-operate with United States government agencies providing compensation, pensions, insurance or other benefits provided by federal law, by supplementing the benefits prescribed therein, when exceptional conditions in an individual case make it necessary.

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

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

(i) He may also establish and provide such employment placement and advisement service for disabled veterans as cannot be furnished by co-operation with other free public employment agencies. (As amended Apr. 24, 1929, c. 327.)

## CHAPTER 25A

### Board of Visitors for State Institutions

§§4606 to 4609. [Repealed.]

Repealed Apr. 20, 1929, c. 268.

## CHAPTER 26

### Schools for the Deaf and the Blind

**§4613. Blind student to receive expenses while at certain schools.**—That any blind person who is, and for five years immediately preceding the making of his application for aid under this act has been, a resident of this state, and who is a regularly enrolled student pursuing any course of study, profession, art, or science in any university, college, or conservatory of music approved by the board of directors of the Minnesota School for the Blind, and in the discretion and under direction of said board, receive a sum or sums of money not exceeding \$300 in any one year, for the purpose of defraying his necessary expenses, including those of a reader, while in attendance upon such university, college, or conservatory, such expenditures to be made from the appropriations for the current expenses of the Minnesota School for the Blind, provided that not more than ten such blind persons shall receive such aid in any one year. (As amended Apr. 24, 1929, c. 367, §1.)

**§4615. Certain children required to attend.**—Every parent, guardian or other person having control of any normal child between six and twenty years of age, too deaf or unable to make articulate sounds to be properly benefited by the methods of instruction in vogue in the public schools, shall be required to send such child or youth to the School for the Deaf at the City of Faribault,

Minnesota, during the scholastic year of that school. Such child or youth shall attend such school year after year, until discharged by the superintendent upon approval of the State Board of Control.

Such Board may excuse attendance when satisfied:

1. That the child is in such bodily or mental condition as to prevent his attendance at school or application to study for the period required.

2. That he is afflicted with such contagious or offensive disease or possesses such habits as to render his presence a menace to the health or morals of other pupils, or for any reason deemed good and sufficient by the superintendent with approval of the State Board of Control.

3. That the child is efficiently taught for the scholastic year in a private or other school, or by a private tutor, the branches taught in the public schools so far as possible.

Any such parent, guardian or other person failing to comply with the foregoing section shall, upon conviction thereof before the justice of the peace or other court, be deemed guilty of a misdemeanor, and shall be fined in a sum of not less than five (5) nor more than twenty (20) dollars for the first offense, nor less than ten (10) nor more than fifty (50) dollars for the second and every subsequent offense, with costs in each case. Any