

CHAPTER 526

PROBATE GENERAL PROVISIONS

526.01 SUPPORT OF INSANE PERSONS.

HISTORY. 1917 c. 294 s. 4; G.S. 1923 s. 8976; M.S. 1927 s. 8976; 1931 c. 301; 1941 c. 313.

Laws 1917, Chapter 409 (repealed by Laws 1943, Chapter 636), does not give the state a right to take a distributive share in the estate of a deceased person who was an inmate of and maintained at the expense of the state at one of its hospitals for the insane. The law is not retroactive. State ex rel v Probate Court, 142 M 283, 171 NW 928.

Prior to the enactment of Laws 1917, Chapters 294, 409, the state was required to support insane inmates at its own expense. State ex rel v Probate Court, 142 M 283, 171 NW 928.

Where a person was committed from a county in which his parents resided, and they paid for his support for years and then moved to another county, the county in which the inmate resided at the time of the commitment is liable for the support. OAG July 20, 1935 (679c); OAG July 23, 1935 (840a-6).

The welfare board is under no liability for insane persons receiving care in state institutions. OAG July 28, 1937 (125a-64).

Mother had settlement in St. Louis county. Her illegitimate child born in Hennepin county, and the juvenile court placed it in Catholic home. The mother left the state. The child having been adjudged feeble-minded, and placed under control of director of public welfare, the county of St. Louis would be responsible. OAG July 30, 1935 (339a-2).

Relating amount to be paid each month for the maintenance of an insane person committed to the hospital for the insane. OAG March 5, 1945 (248b-7).

Guardianship and commitments under the probate code. 20 MLR 346.

526.02 DETERMINATION OF DIRECTOR OF PUBLIC INSTITUTIONS TO BE CONCLUSIVE.

HISTORY. 1917 c. 294 s. 5; G.S. 1923 s. 8977; M.S. 1927 s. 8977.

526.03 PROCEEDINGS TO BE COMMENCED BY DIRECTOR OF PUBLIC INSTITUTIONS.

HISTORY. 1917 c. 294 s. 6; G.S. 1923 s. 8978; M.S. 1927 s. 8978.

526.04 PETITION FOR RELEASE OR MODIFICATION OF ORDER OF DIRECTOR.

HISTORY. 1917 c. 294 s. 7; G.S. 1923 s. 8979; M.S. 1927 s. 8979.

526.05 DIRECTOR OF PUBLIC INSTITUTIONS GIVEN POWER TO MAKE CERTAIN INVESTIGATIONS.

HISTORY. 1917 c. 294 s. 8; G.S. 1923 s. 8980; M.S. 1927 s. 8980.

526.06 AGGRIEVED PERSON GIVEN RIGHT OF APPEAL TO DISTRICT COURT.

HISTORY. 1917 c. 294 s. 9; G.S. 1923 s. 8981; M.S. 1927 s. 8981.

526.07 PROCEDURE FOR RECEIVING AND DISBURSING OF MONEY SO PAID OR PAID VOLUNTARILY.

HISTORY. 1917 c. 294 s. 10; G.S. 1923 s. 8982; M.S. 1927 s. 8982.

526.09 PSYCHOPATHIC PERSONALITY.

HISTORY. 1939 c. 369 s. 1; M. Supp. s. 8992-184a.

The provisions of Laws 1939, Chapter 369, are not so indefinite and uncertain as to render the statute void; and while due process of law requires notice and opportunity to be heard, the constitutional right to a trial by jury does not apply to proceedings for the care and commitment of sexually irresponsible persons dangerous to others. *State ex rel v Probate Court*, 205 M 545, 287 NW 297; *Minnesota ex rel v Probate Court*, 309 US 270, 60 SC 923.

Where the evidence as to the existence of a psychopathic personality is in conflict, the question is one of fact to be determined by the trial court upon all the evidence. *Dittrick v Brown County*, 215 M 234, 9 NW(2d) 510.

Physicians who appear as witnesses in psychopathic cases may be paid by the county on order of the probate court. The district court has no jurisdiction except in case of appeal. 1940 OAG 34, April 12, 1940 (248b-11).

A psychopathic personality is governed by the same laws as the dangerously insane, may not be released on bond before commitment; and like an insane person, may be restored to capacity, but only upon petition after notice and hearing as required by statute. 1942 OAG 27, Dec. 26, 1941 (248b-11).

A psychopathic personality is one irresponsible in respect to sexual matters. OAG Jan. 12, 1944 (248b-11).

Youth correction act. 28 MLR 330.

526.10 LAWS RELATING TO INSANE PERSONS TO APPLY TO PSYCHOPATHIC PERSONALITIES.

HISTORY. 1939 c. 369 s. 2; M. Supp. s. 8992-184b.

The probate court has authority to issue dual warrants of commitment to the state and to the veterans' hospital. The patient under proper showing, notice and hearings, may be released. 1940 OAG 31, Nov. 21, 1939 (248b-3).

526.11 NOT TO CONSTITUTE DEFENSE.

HISTORY. 1939 c. 369 s. 3; M. Supp. s. 8992-184c.

Commitment as a psychopathic personality does not relieve criminal responsibility nor constitute a defense to a criminal charge. 1940 OAG 30, Nov. 1, 1939 (248b-3).

Constitutional validity of statute relating to persons having "psychopathic personality." 24 MLR 687.

526.12 SALARIES OF JUDGES OF PROBATE IN CERTAIN COUNTIES; CLERK HIRE.

HISTORY. 1917 c. 328 s. 1; 1923 c. 86 s. 1; G.S. 1923 s. 8707; 1925 c. 288 s. 1; 1927 cc. 63, 402; M.S. 1927 s. 8707; 1935 c. 72 s. 196.

Laws 1943, Chapter 15 is unconstitutional. *Hamlin v Ladd*, 217 M 249, 14 NW(2d) 396.

Method of determining an assessed valuation of property governing the salary of a probate judge. 1942 OAG 199, July 18, 1941 (347-7).

526.123 SALARIES OF PROBATE JUDGES.

HISTORY. 1941 c. 487 ss. 1 to 3.

526.13 MINIMUM SALARY OF JUDGE OF PROBATE.

HISTORY. 1937 c. 94 s. 1; M. Supp. s. 8706-5.

MINNESOTA STATUTES 1945 ANNOTATIONS

3193

PROBATE GENERAL PROVISIONS 526.20

Method of determining the assessed value of property in determining the salary of a probate judge. 1938 OAG 181, June 12, 1937 (104a-9); OAG Nov. 23, 1937 (347i).

526.124 SCHEDULE OF SALARIES IN CERTAIN COUNTIES.

HISTORY. 1945 c. 515 ss. 1, 2, 4, 5.

526.14 SALARY OF PROBATE JUDGE IN CERTAIN COUNTIES.

HISTORY. 1937 c. 94 s. 2; Ex. 1937 c. 42; M. Supp. s. 8706-6.

Determining the salary of a probate judge. 1938 OAG 181, June 12, 1937 (104a-9).

526.15 MINIMUM SALARIES IN CERTAIN COUNTIES.

HISTORY. 1937 c. 94 s. 3; M. Supp. s. 8706-7.

526.16 SALARY OF JUDGE OF PROBATE FIXED BY GENERAL LAW.

HISTORY. 1937 c. 94 s. 4; M. Supp. s. 8706-8.

Determining the salary of a probate judge. OAG Nov. 23, 1937 (347i).

526.17 APPLICATION OF SECTIONS 526.13 TO 526.16.

HISTORY. 1937 c. 94 s. 5; M. Supp. s. 8706-9.

526.18 SALARIES OF JUDGES OF PROBATE IN HENNEPIN AND RAMSEY COUNTIES.

HISTORY. 1929 c. 96 s. 1; 1935 c. 72 s. 196; M. Supp. s. 8706-1; 1945 c. 429 s. 1.

526.19 SALARIES OF EMPLOYEES OF PROBATE COURT OF RAMSEY COUNTY.

HISTORY. 1935 c. 72 s. 196; 1935 c. 283 s. 1; 1939 c. 280; M. Supp. s. 8706-3.

526.20 SALARIES AND CLERK HIRE NOT TO BE AFFECTED BY DECREASE IN VALUATION.

HISTORY. 1931 c. 30; M. Supp. s. 8706-2.