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# GENERAL STATUTES

OF THE

# STATE OF MINNESOTA.

PREPARED BY THE COMMISSIONERS APPOINTED TO REVISE  
THE STATUTES OF THE STATE, BY ACT OF THE  
LEGISLATURE, PASSED FEBRUARY 17, 1863.

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5 pected of having fraudulently concealed, embezzled, or con-  
 6 veyed away any of the money, goods, or effects, or any in-  
 7 strument in writing, belonging to the ward, the judge may  
 8 cite and examine such suspected person, although he is the  
 9 guardian, and proceed with him as to such charge, in the  
 10 same manner as is provided with respect to persons sus-  
 11 pected of concealing or embezzling the effects of a deceased  
 12 person.

1 SECT. 30. Every guardian shall be allowed his reasona-  
 2 ble expenses, incurred in the execution of his trust, and C. S. p. 470, Sect. 30. c 54  
 3 such compensation for his services, as the court in which  
 4 his accounts are settled, deems just and reasonable.

## CHAPTER LX.

### OF MASTERS, APPRENTICES AND SERVANTS.

1 SECTION 1. All children under the age of fourteen years,  
 2 may be bound as apprentices or servants until that age, and C. S. p. 471, Sect. 1. c 55  
 3 all minors above the age of fourteen years, may be bound  
 4 as apprentices or servants, males to the age of twenty-one  
 5 years, and females to the age of eighteen years, or to the  
 6 time of their marriage within that age, in the manner pre-  
 7 scribed in this chapter.

1 SECT. 2. Children under the age of fourteen years, may  
 2 be bound by their father, or, in case of his death or incom-  
 3 petency, by their mother, or by their legal guardian; and,  
 4 if illegitimate, they may be bound by their mother; and, if C. S. p. 471, Sect. 2.  
 5 they have no parent competent to act, and no guardian, Amended.  
 6 they may bind themselves, with the approbation of the  
 7 county commissioners of the county where they reside;  
 8 but the power of a mother to bind her children, whether le-  
 9 gitimate or illegitimate, shall cease upon her subsequent  
 10 marriage, and shall not be exercised by herself or her hus-  
 11 band, at any time during such marriage.

1 SECT. 3. Minors, above the age of fourteen years, may New.  
 2 be bound in the same manner, provided, that when they are  
 3 bound by their parent or guardian, the consent of the minor  
 4 shall be expressed in the indenture, and testified by his  
 5 signing the same.

1 SECT. 4. No minor shall be bound, as aforesaid, unless  
 2 by an indenture of two parts, sealed and delivered by both C. S. p. 472, Sect. 4.  
Amended.

3 parties; and when made with the approbation of the county  
4 commissioners, their approbation shall be certified in writ-  
5 ing, signed by them, upon each part of the indenture.

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C. S. p. 472, Sect. 6.  
Amended.

1 SECT. 5. The age of every infant, bound pursuant to  
2 the provisions of this chapter, shall be inserted in the in-  
3 dentures, and be taken to be the true age without further  
4 proof thereof; and whenever any public officers are author-  
5 ized to execute any indentures, or their consent is required  
6 to the validity of the same they shall inform themselves ful-  
7 ly of the infant's age, and deposit the counterpart of any in-  
8 dentures executed by themselves in the registry of deeds of  
9 their county.

C. S. p. 472, Sects. 8  
& 9, combined. d

1 SECT. 6. Provision shall be made in every indenture  
2 specified in this chapter, for teaching the apprentice to read  
3 and write and to be instructed in the general rules of arith-  
4 metic. When, however, any minor is bound for a less term  
5 than three years, such agreement in reference to the instruc-  
6 tion of such minor may be made as shall be deemed right.

C. S. p. 472, Sect. 10.

1 SECT. 7. All considerations of money or other things,  
2 paid or allowed by the master, upon any indenture of ap-  
3 prenticeship or service, made in pursuance of this chapter,  
4 shall be paid or secured to the sole use of the minor bound  
5 thereby.

C. S. p. 472, Sect. 11.

1 SECT. 8. All persons shall inquire into the treatment of  
2 apprentices bound by them respectively, or with their ap-  
3 probation, and of all bound by their predecessors in office,  
4 and defend them from all cruelty, neglect and breach of con-  
5 tract on the part of their masters.

C. S. p. 472, Sect. 12.  
Amended.

1 SECT. 9. Complaints by parents, guardians or county  
2 commissioners, for misconduct or neglect of the master, and  
3 by the master for gross misbehavior or refusal to do his du-  
4 ty, or wilful neglect thereof on the part of the apprentice or  
5 servant, may be made to the court of the county where the  
6 master resides, setting forth the facts and circumstances of  
7 the case. The court shall order notice to the adverse party,  
8 and if the complaint is by the master, to all persons who  
9 have covenanted in behalf of the apprentice or servant, and  
10 to the county commissioners who approved of the indenture,  
11 or their successors in office, and shall hear and determine  
12 the case, and render judgment accordingly.

C. S. p. 472, Sect. 13.  
Amended.

1 SECT. 10. The court may render a judgment or decree that  
2 the minor be discharged from his apprenticeship or service,  
3 or the master from his contract, and the minor thus dis-  
4 charged may be bound out anew.

1 SECT. 11. Costs may be awarded to the prevailing party  
 2 and execution issued therefor; but no costs shall be award-  
 3 ed against county commissioners unless it appears that the  
 4 complaint was made without just and reasonable cause.  
 5 Costs in favor of the master may be recovered of the parent  
 6 or guardian who executed the indenture, or if there is no  
 7 parent or guardian liable therefor, such costs may be re-  
 8 covered against the minor when he arrives at full age.

C. S. p. 473, Sect. 14.  
 Amended.

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1 SECT. 12. Every master is also liable to an action on  
 2 the indenture for the breach of any covenant on his part  
 3 therein contained; which action shall be brought in the  
 4 name of the minor, by his guardian or next friend, or by  
 5 himself after his majority; but no such action can be main-  
 6 tained unless commenced during the term of apprenticeship  
 7 or service, or within two years after the expiration thereof.

C. S. p. 473, Sect. 15.  
 Amended.

1 SECT. 13. If such action is brought, and a recovery had  
 2 during the minority of such apprentice or servant, the dam-  
 3 ges recovered in such action, after paying the necessary  
 4 charges of the prosecution, shall be the property of the mi-  
 5 nor, and may be appropriated to his use, or invested for  
 6 his benefit, in the same manner as any other property be-  
 7 longing to him.

C. S. p. 473, Sect. 16.

1 SECT. 14. If judgment in such action upon the final de-  
 2 termination thereof is rendered for the plaintiff, the court  
 3 in which the same is prosecuted, may, thereupon, by an or-  
 4 der to be entered on its minutes, discharge the minor from  
 5 his apprenticeship or service, if it has not already been done  
 6 in the manner before provided; and the minor may there-  
 7 upon be bound out anew.

C. S. p. 473, Sect. 18.

1 SECT. 15. When any servant, apprentice, or master, is dis-  
 2 charged from any indenture, in pursuance of the provisions  
 3 of this chapter, and any sum of money has been paid or  
 4 agreed for by either party on the execution of such inden-  
 5 ture, the court may, at the time they discharge such person  
 6 from the indenture, also order such sum of money, or any  
 7 part thereof, as the equity of the case may require, to be  
 8 refunded, if paid, to him who advanced the same, or his  
 9 personal representative; and if not paid, they may, by or-  
 10 der, discharge the same, and direct any securities given  
 11 therefor, to be delivered up or cancelled.

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1 SECT. 16. No indenture of apprenticeship or service,  
 2 made in pursuance of this chapter, shall bind the minor af-  
 3 ter the death of the master; but the minor shall be thence-  
 4 forth discharged therefrom, and may be bound out anew.

C. S. p. 474, Sect. 25.

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C. S. p. 474, Sect. 27.  
Amended.

1 SECT. 17. All the foregoing provisions shall apply as  
2 well to mistresses as to masters.

C. S. p. 474, Sect. 28.

1 SECT. 18. Nothing contained in this chapter shall affect  
2 a father's right at common law, to assign or contract for the  
3 service of his children during their minority.

## CHAPTER LXI.

## MARRIAGE.

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C. S. p. 460, Sect. 1.

1 SECTION 1. Marriage, so far as its validity in law is  
2 concerned, is a civil contract, to which the consent of the  
3 parties capable in law of contracting is essential.

C. S. p. 460, Sect. 2.

1 SECT. 2. Every male person who has attained the full  
2 age of eighteen years and every female who has attained  
3 the full age of fifteen years, is capable in law of contracting  
4 marriage, if otherwise competent.

C. S. p. 460, Sect. 3.

1 SECT. 3. No marriage shall be contracted while either  
2 of the parties has a husband or wife living, nor between  
3 parties who are nearer of kin than first cousins, computing  
4 by the rules of the civil law, whether the half or the whole  
5 blood.

C. S. p. 460, Sect. 4.

1 SECT. 4. Marriages may be solemnized by any justice  
2 of the peace in the county in which he is elected; and  
3 throughout the state, by any judge of a court of record, or  
4 any ordained minister of the gospel, in regular communion  
5 with any religious society.

C. S. p. 460, Sect. 5.

1 SECT. 5. Ministers of the gospel, before they are au-  
2 thorized to perform the marriage rite, shall file a copy of  
3 their credentials of ordination with the clerk of the district  
4 court of some county in this state, who shall record the same  
5 and give a certificate thereof; and the place where such cre-  
6 dentials are recorded, shall be indorsed upon each certificate  
7 of marriage, granted by any minister and recorded with the  
8 same.

C. S. p. 460, Sect. 6.

1 SECT. 6. All judges, justices of the peace, and minis-  
2 ters of the gospel, may before solemnizing any marriage,  
3 examine at least one of the parties on oath, which oath they  
4 are authorized to administer, as to the legality of such in-  
5 tended marriage; and in no case shall such judge, justice