

CHAPTER 170.

[H. F. No. 729]

AN ACT TO AUTHORIZE COUNTIES TO CHANGE THEIR SYSTEM OF CARING FOR THE POOR.

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

SECTION 1. *Poor persons to be a county charge.* Every poor person who is dependent upon the public for maintenance or relief shall be a charge upon the county in which such poor person has a legal residence, as provided by chapter fifteen (15), general statutes of one thousand eight hundred and seventy-eight (1878), unless otherwise provided by law, and the system of caring for the poor in such counties shall be known as the county system.

Poor persons to be a county charge.

SEC. 2. *When to be a charge upon towns, cities and villages.* In every county of this state where poor persons who are dependent upon the public for maintenance or relief, in accordance with the provisions of chapter fifteen (15), of the general statutes of one thousand eight hundred and seventy-eight (1878), have been or shall hereafter be made a charge upon the towns or upon the incorporated cities or villages in which such poor persons have a legal residence, the system of caring for the poor shall be known as the town system. The boards of supervisors of the several towns and the common councils of the several incorporated cities and villages in such counties shall be the superintendents of the poor, in their respective towns, cities and villages, to the exclusion of the county commissioners of such counties.

When to be a charge upon towns, cities and villages.

SEC. 3. *Relief: how given.* All applications for aid in counties having the town system of poor relief shall be made to the boards of supervisors of the several towns or to the common councils of the incorporated cities and villages in such counties; and the said boards of supervisors or common councils, themselves or by committees appointed by them, shall grant such relief as they shall deem necessary by paying for the board and care of such persons, or providing transportation to their homes, paying rent, furnishing provisions, clothing and fuel, medical attendance or burying the dead. No cash shall be paid to any poor person under this act, and no bill shall be allowed by any common council or board of supervisors for goods furnished or services rendered under this act unless some member of said common council or board of supervisors shall first certify in writing under his hand that the said account is correct and just, that the prices charged therein are reasonable, and that the service charged for was actually rendered, or the goods charged for were necessary for the relief of such poor person, were actually delivered

Relief: how given.

and were of good quality. Every such bill shall specify the names of the paupers for whom services were rendered or goods furnished, and the amount charged for each pauper.

Officers not to have a pecuniary interest.

SEC. 4. *Officers not to have a pecuniary interest.* No member of any board of supervisors, or any city or village council, which is charged with the care of the poor, under this act, shall be either directly or indirectly interested in the furnishing of any supplies for the benefit of poor persons, or in the erection or maintenance of any poor house; and no such member shall be a physician for the poor, or overseer of the county poor house. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor.

Duties of town supervisors and common councils, in counties having the town system.

SEC. 5. *Duties of town supervisors and common councils, in counties having the town system.* In counties having the town system of caring for the poor, the boards of supervisors of the several towns, and the common councils of the several incorporated cities and villages, shall have the following powers and duties:

(a.) They may appoint some suitable and competent practicing physician to be physician of the poor, whose duty it shall be, upon direction of any member of such board of supervisors, or common council, to attend upon and prescribe for all sick poor persons requiring medical aid, who are at the time receiving, or entitled to receive, public support or relief, according to the provisions of this act. Such physician shall hold office during the pleasure of the board or council appointing him, and shall receive such compensation as they shall from time to time, determine.

(b.) Whenever application for public relief is made by any person who has not a legal settlement in the town, city or village in which such application is made, but who has a legal settlement in some other county, town, city or village in this state at the time of making such application, the board of supervisors or the common council, or the chairman or president thereof, shall warn such person to depart from said town, city or village; and if such person is unable or refuses to depart within a reasonable time after being so warned, and is likely to become chargeable upon the public for support, the chairman or president aforesaid may issue an order, directed to any constable or marshal in the said town, city or village, and requiring him to convey such poor person to the county, city or town in which he has a legal settlement; and the said constable or marshal shall take such person and convey him to the place designated in said order. The reasonable expense of such removal shall be allowed and paid to such officer out of the poor fund of said town, city or village.

(c.) When any minor becomes chargeable upon any town, city or village, the board of supervisors or the com-

mon council or any member thereof shall apply to the board of county commissioners to secure the admission of such minor to the state public school, or they shall bind such minor as an apprentice to some respectable person, a householder of said county, if such person can be found, who will take such minor by written indenture of the same tenor and effect as required by the chapter of the general statutes relating to masters and servants, and which shall be binding upon such minor, as therein provided.

SEC. 6. *Residence.* The general laws of the state as to the residence of poor persons in order to obtain aid from counties shall apply to the residence of poor persons in towns and incorporated cities and villages in counties which shall have adopted the town system of caring for the poor. *Provided*, that if any poor person shall have resided within any county continuously for one (1) year, but has not resided within any town, city or village therein continuously for one (1) year, he shall be entitled to relief from that town, or that incorporated city or village wherein he has resided for the longest period of time within the year preceding his application for relief.

Residence.

SEC. 7. *Poor House.* In any county having the town system of poor relief, the county commissioners may establish and maintain a county poor house with the advice and consent of the state board of corrections and charities. The said poor house shall be governed by the provisions of sections six (6), seven (7), eight (8) and nine (9) of chapter fifteen (15) of the general statutes of one thousand eight hundred and seventy-eight (1878). The cost of establishing and maintaining it shall be paid from the county treasury; but at their July meeting in each year the board of county commissioners shall fix a weekly rate of board to be charged back upon the several towns, cities and villages in said county, and paid into the county treasury from the town, city or village poor fund. The chairman of any board of town supervisors or the president of the common council of any city or village in such county, shall have authority to sign commitments to the county poor house and to designate some officer of said town, city or village to convey any poor person to the said county poor house, the expense of such conveyance to be paid from the town, city or village poor fund. The overseer of said poor house shall receive and care for such poor persons, *provided*, that the said overseer shall not be required to receive any person who may be suffering from any contagious or infectious disease. The said overseer shall have authority to discharge any inmate of the said poor house whenever, in his judgment, the said inmate is capable of self support, or whenever he shall ascertain that any inmate has not a legal residence in the county, or whenever the officer by whom such person was committed shall issue an order for his discharge. The overseer may, if he

Poor House.

shall deem it necessary, furnish transportation to any discharged inmate to the place from which he came, at the expense of the county.

Care of non-resident paupers.

SEC. 8. *Care of non-resident paupers.* In all cases where any town, city or village in any such county shall expend any money in the removal, support, maintenance or burial of any person who has any relative chargeable with his or her support, or who has a legal settlement in any other county, town, city or village within this state which is charged by law with the support of such poor person, the said town, city or village shall be entitled to and may recover from such relative or from such county, town, city or village, the same amount and in the same manner as is provided by law for counties to recover under like circumstances.

Taxes, how levied.

SEC. 9. *Taxes, how levied.* The electors of each town at their annual town meeting, and the common council of each incorporated city or village in every county having the town system of caring for the poor, shall levy or cause to be levied, each year, a tax upon the real and personal property in said town, city or village, respectively, of such sum as shall seem necessary for the support and relief of the poor; provided, that the said levy shall not be less than one (1) mill upon each dollar of the assessed valuation, unless there shall be in the poor fund of said town, city or village not less than fifty (50) dollars above the amount of orders outstanding at the time when such levy is made. The several town-clerks, and the several city or village clerks or recorders shall certify the facts to the county auditor.

Duties of the county auditor.

SEC. 10. *Duties of the County Auditor.* The county auditor of every county having the town system of caring for the poor shall, at any time of making the grand tax duplicates of the county, assess and levy upon the taxable property of each town and each incorporated city or village in such county the sums levied for the support and relief of the poor; provided, that in case the proper officers of any town, city or village shall neglect to make a levy for the support and relief of the poor, and to notify the county auditor as herein prescribed, then it shall be the duty of the said county auditor to make an assessment upon the said town, city or village of one (1) mill on each dollar of the valuation for that purpose.

Duties of the county treasurer.

SEC. 11. *Duties of the County Treasurer.* The county treasurer shall refund to the treasurer of each town and each incorporated city and village in such county the amount of poor funds collected from such towns, cities and villages.

County poor fund, how disposed of.

SEC. 12. *County poor fund. How disposed of.* Any balance of the county poor fund remaining in the county treasury when the town system of caring for the poor goes into effect, may be used for maintaining a county poor house, or transferred into the county revenue fund, as the board of county commissioners shall direct.

SEC. 13. *Steps to be taken before changing the system of caring for the poor.* Whenever the county commissioners of any county in this state shall vote to consider the question of changing the system of caring for the poor in said county from the county system to the town system, or from the town system to the county system, or whenever one-fourth ($\frac{1}{4}$) of the legal voters of any county, as shown by the registration at the last preceding general election, shall petition for such a change of system, it shall be the duty of the county commissioners of the said county, or the county auditor, by their direction, to lay the question before the state board of corrections and charities at a regular meeting of that board, stating the principal reasons for or against the proposed change. It shall be the duty of the state board of corrections and charities, thereupon, to present to the said board of county commissioners, in writing, without delay, such advice as they may deem necessary and proper and no final action shall be taken by any board of county commissioners respecting such change of the system of caring for the poor until the advice of the state board of corrections and charities has been received. If a majority of the members of the said board of county commissioners shall concur in favor of the proposed change, by a yea and nay vote, the question shall be submitted to the legal voters of said county at the next following general election in this state. If the question be whether the town system shall be adopted, the ballots used at said election shall have written or printed, or partly written and partly printed thereon the words, "For the town system of caring for the poor. Yes—no." If the question be whether the county system shall be adopted, the ballots used at said election shall have written or printed, or partly written and partly printed, "For the county system of caring for the poor. Yes—no," and each elector voting on said question shall erase, mark across or scratch out, one of said words, Yes or No, on said ballot and leave the other on the same when deposited in the ballot box, and no ballots shall be counted except those having one only of said words, yes or no, thereon. The votes cast upon the question thus submitted, shall be canvassed and returned in the same manner as votes for county officers, and if a majority shall be found to have voted in favor of the said change, the same shall take effect as soon as funds shall become available in the treasuries of the several towns, cities and villages in said county for the support and care of the poor in accordance with this act.

Steps to be taken before changing the system of caring for the poor.

SEC. 14. *Notice of election to be given.* It is hereby made the duty of the county auditor of such county, at least thirty (30) days prior to the said general election, to notify the several town clerks and the recorders or clerks of the several incorporated cities and villages in such county, to insert a paragraph in the notice of the said general elec-

Notice of election to be given.

tion, setting forth that the question of changing the system of caring for the poor from the county system to the town system, or from the town system to the county system, as the case may be, will be voted upon at the said general election; *Provided*, however, that any failure of any town clerk, or any city or village recorder, to give such notice shall not invalidate such election, or prohibit the canvass of the votes cast upon such proposition.

Repealing
clause.

SEC. 15. *Repealing clause.* This act shall not be construed to repeal or modify any special laws heretofore passed regulating the care of the poor in Hennepin, Ramsey or Dakota counties, unless such counties shall hereafter change their system of caring for the poor, in accordance with this act. All counties in this state which are now under the town system of caring for the poor shall so continue, unless the said system shall hereafter be changed, in accordance with the provisions of this act, but in all such counties the care of the poor shall be regulated by this act in all cases where the special laws relating to the care of the poor in such counties are inconsistent with this act; and all acts or parts of acts inconsistent with this act are hereby repealed.

When act to
take effect.

SEC. 16. *When to take effect.* This act shall take effect and be in force from and after its passage.

Approved April 23, 1889.

CHAPTER 171.

[H. F. No. 1,100.]

AN ACT TO AMEND CHAPTER EIGHT (8) OF THE GENERAL STATUTES OF EIGHTEEN HUNDRED AND SEVENTY-EIGHT (1878), RELATING TO COUNTIES AND COUNTY OFFICERS.

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

Appropriations for
incidental
expenses.

SECTION 1. That section eighty-nine (89) of chapter eight (8) of general statutes one thousand eight hundred and seventy-eight (1878) be and the same is hereby amended by adding thereto the following: *Provided*, that the board of county commissioners of any county may in their discretion at their regular meetings in January and July, appropriate from the revenue fund of their county a sum of money not exceeding one hundred and fifty (150) dollars, to pay incidental expenses of the county, incurred for postage of the several county officers entitled thereto, and express charges chargeable to the county, and the mile-