

CHAPTER 526

PROBATE GENERAL PROVISIONS

<p>Sec. 526.09 Psychopathic personality 526.10 Laws relating to insane persons to apply to psychopathic personalities 526.11 Not to constitute defense 526.12 Probate court; clerk hire; salaries</p>	<p>Sec. 526.18 Salaries of judges of probate in Hennepin and Ramsey counties 526.19 Salaries of employees of probate court of Ramsey county 526.20 Salaries and clerk hire not to be affected by decrease in valuation</p>
---	--

526.01-526.07 [Repealed, 1959 c 578 s 7]

526.08 [Repealed, 1943 c 636 s 1]

526.09 **PSYCHOPATHIC PERSONALITY.** The term "psychopathic personality," as used in sections 526.09 to 526.11, means the existence in any person of such conditions of emotional instability, or impulsiveness of behavior, or lack of customary standards of good judgment, or failure to appreciate the consequences of his acts, or a combination of any such conditions, as to render such person irresponsible for his conduct with respect to sexual matters and thereby dangerous to other persons.

[1939 c. 369 s. 1] (8992-184a)

526.10 **LAWS RELATING TO INSANE PERSONS TO APPLY TO PSYCHOPATHIC PERSONALITIES.** Except as otherwise provided, all laws now in force or hereafter enacted relating to insane persons, to persons alleged to be insane, and to persons found to be insane, shall apply with like force and effect to persons having a psychopathic personality, to persons alleged to have such personality, and to persons found to have such personality, respectively. Before such proceedings are instituted, the facts shall first be submitted to the county attorney, who, if he is satisfied that good cause exists therefor, shall prepare the petition to be executed by a person having knowledge of the facts and file the same with the judge of the probate court of the county in which the "patient," as defined in such statutes, has his settlement or is present. The judge of probate shall set the matter down for hearing and for examination of the "patient." The judge may at his discretion exclude the general public from attendance at such hearing. The "patient" may be represented by counsel; and if the court determines that he is financially unable to obtain counsel, the court may appoint counsel for him. The "patient" shall be entitled to have subpoenas issued out of the court to compel the attendance of witnesses in his behalf. The court shall appoint two duly licensed doctors of medicine to assist in the examination of the "patient." The proceedings had shall be reduced to writing and shall become part of the records of the court. From a finding made by such court of the existence of psychopathic personality, the "patient" may appeal to the district court upon compliance with the provisions of sections 525.712, 525.713, 525.72 and 525.73.

[1939 c. 369 s. 2] (8992-184b)

526.11 **NOT TO CONSTITUTE DEFENSE.** The existence in any person of a condition of psychopathic personality shall not in any case constitute a defense to a charge of crime, nor relieve such person from liability to be tried upon a criminal charge, unless such person is in a condition of insanity, idiocy, imbecility, or lunacy within the meaning of the laws relating to crimes and criminal procedure.

[1939 c. 369 s. 3] (8992-184c)

526.12 **PROBATE COURT; CLERK HIRE; SALARIES.** The probate judges in all the counties in this state where compensation is not fixed by special laws shall receive in full compensation for all services rendered by them annual salaries to be paid in 12 equal monthly instalments, based on the then last preceding completed state or national census, and on the then last preceding assessed valuation of real and personal property, as fixed by the commissioner of taxation, as follows:

In counties whose population is less than 6,000, \$750; if the population is 6,000 and less than 9,000, \$1,000, and in addition thereto \$50 for every \$1,000,000 assessed valuation not to exceed \$300; if the population is 9,000 and less than

MINNESOTA STATUTES 1961

526.18 PROBATE GENERAL PROVISIONS

4476

13,000, \$1,150, and in addition thereto \$50 for every \$1,000,000 assessed valuation not to exceed \$400; if the population is 13,000 and less than 17,000, \$1,300, and in addition thereto \$50 for every \$1,000,000 assessed valuation not to exceed \$500; if the population is 17,000 and less than 22,000, \$1,450, and in addition thereto \$50 for every \$1,000,000 assessed valuation not to exceed \$600; if the population is 22,000 and less than 28,000, \$1,500, and in addition thereto \$50 for every \$1,000,000 assessed valuation not to exceed \$750; if the population is 28,000 and less than 36,000, \$1,600, and in addition thereto \$50 for every \$1,000,000 assessed valuation not to exceed \$950; if the population is 36,000 and less than 45,000, \$1,800, and in addition thereto \$50 for every \$1,000,000 assessed valuation not to exceed \$1,000; if the population is 45,000 and less than 100,000, \$3,000.

In addition to the foregoing salaries annual compensation for clerk hire for probate judges in counties having a population of less than 100,000 shall be as follows:

In all counties having a population of less than 8,000 the county board may allow clerk hire in an amount not to exceed one-fourth of the salary of the probate judge; if the population is 8,000 and less than 13,000, \$300, and such further sum as the county board may allow not to exceed a total of \$700; if the population is 13,000 and less than 17,000, \$400 and such further sum as the county board may allow not to exceed a total of \$800; if the population is 17,000 and less than 22,000, \$550, and such further sum as the county board may allow not to exceed a total of \$900; if the population is 22,000 and less than 28,000, \$650, and such further sum as the county board may allow not to exceed a total of \$1,200; if the population is 28,000 and less than 36,000, \$700, and such further sum as the county board may allow not to exceed a total of \$1,400; if the population is 36,000 and less than 45,000, \$1,200 and such further sum as the county board may allow not to exceed a total of \$1,500; if the population is 45,000 and less than 55,000, \$1,500 and such further sum as the county board may allow not to exceed a total of \$2,000; if the population is 55,000 and less than 100,000, such sum as the county board may allow not to exceed a total of \$4,000 per annum. No sums shall be paid or allowed for clerk hire in excess of the amounts actually paid or due for help employed to perform necessary excess clerical labor in the respective offices of judges of probate as hereinbefore mentioned.

[1917 c. 328 s. 1; 1923 c. 86 s. 1; 1925 c. 288 s. 1; 1927 c. 63; 1927 c. 402; 1935 c. 72 s. 196] (8707)

NOTE: The part of section 526.12 fixing salaries of judges appears repealed by section 525.081.

As to clerk hire, see also sections 382.265 and 525.08.

526.123 [Repealed, 1961 c 596 s 1 subd. 6]

526.124 [Repealed, 1961 c 596 s 1 subd. 6]

526.125 [Repealed, 1961 c 596 s 1 subd. 6]

526.126 [Repealed, 1961 c 596 s 1 subd. 6]

526.127 [Repealed, 1951 c 327 s 6]

526.13 [Repealed, 1961 c 596 s 1 subd. 6]

526.14 [Repealed, 1961 c 596 s 1 subd. 6]

526.15 [Repealed, 1961 c 596 s 1 subd. 6]

526.16 [Repealed, 1961 c 596 s 1 subd. 6]

526.17 [Repealed, 1961 c 596 s 1 subd. 6]

526.18 SALARIES OF JUDGES OF PROBATE IN HENNEPIN AND RAMSEY COUNTIES. The compensation of the judges of the probate court in all counties of this state now or hereafter having a population of 250,000 or more shall be equal to the compensation now or hereafter paid to judges of the district court in such counties, which salary shall be paid in equal monthly instalments out of the county treasury of such counties upon warrants of the county auditor out of any funds of the county not otherwise appropriated.

[1929 c. 96 s. 1; 1935 c. 72 s. 196; 1945 c. 429 s. 1] (8706-1)

526.19 SALARIES OF EMPLOYEES OF PROBATE COURT OF RAMSEY COUNTY. In all counties having more than 300,000 and less than 450,000 inhabitants, the personnel of the probate court, other than the judge, shall consist of one clerk, two deputy clerks, one reporter and such other employees as the judge shall determine. The salaries of such clerk, deputy clerks, reporter and employees shall be fixed by the board of county commissioners, and all except the clerk and reporter shall be employed pursuant to such civil service laws in force in said county.

[1935 c 72 s 196; 1935 c 283 s 1; 1939 c 280 ; 1949 c 70 s 1] (8706-3)

MINNESOTA STATUTES 1961

4477

PROBATE GENERAL PROVISIONS 526.20

526.20 SALARIES AND CLERK HIRE NOT TO BE AFFECTED BY DECREASE IN VALUATION. Neither the salary nor allowance for clerk hire of any judge of probate shall be decreased during the term for which he was elected or appointed by reason of any decline in the population of the county or by a decrease in the valuation of the county, but such salary and clerk hire shall be paid during the balance of such term of office in the amounts authorized prior to such reduction in population, or by a decrease in valuation of the county.

[1931 c. 30] (8706-2)