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THE

PUBLIC STATUTES

OF THE

STATE OF MINNESOTA.

(1849—1858.)

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Chapter 67, Revised Statutes

(1.) SEC. I. The judge of probate in each county, when it shall appear to him necessary, or convenient, may appoint guardians to minors and others, being inhabitants or residents in the same county, and also to such as shall reside without the territory, and have any estate within the same.

Judge of probate may appoint guardians.

(2.) SEC. II. If the minor is under the age of fourteen years, the judge of probate may nominate and appoint his guardian; and if he is above the age of fourteen years, he may nominate his own guardian, who, if approved by the judge shall be appointed accordingly.

Who to nominate guardians.

(3.) SEC. III. If the guardian nominated by such minor shall not be approved by the judge, or if the minor shall reside out of this territory, or if after being cited by the judge, he shall neglect for ten days to nominate a suitable person, the judge may nominate and appoint a guardian, in the same manner as if the minor were under the age of fourteen years.

In what cases judge to nominate.

(4.) SEC. IV. When such minor being above the age of fourteen years, shall reside more than ten miles from the place of holding the probate court, his nomination of a guardian may be certified to the judge of probate by a justice of the peace, or by the clerk of the district court, which shall have the same effect as if made in the presence of the judge.

When nomination, may be certified by justice of the peace.

(5.) SEC. V. The father of the minor if living, and in the case of his decease, the mother, while she remains unmarried, being themselves respectively competent to transact business, and not otherwise unsuitable, shall be entitled to the custody of the person of the minor, and to the care of his education.

Parent when entitled to custody of minor child.

(6.) SEC. VI. If the minor have no father or mother living and competent to have the custody and care of the education of such minor, the guardian so appointed shall have the custody and tuition of his ward.

Guardian to have custody of ward, &c.

(7.) SEC. VII. Every guardian appointed as aforesaid shall have the custody and tuition of the minor, and the care and management of his

Powers and duties of guardians.

estate until such minor shall arrive at the age of twenty-one years, or until the guardian shall be discharged according to law.

Bond of guardian.

(8.) SEC. VIII. Before appointing any person guardian of a minor, the judge shall require of such person a bond to the minor, with sufficient sureties, to be approved by the judge, and in such sum as he shall order, conditioned as follows:

1. To make a true inventory of all the estate, real and personal, of his ward, that shall come to his possession or knowledge, and to return the same unto the probate court of the proper county, within such time as the judge shall order;

2. To dispose of and manage all such estate according to law, and for the best interest of the ward; and faithfully to discharge his trust in relation thereto, and also in relation to the care, custody and education of the ward;

3. To render an account on oath, of the property, estate, and moneys of the ward in his hands, and all proceeds or interest derived therefrom, and of the management and disposition of the same, within one year after his appointment, and at such other times as the proper court shall direct; and,

4. At the expiration of his trust to settle his accounts with the judge of probate, or with the ward, if he be of full age, or his legal representatives, and to pay over and deliver all the estate, moneys, and effects remaining in his hands, or due from him on such settlement, to the person or persons who shall be lawfully entitled thereto.

When expenses of education of minor to be paid from income of his estate.

(9.) SEC. IX. If any minor who has a father living, has property, the income of which is sufficient for his maintenance and education in a manner more expensive than his father can reasonably afford, regard being had to the situation of the father's family, and to all the circumstances of the case, the expenses of the education and maintenance of such minor may be defrayed out of the income of his own property in whole or in part, as shall be judged reasonable, and shall be directed by the probate court, and the charges therefor may be allowed accordingly, in the settlement of the accounts of his guardian.

Father may appoint guardian for his child by will.

(10.) SEC. X. The father of every legitimate child, which is a minor, may by his last will in writing, appoint a guardian or guardians, for any of his minor children, whether born at the time of making such will, or afterwards, to continue during the minority of such child, or for any less time, and every such testamentary guardian shall give bond in like manner and with like condition as is hereinbefore required of a guardian appointed by the said judge, as he shall have the same powers, and shall perform the same duties, with regard to the person and estate of the ward, as a guardian appointed as aforesaid.

Powers and duties of such guardian.

(11.) SEC. XI. Nothing contained in this chapter shall effect or impair the power of any court to appoint a guardian to defend the interest of any minor, impleaded in such court, or interested in any suit or matter pending therein, nor to appoint or allow any person as the next friend of a minor, to commence and prosecute any suit in his behalf.

Court may appoint guardian, &c., to prosecute and defend suits.

(12.) SEC. XII. Guardians may be appointed by the judge of probate in each county, to take the care and custody of the persons and property of insane persons, habitual drunkards, or others, who are mentally incompetent to have the care and management of their own property, which appointments may be made in accordance with the provisions of the statute relating thereto.

Judge of probate may appoint guardians for insane persons in certain cases.

Powers and duties of such guardians.

(13.) SEC. XIII. Every guardian appointed for an insane person or drunkard, shall have the care and custody of the person of the ward, and the management of all his estate, until the guardian shall be legally

discharged; and he shall give bond to his ward in like manner, and with like condition as hereinbefore directed, with respect to the guardian of a minor.

(14.) SEC. XIV. Every guardian appointed under the provisions of this chapter, whether for a minor or any other person, shall pay all just debts due from the ward out of his personal estate, and the income of his real estate, if sufficient, and if not, then out of his real estate, upon obtaining license for the sale thereof, and disposing of the same in the manner provided by law.

Guardian to pay debts of his ward out of his estate.

(15.) SEC. XV. Every such guardian shall also settle all accounts of the ward, and demand, sue for; and receive all debts due to him, or may, with the approbation of the judge of probate, compound for the same, and give a discharge to the debtor, on receiving a fair and just dividend of his estate and effects; and he shall appear for and represent his ward in all legal suits and proceedings, unless when another person is appointed for that purpose, as guardian or next friend.

Guardian to settle accounts and collect debts of ward.

(16.) SEC. XVI. Every guardian shall manage the estate of his ward, frugally and without waste, and apply the income and profits thereof, as far as may be necessary for the comfortable and suitable maintenance and support of the ward and his family, if there be any; and if such income and profits shall be insufficient for that purpose, the guardian may sell the real estate upon obtaining a license therefor, as provided by law, and shall apply the proceeds of such sale, so far as may be necessary, for the maintenance and support of the ward and his family, if there be any.

How to manage estate of his ward.

(17.) SEC. XVII. The guardian may join in and assent to a partition of the real estate of the ward, in the cases, and in the manner provided by law; and he may also assign and set out dower in the said estate, to any widow entitled thereto.

Guardian may assent to partition and assign dower.

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(18.) SEC. XVIII. Upon the taking of any inventory required by this chapter, the estates and effects comprised therein, shall be appraised by three suitable persons to be appointed and sworn in like manner, as is required with respect to the inventory of the estate of a deceased testator or intestate; and every guardian shall account for and dispose of the personal estate of the ward, in like manner as is directed with respect to executors and administrators.

Appraisal of estate of ward; personal estate how disposed of.

(19.) SEC. XIX. The judges of probate, in their respective counties, on the application of a guardian, or of any person interested in the estate of any ward, after such notice to all persons interested therein, as the judges of probate shall direct, may authorize or require the guardian to sell and transfer any stock in the public funds, or in any bank or other corporation, or any other personal estate or effects held by him, as guardian, and to invest the proceeds of such sale, and also any other moneys in his hands, in real estate, or in any other manner that shall be most for the interest of all concerned therein; and the said probate court may make such further orders and give such directions, as the case may require for managing, investing and disposing of the estate and effects in the hands of the guardian.

Court may authorize transfer of stock, &c., and investment of the same.

(20.) SEC. XX. When any guardian, appointed either by the testator or by the judge of probate, shall become insane, or otherwise incapable of discharging his trust, or evidently unsuitable therefor, the judge of probate, after notice to such guardian and all others interested, may remove him; and every guardian may, upon his request, be allowed to resign his trust, when it shall appear to the judge of probate proper to allow the same; and upon every such resignation or removal, and upon the death of any guardian, the judge of probate may appoint another in his place.

Removals and resignations of guardians.

(21.) SEC. XXI. The marriage of any female who is under guardian-

Marriage of fe-

male ward terminates guardianship.

ship as a minor, shall terminate such guardianship; and the guardian of any insane person, drunkard or other person, may be discharged by the judge of probate, when it shall appear to him on the application of the ward, or otherwise, that such guardianship is no longer necessary.

When new bonds to be given by guardian, &c.

(22.) SEC. XXII. The judge of probate may require a new bond to be given by any guardian, whenever he shall deem it necessary, and may discharge the existing sureties from future responsibility, after due notice given, as such court may direct, when it shall satisfactorily appear that no injury can result therefrom, to those interested in the estate.

Bond where to be filed and when may be prosecuted.

(23.) SEC. XXIII. Every bond given by a guardian, shall be filed and preserved in the office of the clerk of the district court of the county; and in case of any breach of the condition thereof, may be prosecuted in the name of the ward, for the use or benefit of such ward, or of any person interested in the estate, whenever the judge of probate shall direct.

Within what time action to be brought against sureties on bond.

(24.) SEC. XXIV. No action shall be maintained against the sureties in any bond given by a guardian, unless it be commenced within four years from the time when the guardian shall have been discharged: *provided*, that at the time of such discharge, the person entitled to bring such action shall be out of the territory, or under any legal disability to sue, the action may be commenced at any time within four years after the return of such person to the territory, or after such disability shall be removed.

Proceeding in case of embezzlement, &c., of property of ward.

(25.) SEC. XXV. Upon complaint made to the judge of probate, by any guardian, or by the ward, or by any creditor, or other person interested in the estate, or by any person having any prospective interest therein, as heirs or otherwise, against any one suspected of having concealed, embezzled, or conveyed away any of the money, goods, or effects, or any instrument in writing, belonging to the ward, the judge may cite and examine such suspected person, and proceed with him as to such charge, in the same manner as is provided with respect to persons suspected of concealing or embezzling the effects of a deceased testator or intestate.

Guardians for minors residing without the territory.

(26.) SEC. XXVI. When any minor or other person liable to be put under guardianship, according to the provisions of this chapter, shall reside without this territory, and shall have any estate therein, any friend of such person, or any one interested in his estate in expectancy, or otherwise, may apply to the judge of probate of any county in which there may be an estate of such absent person, and after notice given to all persons interested in such manner as the judge shall order, and after a full hearing and examination, if it shall appear to him proper, he may appoint a guardian for such absent person.

Powers and duties of such guardian.

(27.) SEC. XXVII. Every guardian appointed under the provisions of the preceding section, shall have the same powers, and perform the same duties with respect to any estate of the ward, that shall be found within this territory, and also with respect to the person of the ward, if he shall come to reside therein, as are prescribed with respect to any other guardian appointed by virtue of this chapter.

Bond to be given.

(28.) SEC. XXVIII. Every such guardian shall give bond to the ward in like manner and with the like condition, as is hereinbefore provided, with respect to other guardians, excepting that the provisions respecting the inventory, the disposal of the estate, and effects, and the account to be rendered by the guardian, shall be confined to such estate and effects as shall come to his hands in this territory.

Guardianship first granted to be exclusive throughout the territory.

(29.) SEC. XXIX. The guardianship which shall be first lawfully granted, of any person residing without this territory, shall extend to all the estate of the ward within the same, and shall exclude the jurisdiction of the probate court in every other county.

Compensation,

(30.) SEC. XXX. Every guardian shall be allowed the amount of his

reasonable expenses, incurred in the execution of his trust, and he shall also have such compensation for his services, as the court in which his accounts are settled, shall deem to be just and reasonable. &c., of guardians.

(31.) SEC. XXXI. The court in its discretion, whenever the same shall appear necessary, may appoint more than one guardian of any person subject to guardianship, who shall give bond, and be governed and liable in all respects as is provided respecting a sole guardian. When more than one guardian may be appointed.

(32.) SEC. XXXII. When an account is rendered by two or more joint guardians, the judge of probate may, in his discretion, allow the same upon the oath of any one of them. Accounts of joint guardians how to be allowed.

CHAPTER 55.

MASTERS AND APPRENTICES.

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Chapter 68, Revised Statutes

(1.) SEC. I. Every male infant, and every unmarried female, under the age of eighteen years, with the consent of the persons or officers hereinafter mentioned, may of his or her own free will, bind himself or herself in writing to serve as clerk, apprentice, or servant, in any profession, trade or employment, if a male, until the age of twenty-one years, and if a female, until the age of eighteen years, or until her marriage within that age, or for a shorter time; and such binding shall be as valid and effectual as if such infant was at full age at the time of making such engagement.

Infants may bind themselves as apprentices and for what time.

(2.) SEC. II. Such consent shall be given,

1. By the father of the infant. If he be dead, or be not in a legal capacity to give his consent; or if he shall have abandoned and neglected to provide for his family, and such fact be certified by a justice of the peace of the precinct, and indorsed on the indenture; then,

Consent by whom to be given.

2. By the mother. If the mother be dead, or be not in a legal capacity to give such consent, or refuse; then,

3. By the guardian of such infant, duly appointed. If such infant have