

Statutes  
1878

THE  
GENERAL STATUTES  
OF THE  
STATE OF MINNESOTA,

As Amended by Subsequent Legislation.

PREPARED BY  
GEORGE B. YOUNG.

---

EDITED AND PUBLISHED UNDER THE AUTHORITY OF CHAPTER 67 OF THE LAWS  
OF 1878, AND CHAPTER 67 OF THE LAWS OF 1879.

---

FOURTH EDITION.

---

WITH SUPPLEMENTS,  
CONTAINING ALL THE GENERAL LAWS IN FORCE UP TO THE END OF  
THE LEGISLATIVE SESSION OF 1883.

---

SAINT PAUL:  
WEST PUBLISHING COMPANY.  
1883.

jointly and severally, shall forfeit a sum not exceeding fifty dollars; but no prosecution shall be commenced therefor after the expiration of three months from the time of committing the offence.

§ 6. **Owners liable to passengers for injuries caused by drivers.** The owners of every carriage or other vehicle running or travelling upon any road or public highway, for the conveyance of passengers for hire, shall be liable jointly and severally to the party injured, for all injuries and damages done by any person in the employment of such owners as a driver, while driving such carriage, whether the act occasioning such injury or damage is wilful, negligent or otherwise.

## CHAPTER XV.

### RELIEF OF THE POOR.

#### SECTION

- 1-3. Support of poor persons by their relatives—by the county.
4. Legal residence.
- 5-6. Powers and duties of county commissioners.
- 7-9. Overseer of poor—appointment—powers and duties.
10. County physician.
11. Overseer to take charge of poor persons.
12. Powers of single commissioner—limit of relief.

#### SECTION

13. Conveyance of poor persons to poor-house by sheriff.
14. Paupers without legal settlement.
- 15-17. Support of sick persons—apprenticing of minors—burial of poor persons.
18. Penalty for bringing poor person into county.
19. Tax for supporting poor.
- 20-21. Support of discharged pauper convicts.

§ 1. **Support of poor persons—liability of relatives.** Every poor person who is unable to earn a livelihood in consequence of bodily infirmity, idiocy, lunacy, or other cause, shall be supported by the father, grandfather, mother, grandmother, children, grandchildren, brothers or sisters of such poor person, if they or either of them is of sufficient ability; and every person who fails or refuses to support his father, grandfather, mother, grandmother, child or grandchild, sister or brother, when directed by the board of commissioners of the county where such poor person is found, whether such relative resides in the county or not, shall forfeit and pay to the county commissioners, for the use of the poor of their county, the sum of fifteen dollars per month, to be recovered in the name of the county commissioners, for the use of the poor as aforesaid, before any justice of the peace or any court having jurisdiction: *provided*, that when any person becomes a pauper from intemperance or other bad conduct, he shall not be entitled to any support from any relation except parent or child.

§ 2. **Order in which relatives are liable.** The children shall be first called on to support their parents, if there are children of sufficient ability; if there are none of sufficient ability, the parents of such poor person shall be next called on; and if there are no parents or children of sufficient ability, the brothers and sisters shall be next called on; and if there are no brothers or sisters, the grandchildren of such poor persons shall be called on, and then the grandparents; but married females, whilst their husbands live, shall not be liable to an action.

§ 3. **When county shall support.** When any such poor person does not have any such relatives in any county in this state as are named in the preceding sections, or such relatives are not of sufficient ability, or fail or refuse to maintain such pauper, then the said pauper shall receive such relief as the case may require out of the county treasury; and the maintenance and relief of all such poor persons

shall be a county charge, and shall be borne by the county in which such poor person, at the time of applying for support or relief, has a legal residence and settlement, and be paid out of the treasury thereof in the manner herein-after provided.

§ 4. **Legal residence, what constitutes.** Any person, other than those hereinafter provided for, who has resided in any county in this state one year continuously, shall, for the purposes of this chapter, be deemed to have gained a legal residence and settlement in such county. Every indented servant or apprentice, legally brought into this state, shall obtain a legal settlement in the county in which such servant or apprentice serves his master one year; and every married woman, during coverture, shall be considered legally settled in the county where her husband was last legally settled; but if she had no legal settlement, she shall be considered as settled in the place where she was last legally settled before marriage; and every minor who has not been emancipated from his parents, and gained a legal settlement in his own right, shall be considered as settled in the place where his parents or surviving parent was last legally settled.

§ 5. **County commissioners to be superintendents of the poor.** The county commissioners shall, by virtue of their office, be superintendents of the poor of their respective counties; and the commissioners of each county shall take charge of the poor supported at public expense therein, and have the management of any poor-house, farm, workhouse, or other place provided for the accommodation, support or employment of the poor therein.

§ 6. **Powers and duties of county commissioners.** The county commissioners shall provide, and at all times keep provided, by purchase, lease or otherwise, a suitable place for the reception, proper accommodation and maintenance of all poor persons for whose maintenance such county may from time to time become chargeable, according to the provisions of this chapter; and for that purpose the board of county commissioners, at any regular meeting thereof, by resolution may provide for the purchase or lease of any such farm, lot or tract of land and buildings within their county, as said board may deem necessary and proper for the accommodation and support of the poor of such county, upon such terms as to time and manner of payment or otherwise as said board may deem most advantageous to the county, and in accordance with such resolution may negotiate for and purchase any such farm, lot or tract of land and buildings, and contract for and procure the erection of buildings thereupon; and the board may in its discretion establish and maintain in their county a poor-farm or workhouse, or both, for the employment of such poor persons supported by such county as may be able to perform manual labor; and the expense and cost of providing such farm, lot or tract of land and buildings, shall be defrayed by a special tax upon the taxable property in such county, to be assessed, levied, collected and paid over in the same manner as other county taxes: *provided*, that if, in the opinion of the county commissioners, the number of poor persons in the county is not sufficiently large to warrant the purchase or rental of a farm or place for the maintenance of the poor of the county, they may provide for their support in any other way which they may deem proper.

§ 7. **Commissioners to appoint overseer of poor.** Whenever a place is provided in any county for the reception and accommodation of the poor, according to section six of this chapter, and once in each year thereafter, and as often as a vacancy occurs in such office, the board of county commissioners of such county shall appoint a suitable person, resident of said county, overseer of the poor of said county, to perform the duties and exercise the authority specified in section nine of this chapter; the term of appointment of such overseer shall be one year, and until his successor in office is duly appointed and qualified, unless

sooner removed by the board of county commissioners; he shall be liable to be removed by said board at any time; and his compensation shall be fixed by said board annually.

§ 8. **Bond of overseer—suit thereon.** Every person appointed overseer of the poor shall, before he enters upon the duties of such office, make and file with the treasurer of said county a bond, with two or more good and sufficient sureties, to be approved by said board of county commissioners, in such sum as the said board directs, payable to the county treasurer of said county, conditioned for the due and faithful performance of the duties of said office during his continuance therein; and said board may require an additional bond whenever the former bond is deemed insecure. Upon default in the condition of any such bond, the amount thereof shall be recoverable by and in the name of the county treasurer of said county, for the benefit of the poor fund of said county.

§ 9. **Powers and duties of overseer.** Every overseer of the poor, after qualifying as aforesaid, shall take and have the immediate charge, superintendence, management and control of all poor persons supported and maintained by said county, and any farm or lot of land, work-house and other buildings and property, purchased, leased, erected or provided by the board of county commissioners, and used for the reception, accommodation and support or employment of the poor in said county, subject to the general authority, supervision and direction of the board of county commissioners of the county, or a committee thereof, appointed for the purposes of such general supervision. He shall keep a record of the names, ages, residence and condition of all persons received under his charge in pursuance of this chapter, and the date of each person's reception and discharge, and of all deaths and births of poor persons under his charge; and he shall keep a full and accurate account of all moneys and other property received and disbursed by him in the administration of his said office, and shall settle his official accounts with the said board of county commissioners at least once in each year, at such time as said board appoints, and at the expiration of his term of office, and shall therein account to said board for all moneys and other property so received by him, and the manner they have been expended, and for any balance remaining unexpended. He shall annually, and at the expiration of his term of office, and at other times when required by the board of county commissioners, render to said board a full and accurate report of the amount, kinds and condition of all property under his care, by virtue of his said office; the number, names, ages and condition of all persons remaining under his charge at the date of said report, or who have been under his charge during the time covered by said report, by virtue of his said office; the length of time each person has received support through him; the amount of the proceeds of any land and workhouse under his supervision as such overseer, and of the proceeds of the labor or employment of any such poor persons received by him in money or otherwise, and the manner of the employment of such persons; the amount and items of all expenditures made by him in the administration of said office, and such other facts and information as the said board require; and the records and accounts kept by him as aforesaid shall at all times be open to the inspection of the board of county commissioners of the county, and of any member of said board.

§ 10. **Physician to be appointed—his duties.** The board of county commissioners shall appoint some suitable and competent practising physician to be physician of the poor of said county, whose duty it shall be, upon direction of any county commissioner or the overseer of the poor of said county, to attend upon and prescribe for all sick poor persons requiring medical aid, in charge of such overseer of the poor by proper authority; and also, upon the written direction of any county commissioner of said county, to attend upon and prescribe for all sick poor persons in said county requiring medical aid, who are at the time receiv-

ing or entitled to receive support or relief from said county according to the provisions of this chapter. Such physician, upon acceptance of such appointment, shall continue therein during the pleasure of the board of county commissioners, unless he sooner resigns the same, and he may be removed by said board at any time; and he shall receive such compensation for his services as shall from time to time be determined by said board.

§ 11. **Overseer shall receive poor persons, when.** All persons shall be received and taken in charge by the overseer of the poor of any county, and provided by him with suitable support at the place provided in said county for that purpose, upon the written order of the board of county commissioners of said county, or of the county commissioners of the district in said county in which such persons reside at the time such order is made, and not otherwise; but the board may at any time discharge any person so received and receiving support from said county, when satisfied that such person is not legally chargeable upon such county.

§ 12. **Powers of single commissioner—limit to relief.** Whenever application is made to a county commissioner by or on behalf of any person in his district, for public relief or support, and reliable information is furnished that such person is in a suffering condition from poverty, and requires public assistance or support, said commissioner shall inquire into the condition and necessities of such person, and if satisfied that such person is in actual need of, and is a proper subject for public relief or support, and is legally settled in said county, or has no legal settlement in this state, said commissioner shall make an order in writing, signed by him officially, directed to the overseer of the poor of said county, that such person be received into the charge of the overseer of the poor, and furnished suitable support, which order shall contain or be accompanied by a statement of facts signed by such commissioner, setting forth the name, age, former occupation, place of residence, and length of residence in said county if a resident thereof, and the condition of such person; and said overseer shall, upon delivery to him of such order and presentation of such poor person, receive said poor person into his charge, and provide him with support at the expense of said county, until the further order of the board of county commissioners: *provided*, that if the commissioner to whom such application is made shall, upon such inquiry, be of opinion that only temporary and limited assistance to the extent hereinafter specified will be required by such person, and that it will be for the interest of the county to grant the same, he may, instead of making the order aforesaid, allow such person relief to the amount that he deems expedient, not exceeding the sum of twenty dollars to any one person or family, and shall thereupon make a written certificate of such allowance, signed by him officially, in which he shall specify the sum allowed, and the name and residence of the person to whom it is granted; and upon presentation of such certificate at the office of the county auditor of said county, such person shall be entitled to receive an order, duly signed and sealed, upon the treasurer of said county, for the amount specified therein, to be paid out of the fund appropriated to the support and relief of the poor; but no county commissioner shall be authorized to grant such temporary relief to any one person or family to exceed the sum of twenty dollars, except by permission of the board of county commissioners of the county. In case such commissioner deems it unsafe to entrust such poor person with the expenditure of such sum of money, he may present his said certificate and receive such order, and draw the money thereupon, and expend the same, or so much thereof as may be necessary, for the use of and in such a way as will be most beneficial to such poor person, accounting to the board for the manner of expending the same, and for any balance not so expended: *provided*, that such temporary and limited assistance shall not continue or be allowed for

more than three months in any one year, [nor] exceed in the aggregate the sum of fifty dollars. (*As amended 1877, c. 13, § 1.*)

§ 13. **Conveyance of poor person to poor-house by sheriff.** Whenever any county commissioner, or board of county commissioners, makes an order for any person to be received into the charge of the overseer of the poor, and supported as hereinbefore provided, who is unable by reason of sickness, infirmity or otherwise, to proceed to the place provided for the reception of the poor in said county, without conveyance at public expense, said board or commissioner may, in writing, direct the sheriff or any constable of said county, convenient to the place where such poor person may be, to take and convey him to the place provided in said county for the reception of the poor; and such direction and the order aforesaid shall be sufficient authority to said sheriff or constable to take and convey such poor person to the place aforesaid, and he shall be entitled to reasonable compensation for the necessary time and expense of so doing, to be allowed by said board and paid out of the county treasury.

§ 14. **Paupers without legal settlement to leave the county.** Whenever application for public support or relief is made to any county commissioner by any person who has not a legal settlement in the county in which such application is made, but who has a legal settlement in some other county in this state at the time of making such application, the board, or chairman thereof shall warn such person to depart from said county; and if such person is unable or refuses so to depart within a reasonable time after being so warned, and he is likely to become chargeable upon the public for support, the chairman of the board of county commissioners may issue an order, under his hand and the seal of said board, directed to the sheriff or any constable of the same county, and requiring him to take such person and convey him to the county in which he has a legal settlement; and the sheriff or constable to whom the same is delivered shall take such person and convey him to the county designated in said order. The reasonable expense of such removal shall be allowed and paid to such officer out of the treasury of the county from which such person is conveyed, and the amount of such expense shall be a legal and valid claim in favor of such county against the county in which such person has a legal settlement, and shall be allowed and paid by the board of county commissioners thereof.

§ 15. **Sick persons, how supported.** In case application for support or relief is made to a commissioner, or the board of county commissioners, by or on behalf of any person in said county whose legal settlement at the time is in another county in this state, and who is so sick, infirm or otherwise disabled as to render it unsafe or inhuman to remove him, as provided in the preceding section, and who is in actual and immediate need of public relief or support, such commissioner, or the board to whom such application is made, shall make an order or grant relief, in the same manner and to the same effect, and like proceedings shall be thereupon had, as are provided for in sections twelve and thirteen of this chapter; and the amount of all proper expenditures and disbursements made by such county in and about the support and relief of any such sick and infirm person shall constitute a valid legal claim in favor of such county against the county in which such person has a legal settlement, and shall be allowed and paid by the board of county commissioners thereof.

§ 16. **Minors may be apprenticed.** When any minor becomes chargeable upon any county for support, the board of county commissioners of said county 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 these statutes relating to masters and servants, and which shall be binding upon such minor as therein provided.

§ 17. **Burial of poor person at expense of county.** When any person dies in any county, leaving insufficient money and effects to defray the necessary expenses of his

burial, and leaving no relations therein of sufficient ability to procure his burial, the county commissioner of the district in which such person dies shall procure a decent burial of the remains of such deceased person at the expense of the county.

§ 18. **Penalty for illegally bringing poor persons into the county.** Any person who sends, carries, transports, removes or brings, or who causes to be sent, carried, transported, brought or removed, any insane, idiotic, poor or indigent person, from without this state, to any county in this state, without legal authority, and there leaves or causes to be left such insane, idiotic, poor or indigent person, with intent to make such county to which such removal is made chargeable with the support or relief of such insane, idiotic, poor or indigent person, or who induces any such last described person so to remove, with like intent, shall forfeit the sum of fifty dollars, to be recovered by the treasurer of the county into which such removal is made, for the support of the poor therein; and shall, moreover, be guilty of a misdemeanor, and, on conviction, shall be fined not exceeding one hundred dollars, or imprisoned in the county jail not exceeding three months, or both, in the discretion of the court.

§ 19. **Tax for support of poor.** The board of county commissioners of each county shall, at the time of fixing and levying the amount of county tax to be raised and collected in said county in each year, assess, levy, and cause to be collected, in the same manner and at the same time that other county taxes are assessed, levied and collected therein, an amount of tax, over and above all other county taxes, sufficient to meet and defray the estimated expense of supporting and relieving the poor therein, according to the provisions of this chapter, during the succeeding year, and to supply and make up any deficiency of the fund raised for such purpose during the preceding year to meet the actual expenditures made by the county during the preceding year for the support and relief of the poor.

\*§ 20. **Claim for support of paupers discharged from state prison.** Whenever the county commissioners of any county in this state shall make out a claim against the state for the maintenance or support of any pauper, coming direct from the state's prison, after his or her discharge as a convict thereof, and shall set forth by such claim the name of such convict, the term of service, date of discharge, crime for which imprisoned, together with the time such person or persons have been supported by their county, the same duly verified under oath by the chairman of such county board, such claim or claims shall be paid by the state treasurer out of the appropriation for current expenses of state's prison: *provided*, however, that such support or maintenance shall not be charged at a higher rate than three and one-half dollars per week for each person so maintained: *and provided further*, that no money shall be paid under the provisions of this act for the support of any pauper so discharged prior to its passage, except the amount which will be due to Washington county for the support of John Klohn. (1875, c. 116, § 1.)

\*§ 21. **Claims for support to be made annually.** And that any claim or claims for the support of such convict paupers before the first of January, one thousand eight hundred and seventy-five, shall be made out up to that date, and thereafter such claims shall be made annually, and be presented by the treasurer of the county making such claim. (*Id.* § 2.)