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GENERAL STATUTES OF  
MINNESOTA

SUPPLEMENT 1917

CONTAINING THE AMENDMENTS TO THE GENERAL STATUTES  
AND OTHER LAWS OF A GENERAL AND PERMANENT  
NATURE, ENACTED BY THE LEGISLATURE  
IN 1915, 1916, AND 1917

WITH NOTES OF ALL APPLICABLE DECISIONS

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[3066—]6. **Same—Duties of purchasing agent**—The purchasing agent hereinbefore provided for, shall have charge, under the general direction and supervision of the comptroller, of the purchase of all materials and supplies for the university and the several colleges and departments thereof, the purchase of which is not by law entrusted to any other board or officer. ('17 c. 486 § 6)

[3066—]7. **Same—Purchasing by state board of control**—Nothing in this act shall in any way repeal, modify or affect chapter 174, General Laws of Minnesota for 1917 [4033—1], being a bill for an act to provide for the purchasing by the state board of control of stationery, furniture, supplies and equipment for all the governmental departments of the state, not now under the financial and exclusive management of said board, and repealing all acts and parts of acts inconsistent herewith, approved April 10th, 1917. ('17 c. 486 § 8)

## CHAPTER 15

### RELIEF OF THE POOR

#### GENERAL PROVISIONS

##### 3067. Support of poor—Liability of relatives—

A physician and a hospital may recover compensation for the reasonable value of medical services rendered to a dependent relative of defendant, where the services were immediately and imperatively necessary, though defendant had no knowledge of the rendition of the services at the time they were rendered (130-198, 153+307, L. R. A. 1915E, 844). Paupers, Ⓒ37(1).

Evidence held to sustain a finding that defendant's son, to whom plaintiff rendered medical and surgical services, was not a pauper or a poor person unable to earn a livelihood (132-370, 157+508). Paupers, Ⓒ37(2).

The general statutory system of providing for the poor does not curtail the power of the legislature to provide for the care of dependent children (§ 7197), or prevent enforcement of that provision (123-382, 143+984, 49 L. R. A. [N. S.] 597). Infants, Ⓒ12.

One relative of a pauper who furnishes support not as voluntary matter, may recover of the others by way of contribution (126-87, 147+824, Ann. Cas. 1915D, 241). Contribution, Ⓒ6.

##### 3068. Failure to support—Recovery under town system—

126-87, 147+824, Ann. Cas. 1915D, 241; note under § 3067.

##### 3069. Liability of county, town, etc.—

129-534, 152+1102; 126-87, 147+824, Ann. Cas. 1915D, 241; note under § 3067.

##### 3071. Settlement—

This section does not change the rule that a woman who marries while she is a pauper changes her legal settlement and takes that of her husband (129-395, 152+767). Paupers, Ⓒ21(2).

What constitutes place of settlement of a poor person (126-512, 148+469). Paupers, Ⓒ16(1).

The question of the residence of a pauper held for the jury (127-527, 149+1070).

##### 3072. Removal of poor person—Settlement—

A municipality, furnishing relief to a poor person having a settlement in another municipality, may recover therefor from the latter, where the latter, before the relief was afforded, disclaimed responsibility, though the pauper was not removed to the place of her settlement (131-41, 154+660). Paupers, Ⓒ39(5).

#### COUNTY SYSTEM

##### 3075. County board, superintendents of poor—Poorhouse—

County commissioners, having the power to acquire land for a poor farm, had the right to ascertain and agree upon the boundary line and for the erection and maintenance of a partition fence (126-206, 148+115). Counties, Ⓒ113(1).

**G. S. 1894 § 1956, cited—126-206, 148+115.**

**3083. Settlement in another county—**

A poor person held to have a settlement in the city of Minneapolis, so that plaintiff, furnishing support to such person, had a right of action against the city under this section (126-512, 148-469). Paupers, ~~16~~(1), 39(5), 52(1).

A municipality, furnishing relief to a poor person having a settlement in another municipality, may recover therefor from the latter, where the latter disclaimed responsibility, though the pauper was not removed to her place of settlement as provided by statute (131-41, 154-660). Paupers, ~~39~~(5).

**3092. Salaries of members of board of control and almshouse and hospital physician—**The salary of each member of the board of control of any county in this state shall be nine hundred dollars per annum, and each such board is authorized to fix the salary of the alms house and hospital physician appointed by it, at such sum not exceeding \$5,000 per annum as the board may deem proper. The salaries named herein shall be payable monthly out of the funds appropriated, on account of salaries, or otherwise, for the maintenance of the board. ('05 c. 79 § 1, amended '15 c. 80 § 1)

[3093—]1. **Board of control—Bills, claims, etc., how paid—**In every county of this state in which there exists or shall hereafter exist a board of control which is maintained by funds supplied in proportionate parts by a city within said county and by the county, all bills, claims and demands against said board of control shall be allowed and shall be paid as follows:

Said board of control shall certify monthly, upon the signature of its chairman, or in his absence, its vice chairman, and its secretary, to the county auditor of such county, a pay-roll or statement giving the name, position and salary of each of its employes, and the period during which services were rendered and salary earned. It shall certify a similar pay-roll to the council of said city for the payment of its proportionate part thereof. Upon the receipt of said pay-roll, said county auditor shall issue his warrant directing the county treasurer of said county to pay to said board of control the county's proportionate part of the aggregate amount of said pay-roll. Upon the receipt of said pay-roll so certified to the city council by the comptroller after the same has been audited by said city comptroller, said council shall direct the treasurer of said city to pay to said board of control, the city's proportionate part of the amount of said pay-roll. All accounts, bills, claims or demands against any such board of control, except claims included in pay-rolls as hereinbefore specified, shall be reduced to writing in items, and verified by the person claiming the same or his agent, to the effect that such account, bill, claim or demand is just and true, that the property therein charged was actually delivered or used for the purposes therein stated, and is of the value therein charged, and that the services therein charged were actually rendered and were of the value therein charged, and that no part of such account, bill, claim or demand has been paid. Said account, bill, claim or demand shall be in duplicate.

Said board of control shall, monthly, cause to be presented to the board of county commissioners of said county, all such accounts, bills, claims or demands against said board of control, and shall at the same time cause to be presented to the council of such city, the duplicates of all such accounts, bills, claims or demands against said board of control.

Said board of county commissioners shall allow said accounts, bills, claims or demands, in whole or in part, and thereupon there shall issue the warrant of the chairman thereof, attested by the auditor, directing the county treasurer of said county to pay to said board of control the county's proportionate part of the aggregate amount of all of said accounts, bills, claims or demands so allowed.

Said council shall, after audit by the city comptroller, allow said accounts, bills, claims or demands, in whole or in part, and shall direct the city treasurer of said city to pay to said board of control the city's proportionate part of the aggregate amount of all of said accounts, bills, claims or demands so allowed. ('15 c. 4 § 1)

[3093—]2. **Same—Moneys, how deposited—Bond—**All moneys paid to said board of control under the provisions of this act, as soon as received, shall be deposited by said board of control, in the name of said board of

control, in one or more banks designated, by said board of control to be the depositaries of the funds of said board of control. Every bank or banker, upon being designated as a depositary of said board of control, shall deposit with the county treasurer of said county, a bond, approved by the county board, in at least double the amount to be deposited, payable to the board of control, and it shall be given for the term of two years. Securities may be deposited with said county treasurer in lieu of said bond in the same manner and upon the same terms as is now provided with reference to county depositaries. ('15 c. 4 § 2)

[3093—]3. **Same—Checks, how issued**—Said board of control shall issue checks against the funds so deposited for pay-rolls payable to the persons employed in and about such institutions as certified to in said approved pay-roll. Said board of control shall issue checks against funds so deposited in the full amounts and to the persons, companies or corporations only, specified in said accounts, bills, claims or demands allowed as hereinbefore provided, and said checks so issued shall by number or otherwise show their connection with said accounts, bills, claims or demands. All checks issued by said board of control shall be signed by its chairman, or in his absence by its vice chairman, and shall be attested by its secretary. ('15 c. 4 § 3)

[3093—]4. **Same—Bonds of chairman and secretary**—The chairman of said board of control and the secretary of said board of control shall each give a bond to secure the faithful performance of their respective duties, payable to said city and said county, in the proportionate amounts furnished by the city and county respectively, in supporting said board of control; each of said bonds to be in the sum of fifteen thousand dollars (\$15,000.00), and to be executed by a responsible surety company. Said bonds shall be approved by the board of county commissioners of said county, and shall be deposited with the county treasurer of said county. The premiums upon said bonds shall be paid as other claims against said board of control are paid. ('15 c. 4 § 4)

[3093—]5. **Contracts for care of certain persons at poor house—Power of county board**—The board of county commissioners of any county now or hereinafter maintaining a poor house for the reception and support of poor persons chargeable on such county are hereby authorized to enter into contracts for the support and care at such poor house of aged and decrepit persons or indigent persons who are then actual residents of said county, for a stipulated sum per week, provided, however, that said sum shall be one amply sufficient to fully reimburse the county, unless such person is an indigent person, and provided further that the county board shall have the privilege and right to terminate such contracts whenever such board may deem it for the best interest of the county so to do. ('15 c. 321 § 1)

## TOWN SYSTEM

### 3094. Town board and councils to be superintendents—Relief—

The relief provided by the mothers' pension law (§ 7197) is operative in a county having a town system of caring for the poor, as well as elsewhere, and also in a city in such county, though it maintains its own pauper system (123-382, 143+984, 49 L. R. A. [N. S.] 597). Infants,  $\text{€}12\frac{1}{2}$ .

3096. **Powers and duties of supervisors and councils**—Each board and council shall have the following powers and duties:

1. It may appoint a practicing physician to be physician of the poor, who shall hold office during its pleasure, and receive such compensation as it may from time to time determine. When directed by a member of the board or council, such physician shall attend upon and prescribe for any sick poor person entitled to support or relief from the town, city or village.

2. Whenever any person not having a legal settlement therein shall be taken sick, lame or otherwise disabled, or for any other cause shall be in need of relief as a poor person, and shall make application for relief to any such board or council of such municipality, its chairman, mayor or president shall warn him to depart; and if he is unable or refuses to do so within a

reasonable time and is likely to become a public charge, such chairman, mayor or president may, in writing require any constable or marshal of the town, city or village to convey him to the place of his settlement, if he have a settlement in this state. If such person is so sick or infirm as to render it unsafe or inhuman to remove him, and is in need of immediate support or relief, the board or council shall provide such assistance as it deems necessary, and if he dies, shall give him decent burial. The expense so incurred shall be paid by the town, city or village, and shall thereupon become a charge against the county. Upon payment thereof, the county may recover the same from the county, town, city or village of such person's settlement, if he have any within this state. Within five days after such person becomes a public charge, the board or council shall notify the county auditor, and thereupon the county board may take him in charge, or relieve him in such manner as it may seem fit.

3. When any minor becomes chargeable upon any town, city or village for support, the board or council, or a member thereof, shall apply to the county board to secure his admission to the state public school, or secure him a home with some respectable householder, if one can be found who will take him. (Amended '17 c. 39 § 1)

In a county where the town system of caring for the poor is in force, the ultimate liability for the care of a pauper, who has no legal settlement anywhere in the state for the purpose of poor relief, does not rest upon the county in which is located the town where the pauper is when he becomes a charge (135-183, 160+669). Paupers,  $\Leftrightarrow$ 39(3).

#### [COUNTIES CONTAINING 80 TOWNSHIPS, ETC.]

[3108—]1. Board of poor and hospital commissioners—Appointment—Qualifications—Terms—Vacancies—Officers—Rules, etc.—In all counties in this state containing not less than eighty congressional townships, and having an assessed valuation of not less than twenty million dollars, and not exceeding fifty million dollars, there shall be appointed, as herein provided, a board of poor and hospital commissioners, consisting of five members, who shall be electors of said county. Such board shall be appointed by the board of county commissioners of such county, with the approval of the judges of district court of the judicial district in which, by resolution in writing duly adopted by said board of county commissioners, and filed in the office of the county auditor of such county. No member of the board of county commissioners shall be eligible to such appointment. The terms of two of the members of the first board so appointed shall expire on the first Monday in January of the second year after their appointment; and the terms of three members of the first board so appointed shall expire on the first Monday in January of the third year after their appointment. Upon the expiration of such first terms their successors shall be appointed in like manner for terms of three years each. Vacancies shall be filled by like appointment for the unexpired terms. All appointments, including those to fill vacancies and those for regular terms, shall be by resolution, and approved by the judges of the said district court, as aforesaid. Such board of poor and hospital commissioners shall elect one of its members to be president, and one of its members to be vice president, each to serve for one year, and until their successors are elected and qualified. Such board shall also appoint a clerk, as hereinafter provided. Such election of president and vice-president shall be by the vote of a majority of the members of said board, which vote shall be duly recorded in the minutes and proceedings of said board. And the appointment of said clerk shall also be duly entered in the minutes, records and proceedings of said board. A certified copy of such minutes and records of said board, showing the election of said officers and the appointment of said clerk, shall be filed in the office of the county auditor. Said board shall also adopt by-laws and make all necessary rules and regulations for its conduct and government, including the times and places for holding its meetings, and may amend such by-laws, rules and regulations at any time at a legal meeting of the board. The members of said board shall receive no compensation for their services or

expenses. The board of county commissioners of the county shall provide a suitable room in the court house of such county for the meetings and use of such board of poor and hospital commissioners. ('17 c. 187 § 1)

Section 6 repeals inconsistent acts, etc.

[3108—]2. **Powers and duties of board**—Such board of poor and hospital commissioners shall have all the powers and duties relative to the care of the poor which, in counties having the county system, appertain to the county board. All moneys arising from the labor of poor persons in its care, or from the produce of the poor farm, shall be paid to the board and by it into the county treasury to the credit of the poor fund. No money shall be paid from such fund except on vouchers of the board, signed by its president or vice-president, and countersigned by its clerk. On the first Monday of January, April, July and October of each year, the board shall file with the county auditor an itemized statement of its receipts and expenditures for the preceding three months. Said board shall have full, complete and exclusive charge of and control of the poor of such county, and the handling, use, paying out and expending of all moneys for poor purposes in such county, including the poor fund thereof. In each of said counties having a county hospital, or in which there shall be established or provided a county hospital under the laws of this state, such board shall have the full, complete and exclusive control, care, management, maintenance and operation of such hospital and shall operate the same as a county hospital. Said board shall provide such by-laws, rules and regulations in reference to such hospital, as to the control, management, maintenance and operation thereof, as it shall deem necessary, proper or desirable. It shall fix the rates to be charged all patients cared for in such hospital, including the rates to be charged against the county for paupers or poor persons cared for at the request of such county. It shall appoint a superintendent of such hospital, who shall hold his office at the pleasure of said board, fix his salary, and prescribe his powers, duties and responsibilities. It shall have the power to employ and pay such other assistants, servants, physicians, surgeons, nurses and other employees as may be necessary or desirable for the maintenance and operation of such hospital. The amounts due, or to become due, from patients and others who may be served by said hospital, shall be collected by and paid to said board. Said board shall require to be kept accurate and complete books of account of all receipts and disbursements in the matter of the maintenance of such hospital, and on the first Monday in January of each year shall file with the county auditor an itemized statement of all such receipts and expenditures for the preceding year, which statement shall be appended to and published with the financial statement of such county. ('17 c. 187 § 2)

[3108—]3. **Clerk—Powers and duties—Compensation—Assistants**—Such board of poor and hospital commissioners shall appoint a clerk, to serve during the pleasure of such board, and fix his compensation which shall not exceed one hundred twenty-five (\$125.00) dollars per month, to be paid out of the county poor fund. Such clerk shall keep a record of all the doings of the board, preserve all documents relating to its business, keep an account of all receipts and expenditures, the names and addresses of all persons to whom relief has been granted, with the amount of such relief, investigate the condition and needs of all persons by or for whom application is made for relief, and report to the board thereon. The board may authorize such clerk to grant temporary relief in cases of emergency, without previous action by the board, but it shall be [by] proper resolution limit the amount of such temporary relief to be so granted. Such clerk shall perform all of the duties and services, both as to such hospital and to the matter of the poor, as shall be prescribed by said board. The board may appoint such other assistants as may be necessary to discharge its duties. ('17 c. 187 § 3)

[3108—]4. **Same—Taxes, how levied, etc.**—Taxes shall be levied by said board for the support of the poor and for said hospital as follows: On or before the first day of October in each year said board shall determine, by sepa-

rate resolutions duly passed, the amount of taxes to be levied for the ensuing year for the support of the poor in such county, the maintenance of the poor house and other buildings provided for the care of the poor, including the erection of any building or the making of any improvements for such purpose, and for the care, support, maintenance and operation of said hospital. The adoption of such resolution shall constitute a levy on the taxable property in such county to the full amount named therein, provided, however, that the tax so levied for said hospital purposes shall not exceed five-tenths of one mill (5/10 of \$.001) upon the said taxable property in said county. On or before the fifth day of October in each year said board shall file a certified copy of each of said resolutions with the county auditor of such county, who shall thereupon enter the amount upon the tax list, and thereafter proceed to the assessing and collecting of such tax in the same manner as village or corporation taxes. Such taxes when collected shall be placed in, or credited to the hospital fund and to the poor fund, respectively. ('17 c. 187 § 4)

[3108—]5. **Partial invalidity**—Should any paragraph or separate provision of this act be held invalid by any court having jurisdiction thereof so to determine, such decision or judgment shall not be held to affect any other paragraph or provision hereof or herein. ('17 c. 187 § 5)

[3108—]6. **Existing laws**—All existing laws, not hereby expressly repealed, shall be construed in such a way as to effectuate and carry out the terms, conditions, spirit and purpose of this act, and to that end such laws shall be made to conform to and assist in carrying out this act. ('17 c. 187 § 7)

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## CHAPTER 16

### INTOXICATING LIQUORS

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#### LICENSES

**3109. Sale, when and where forbidden—Penalty**—Any person who shall sell any intoxicating liquors in quantities less than five gallons, or in any quantity, to be drunk upon the premises, in any city, village or borough, in the State of Minnesota, except as provided by law, or any person who shall sell any intoxicating liquors in any quantity in the State of Minnesota outside of the corporate limits of cities, villages or boroughs therein, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than fifty dollars, and the costs of prosecution, and by imprisonment in the county jail not less than thirty days. Provided, that the provisions of this act shall not prevent any person, firm or corporation, operating a bona fide brewery now in existence, located outside the corporate limits of an incorporated city, village or borough, in any county wherein the sale of intoxicating liquor is not prohibited by law, from selling at such brewery malt liquors, actually manufactured therein, in quantities of five gallons or over; and provided that nothing in this act shall in any way repeal, modify, or affect chapter 23, General Laws of Minnesota for 1915 [3161—1 to 3161—18], or any part thereof. (Amended '17 c. 32 § 1)

It is not contrary to the public policy of the state to give to cities of the first class power to prohibit the liquor traffic, and such power may be given to a city of the first class operating under a home rule charter (134-355, 159+792). Intoxicating Liquors, Ⓒ10(1).

While this chapter governs municipalities operating under special charters, such municipalities are free to impose such other and additional restrictions as may lie within the power conferred upon them by their charters (134-355, 159+792). Intoxicating Liquors, Ⓒ11.

Evidence held not to sustain a conviction for sale of intoxicating liquors without a license contrary to a city ordinance (124-124, 144+745). Intoxicating Liquors, Ⓒ236(1).

Upon a trial for illegal sale of intoxicating liquor, the admission of express receipts to show shipments of liquor to defendant was not error (162+683). Intoxicating Liquors, Ⓒ233(1).