

1934 Supplement
To
Mason's Minnesota Statutes
1927

(1927 to 1934)
(Superseding Mason's 1931 Supplement)

Containing the text of the acts of the 1929, 1931, 1933 and 1933-34 Special Sessions of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state, federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota



Edited by

WILLIAM H. MASON, Editor-in-Chief
W. H. MASON, JR. }
R. O. MASON } Assistant Editors
J. S. O'BRIEN }

CITER- DIGEST CO.
SAINT PAUL, MINNESOTA.
1934

an act approved by the President, May 22, 1928, entitled "An act to provide for the further development of agricultural extension work between the agricultural extension work between the colleges in the several states receiving the benefits of the act, entitled 'an act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts,' approved July 2, 1862, and all acts supplementary thereto and the U. S. Department of Agriculture," and

Whereas it is provided in Section 1 of the Act aforesaid that the grants of moneys authorized by this Act shall be paid annually "to each state which shall by action of its Legislature assent to the provisions of this Act," therefore

Be It Resolved by the House of Representatives, the Senate concurring, of the Legislature of the State of Minnesota that assent be and is hereby given to the provisions and requirements of said Act, and that the University of Minnesota be and it is hereby authorized and empowered to receive the grants of money appropriated under said Act, and to organize and conduct agricultural extension work which shall be carried on in connection with the College of Agriculture of the University of Minnesota in ac-

cordance with the terms and conditions expressed in the Act of Congress aforesaid. (Act Apr. 9, 1929, c. 140.)

3139-1. [Repealed].

Repealed by Act Mar. 30, 1933, c. 128, §1.

3139-2. University building fund transferred to general revenue fund.—All moneys now in the University building fund and all moneys that may be coming into said fund by virtue of levies heretofore made are hereby appropriated from said fund and credited to the general revenue fund, except as to outstanding certificates of indebtedness that may have been issued pursuant to the terms of said act and except as to outstanding contracts and obligations. (Act Mar. 30, 1933, c. 128, §2.)

Sec. 3 of Act Mar. 30, 1933, cited, provides that the act shall take effect from its passage.

RELIGIOUS EDUCATIONAL CORPORATIONS

3156. Manner of calling special meetings.

Local and special legislation.

Laws 1913, c. 445, providing that the voters of the district at their annual town meeting may fix the salaries of their school officers in ten-town school districts having less than thirty schools and a high school, is constitutional. 175M316, 221NW231.

Laws 1921, c. 77, are set forth, ante, as §§2802-16 to 2802-25.

CHAPTER 15

Relief of the Poor

GENERAL PROVISIONS

3157. Support of poor.

174M227, 218NW882.
175M39, 220NW156.

In an action by one sister against another to enforce contribution for the support of their mother evidence held to show that the relief given was not voluntary but that the mother was a "poor person," and that plaintiff was entitled to recover. 172M362, 215NW512.

On separation of village from town under §§1126 to 1128, village becomes liable for support of pauper within its boundaries. Op. Atty. Gen., Nov. 23, 1929.

A grandfather of an indigent child is liable for its support in the school for feeble minded where there are no nearer relatives able to give such support. Op. Atty. Gen., July 16, 1930.

Fact that maternal grandmother has money and would be able to support children does not negative a finding of dependency on the part of children and the right of mother to a pension. Op. Atty. Gen., Oct. 30, 1930.

Woman cannot be compelled to support a pauper husband whom she has ordered from her house. Op. Atty. Gen., Dec. 4, 1930.

A person may be eligible to receive poor relief notwithstanding that he owns property, if the property is insufficient for his support. Op. Atty. Gen., May 5, 1931.

A city which supplied poor relief could receive a conveyance of land owned by the poor person and convey good title, notwithstanding that the property was taken subject to encumbrances and subject to trust impressed thereon for the payment of the otherwise unsecured debts of the poor person. Op. Atty. Gen., May 5, 1931.

A pauper is one who is in need of any or all of the commonly recognized necessities of life, such as food, shelter, clothing, medical or surgical attention, etc., and who is unable to provide the same for himself. Op. Atty. Gen., Nov. 17, 1931.

A pauper who has no blood relatives, or only relatives unable or who refuse to provide support, becomes entitled to public relief. Op. Atty. Gen., Nov. 17, 1931.

Primary duty of supporting pauper rests upon blood relatives in the order stated. Op. Atty. Gen., Nov. 17, 1931.

The duty of providing relief for all poor people entitled thereto under the law is positive, and the exhaustion of the moneys in the poor fund does not excuse a municipality from its obligation to provide necessary relief. Op. Atty. Gen., Nov. 17, 1931.

Neither §3157 nor §3171 impose limitations on liability of county to town for poor relief expended by town under §3195. Op. Atty. Gen., May 2, 1932.

Where indigent children are committed to state public school at Owatonna but are placed on waiting list, parents, and, if they cannot pay, village of their legal settlement, are liable for support of children. Op. Atty. Gen., June 14, 1932.

Commitment of indigent children to custody of state under general guardianship did not release father and mother from obligation to support them. Op. Atty. Gen., June 14, 1932.

Maternal grandparent is not financially responsible for support of an illegitimate child. Op. Atty. Gen., Aug. 9, 1932.

3158. Failure to support—Recovery for.

175M39, 220NW156.

A county with county system for care of the poor paying burial expenses of a pauper not resident in the county may not recover funeral expenses from relatives. Op. Atty. Gen., Dec. 18, 1931.

3159. Liability of county, town, etc.

In suit the town of a pauper's settlement for emergency hospitalization rendered the pauper, it was error to receive in evidence a letter written by the pauper months after the aid was furnished, stating he was then employed at good wages. Warren Hospital Ass'n v. M., 183 M230, 236NW211. See Dun. Dig., 3229, 7434.

In suit against town of a pauper settlement for emergency hospitalization, it was error to instruct that jury must find that the person furnished aid continued to be a pauper up to the time of suit. Warren Hospital Ass'n v. M., 183M230, 236NW211. See Dun. Dig., 7429.

County board may pay for groceries furnished by grocer without prior authority. Op. Atty. Gen., Dec. 20, 1930.

Fact that husband has been sentenced to jail for violation of a city or village ordinance does not affect in any way the responsibility of the city or county for poor relief of the wife. Op. Atty. Gen., Sept. 10, 1931.

The responsibility of a city to care for its poor does not cease when the moneys in the poor fund available for such purpose have been exhausted. Op. Atty. Gen., Feb. 8, 1932.

Neither a village nor a township may make persons who rent or furnish an abode to paupers liable for poor relief subsequently furnished by village or township. Op. Atty. Gen., Feb. 11, 1932.

It is duty of municipality, charged with support of its poor, to properly provide for them. Op. Atty. Gen., Apr. 29, 1932.

County board may not make payments to building and loan association on mortgage created by party applying for poor relief. Op. Atty. Gen., July 6, 1932.

Town in which transient pauper is when he becomes a pauper must provide for him, and such town may not transfer him to the state from which he came. Op. Atty. Gen., Feb. 7, 1933.

A showing that applicant for relief has none of the relatives named in sec. 3157, or that they are not of sufficient ability or refuse or fail to support her is a prerequisite to obtaining municipal relief. Op. Atty. Gen., Apr. 8, 1933.

Duty of administering poor relief falls upon villages as well as other municipalities and village council has no discretion. Op. Atty. Gen. July 15, 1933.

3159-1. Liability of estate of poor person.

175M39, 220NW156.

Counties may not accept conveyances of real estate from indigent persons conditioned upon county supporting such persons for remainder of their lives. Op. Atty. Gen., June 17, 1933.

3159-3. Powers of governing body of town, city or village.—In addition to all other powers now or hereafter by law conferred upon the governing body of any town, city or village, authority is hereby given to receive and accept for their town, city or village real or personal property, encumbered or unencumbered by gift, devise, conveyance or otherwise, from any person whose care, support, treatment or maintenance in whole or in part, under the laws relating to poor relief, is or may be chargeable to, furnished or provided by such town, city or village, and to hold or dispose of the same the benefit of such town, city or village, as provided by law in the case of other property belonging to such town, city or village, and the payment and discharge of any lien or encumbrances upon any such property is authorized when such governing body determines that such payment is advisable and for the best interests of such town, city or village. (Act Apr. 16, 1929, c. 199, §1.)

A city has no authority to enter into an agreement with a pauper or an indigent person whereby the city assumes to agree to support and maintain such poor person for the term of his natural life upon condition that such poor person convey his property to the city. *Op. Atty. Gen., Feb. 8, 1932.*

A city which has supported a poor person during his life may sell property conveyed to the city by such poor person and place the proceeds of the sale to the credit of the poor fund. *Op. Atty. Gen., Feb. 8, 1932.*

3161. Legal settlement for poor relief purposes.—

Every person, except those hereinafter mentioned, who has resided one year continuously in any county, shall be deemed to have a settlement therein, if it has the county system; if it has the town system, he shall have a settlement in the town, city or village therein in which he has longest resided within such year. Every person who has resided one year continuously in the state, but not in any one county, shall have a settlement in the county in which he has longest resided within such year, if it has the county system; if it has the town system, his settlement shall be in the town, city or village therein in which he has longest resided within such year. The time during which a person has been an inmate of a hospital, poorhouse, jail, prison, or other public institution, and each month during which he has received relief from the poor fund of any county or municipality, shall be excluded in determining the time of residence hereunder. Every minor not emancipated and settled in his own right shall have the same settlement as the parent with whom he has resided.

A settlement in this state shall be terminated and lost by:

1. Acquiring a new one in another state.
2. (By wilful absence for a period of 30 days from this state.
3. By acquiring a new one in this state. (R. L. '05, §1488; G. S. '13, §3071; '19, c. 128; Apr. 21, 1933, c. 385.)

179M251, 228NW929.

In determining the "settlement" of a pauper, no distinction is to be made between citizens and aliens. 182 M150, 233NW804. See Dun. Dig. 7430(76).

The word "resided," means where the person has lived or existed the longest within the one year immediately preceding the commencement of the proceedings, and does not have reference to his technical legal residence. *Smiley v. H., 183M562, 237NW416. See Dun. Dig., 7430.*

Where a father disappeared, and his child lived with the mother until the latter's death when he went to people living in another township and lived with them about eleven months, when she was taken to the State Sanatorium at Walker where she died, the settlement of the child was in the township where the mother resided at the time of her death. *Op. Atty. Gen., May 22, 1930.*

Where husband failed to support his wife and children, and the wife without obtaining a divorce, goes with the children to another county, where she resides more than a year, the children acquire a settlement in the latter county, and that county is liable for support of the children, provided that the conduct of the husband has been such as to break up the home justifying the wife in establishing a separate residence. *Op. Atty. Gen., June 16, 1930.*

"Within such year" refers to residence within the year preceding application, but it does not follow that because application has been made and no relief granted thereunder, the pauper cannot continue to establish

a residence within the town. *Op. Atty. Gen., June 10, 1931.*

A town is not estopped from denying a settlement because the poor person receives aid from the county, while in such town, or because the county commissioner of the district which includes the town gives aid, or because the poor person voted in the town. *City of Moorhead v. T., 184M509, 239NW217. See Dun. Dig., 7430.*

Evidence held to sustain finding that defendant town was place of settlement of poor person. *City of Moorhead v. T., 184M509, 239NW217. See Dun. Dig. 7430.*

When a county adopts the township system of caring for the poor in lieu of the county system prevailing, pursuant to §3164, the support of poor persons falls upon the towns, and the place of settlement is determined by §3161. *City of Moorhead v. T., 184M509, 239NW217. See Dun. Dig. 7430.*

Provision that time during which poor person "has received relief from poor fund of any county or municipality" shall be excluded in determining settlement, cannot be construed to include also payments of mother's pension. In *Re Skog, 186M349, 243NW384. See Dun. Dig. 7430.*

Poor person moving into another state but returning before acquiring a settlement there does not lose his settlement in this state. *Petersburg Tp. v. C., 186M509, 243NW695. See Dun. Dig. 7430.*

In determining settlement of poor person in county having town system, question is where he resided longest prior to applying for or receiving public aid. *Petersburg Tp. v. C., 186M509, 243NW695.*

"Residence" in mother's pension statute is not synonymous with "settlement" under poor laws, and residence for one year, as distinguished from settlement, is condition precedent. *State v. Juvenile Court of Wadena County, 246NW544. See Dun. Dig. 4460b.*

Mother's pension law, being newer, prevails over poor laws to extent of conflict. *State v. Juvenile Court of Wadena County, 246NW544. See Dun. Dig. 4460b.*

Where one received aid from county in which he had not resided for year, county in which he had legal settlement owed duty to reimburse county giving aid. *County of Kanabec v. C., 248NW710. See Dun. Dig. 7430.*

Where one moves from town into village in such town, a year's residence in the village is necessary to shift liability from the town to the village. *Op. Atty. Gen., Jan. 8, 1932.*

Where a family lived continuously for two years in a township and then moved to a city within the township where they resided for more than six months before applying for aid, the city is liable for their support. *Op. Atty. Gen., Jan. 14, 1932.*

Where husband and wife were living in different counties intending to locate on a farm wherever they could locate one, and husband disappeared, the wife's place of settlement for the purpose of securing poor relief was the place of her residence and not that of the husband who had disappeared. *Op. Atty. Gen., Feb. 18, 1932.*

Where pauper has legal settlement in H county and moved in to F county in July, 1930, and received temporary relief from H county in August, 1930, and received relief continuously from F county after he moved to that county, he has never acquired settlement in F county. *Op. Atty. Gen., Apr. 4, 1932.*

Furnishing medical attention to minor child by reason of poverty of parents amounts to rendition of poor relief to parents. *Op. Atty. Gen., Apr. 20, 1932.*

Furnishing of poor relief does not toll the running of the year in case of removal from one county to another, or the major part of year in case of removal from one municipality to another in same county. *Op. Atty. Gen., Apr. 20, 1932.*

State has no remedy against other states for handling paupers who have resided in Minnesota for less than year. *Op. Atty. Gen., May 17, 1932.*

Legal settlement is in municipality where person has lived or existed longest within one year immediately preceding commencement of proceedings. *Op. Atty. Gen., May 24, 1932.*

It is not necessary that pauper reside continuously in village for period of one year before poor relief may be granted, and if poor person has resided in three different municipalities during year of application for poor relief, place where he resided longest would be charged with relief. *Op. Atty. Gen., June 22, 1932.*

Legal settlement was not affected by performance of "made" work where relief was actually paid out of poor fund of town. *Op. Atty. Gen., Jan. 27, 1933.*

Giving of notice by city to town to take care of family removing from town to city did not stop running of limitations so that time to make up year of residence would not run after such notice. *Op. Atty. Gen., Jan. 31, 1933.*

Where husband is in jail and is not supporting wife, she has right to establish separate place of residence, as regards poor relief. *Op. Atty. Gen., Feb. 4, 1933.*

Neither townships nor county may transport transient paupers to another state, but town or county in which he happened to be when he became a public charge is bound to support him. *Op. Atty. Gen., Feb. 7, 1933.*

Where part of required year's residence has been without the state of Minnesota pauper is not entitled to poor relief. *Op. Atty. Gen., Mar. 16, 1933.*

The settlement of a 15 year old girl in the Home School for Girls at Sauk Centre, to which she was committed while living with her mother, is in the county in which her mother enjoys settlement. Op. Atty. Gen., Mar. 29, 1933.

Care of one with original residence in another state by insurance company in this state did not change residence to this state and foreign state should be obligated to care for him on his becoming subject of tuberculosis. Op. Atty. Gen., May 15, 1933.

Whether inmate of G. A. R. Home obtained settlement at place where home was located, held question of fact. Op. Atty. Gen., June 7, 1933.

Relief furnished to citizens by way of Red Cross flour, emergency or work relief from the state emergency relief committee is not relief from "poor funds" within this section. Op. Atty. Gen., June 17, 1933.

Time during which applicant received mother's pension ought not to be deducted for purpose of residence. Op. Atty. Gen., June 26, 1933.

Pauper cannot gain settlement while receiving aid from another municipality where he had former residence. Op. Atty. Gen., July 6, 1933.

Words "such year" mean year immediately preceding application for poor relief. Op. Atty. Gen., July 18, 1933.

Legal settlement of family was residence of wife and children where husband and father was committed as feeble-minded to board of control and ran away and later was sent to prison. Op. Atty. Gen., Aug. 22, 1933.

A ward of the state may acquire residence for poor purposes. Id.

A person who has resided continuously in state for one year has settlement for poor relief in county or town or municipality in which he has resided longest. Op. Atty. Gen., Aug. 28, 1933.

Month in which town refuses relief cannot be deducted from residence relied on to fix settlement. Op. Atty. Gen., Sept. 1, 1933.

Willful absence from state for 30 days terminates settlement for poor relief purposes. Op. Atty. Gen., Oct. 4, 1933.

Marriage emancipates a minor girl and her settlement follows that of her husband even though she lives with her parents. Op. Atty. Gen., Oct. 20, 1933.

One residing at hospital paying his own way gained a residence. Id.

§3161-1. Settlement of poor persons—Disputes.

Upon becoming a pauper, a person who has resided one year or more continuously in a county wherein the town system of caring for the poor is in force, is a charge for necessary support on the town, city or village therein, in which he has longest resided during the year immediately preceding the date of his proper application for poor aid. *Grove City v. Manannah*, 182M197, 233NW 875. See Dun. Dig. 7427(68), 7430.

Proceedings are informal and if a party cited is not a proper party because the "town system" has not been adopted, it should claim such defense. *Golden*, 182M221, 234NW7. See Dun. Dig. 7427(68).

Evidence held to establish settlement and that persons were paupers. *Golden*, 182M221, 234NW7. See Dun. Dig. 7430.

Finding that person was not poor person or pauper, held sustained by evidence. *Town of Dassel v. V.*, 187M 331, 245NW365. See Dun. Dig. 7426.

Does not amend by implication, G. S. 1923, §3186, subd. 2. Op. Atty. Gen., Dec. 21, 1929.

This section has application to a situation where the county is operating under a town system in caring for its poor. Op. Atty. Gen., Feb. 19, 1932.

Fact that St. Cloud is within two counties does not take case of pauper removing from one of the counties to a place in city within other county from under §3161-2 for purpose of determining residence. Op. Atty. Gen., Jan. 31, 1933.

§3161-2. Same—Dispute as to between counties or subdivisions of different counties, etc.—Hearing.

County of Kanabec v. C., 248NW710; note under §3161. Op. Atty. Gen., May 24; note under §3161.

Op. Atty. Gen., Jan. 31, 1933; note under §3161-1. County may maintain proceeding to determine settlement of poor person given aid, though county is not caring for such person at time proceeding is begun. 179 M251, 228NW929.

Determination of judge of district court as to settlement of poor persons in proceedings involving residents, held res judicata. Op. Atty. Gen., May 22, 1930.

It is not necessary for a pauper to make an application for poor relief or for a county to grant such relief in order to have proceedings instituted for a determination of the settlement of such pauper by the court. Op. Atty. Gen., Feb. 19, 1932.

§3161-4. Same—County of residence of poor person charged with support of.

179M251, 228NW929.

§3162. Removal of poor person.

There is no way in which a city may return a pauper to a place outside the state, unless by arrangement with

the state from which he came. Op. Atty. Gen., Dec. 21, 1929.

Where district court has determined the place of settlement of paupers, such paupers should be ordered in writing by the chairman to remove to the proper county; and on their failure to comply, the sheriff should remove them. Op. Atty. Gen., Nov. 13, 1931.

Until a poor person applies for relief, town has no authority to cause his removal. Op. Atty. Gen., Feb. 4, 1933.

Duties of township without funds and whose warrants are not acceptable, stated. Op. Atty. Gen., Oct. 16, 1933.

§3164. Change of system.

Act Mar. 26, 1929, c. 88, legalizes payments under special laws theretofore made.

Laws 1931, c. 328, authorizes cities of the fourth class operating under home rule charter to levy tax for 1931 and 1932 for relief of the poor.

City of Moorhead v. T., 184M509, 239NW217; note under §2161.

§3164-1. Definitions.—As used in this act, unless the subject-matter or context requires otherwise:

(a) The term "political subdivision" shall include any subdivision of the state or any municipal corporation or public quasi-corporation, however organized.

(b) The words "support or relief of the poor" shall have the same meaning as the words are given by Chapter 15, Mason's Minnesota Statutes, 1927, and the words "poor persons" shall mean such person for whom a legal liability is imposed under that chapter.

(c) The term "work relief" shall mean support or relief in wages or other compensation, in cash or in kind, paid for work under the following conditions: (1) That the recipients of work relief and the amounts given are both determined on the basis of actual need and certified for such work relief by the officials charged with administering the relief of the poor; (2) that the funds for such relief are made available only from those specifically appropriated or contributed for support or relief of the poor; (3) that the funds are used to finance projects for which the political subdivision can legally incur expense and which could not otherwise be undertaken at the time or in the immediate future.

(d) The words "direct relief" shall mean relief to individuals or families incidental to the care of the poor, such as food, clothing, shelter, medical care and supplies, and other necessities of life; provided that nothing in this law shall be interpreted as enlarging the responsibility for relief as now imposed by the laws of Minnesota. (Act Mar. 27, 1933, c. 120, §1.)

§3164-2. Municipalities may borrow funds for poor relief.—Each political subdivision of the state charged by law with responsibility for the support or relief of poor persons having a legal settlement therein is hereby granted authority to borrow funds and pledge the credit of such political subdivision to meet the expense thereof and to make such loans either from the State of Minnesota, the federal government, or from private sources when necessary for the support or relief of said persons; provided, however, that this act shall not be construed as increasing the limit of debt, if any, prescribed by the special law or home-rule charter or general law under which any political subdivision is organized. (Act Mar. 27, 1933, c. 120, §2.)

Duties of township without funds and whose warrants are not acceptable, stated. Op. Atty. Gen., Oct. 16, 1933.

§3164-3. Bonds may be issued.—Bonds or other evidence of indebtedness may be issued pursuant to the authority granted and for the purposes specified herein by following the regular statutory or charter procedure applicable to such political subdivision, provided, however, that any political subdivision now required by statute or by charter to submit the question of the issuance of bonds or other evidences of indebtedness to a referendum vote, is hereby authorized to issue and sell such public welfare bonds or other evidence of indebtedness without submitting the question of such issue to a referendum vote, by following the procedure hereinafter outlined.

Before any such bonds or other evidence of indebtedness may be issued hereunder by a political subdivision which is restricted by statute or by charter provision from issuing bonds and pledging the credit thereof without submitting the proposal to make such issue to a referendum vote of the electors of such political subdivision, a resolution shall first be adopted by a two-thirds vote of all the members of the official body or bodies authorized to make loans within the political subdivision, declaring an emergency to exist making it necessary to borrow in the specified amount without submitting the question of issuance of bonds or other evidence of indebtedness to a vote of the electors of said political subdivision. The action of the governing body shall be by resolution, irrespective of any requirement of any home-rule charter, general or special law requiring such action to be by ordinance. This resolution shall then be submitted to the Governor of the State, together with all facts deemed necessary to support such emergency action, including the general financial condition of the political subdivision, the need for the funds, and funds which may be available, public or private, and such other information as may be required. If after investigation the Governor finds that the amounts requested are within the reasonable needs of the political subdivision and that no other funds are available to meet the same or that it is not possible or practicable, in view of the other governmental needs of the political subdivision to secure the necessary funds from other sources or by regular methods of borrowing, he shall certify that an emergency exists sufficient to warrant the issuance of such bonds or other evidence of indebtedness subject to the requested exemption. The Governor may reduce but shall not increase the amount requested in such resolution. Upon such certification, the said governing body or bodies may then proceed to issue and sell such bonds or other evidence of indebtedness pursuant to the resolution aforesaid and in the manner prescribed by Section 1943, Mason's Minnesota Statutes, 1927, and they shall be valid legal obligations of the political subdivision without the referendum vote of the electors. (Act Mar. 27, 1933, c. 120, §3.)

3164-4. To be expended for poor relief only.—All moneys borrowed hereunder shall be expended only for the support or relief of the poor, through direct relief, work relief, placement service, or other service contributing to the support or relief of the poor, including the expense of administration and supervision. (Act Mar. 27, 1933, c. 120, §4.)

3164-5. Serial bonds may be issued—tax levy.—Upon authorization and approval of the issuance of bonds as in this act provided, the governing body or other proper bodies of any such political subdivision may proceed to issue and sell its bonds or other evidence of indebtedness covering such loans, in the manner prescribed by Section 1943, Mason's Minnesota Statutes, 1927. Such bonds or evidences of indebtedness shall be issued to mature serially, the first installment of which shall become due in not more than three years and the last of which shall become due and payable in not more than ten years from the date of their issue.

The bonds or other evidence of indebtedness issued pursuant to this act shall be subject to the provisions of Chapter 131, Laws 1927, or of such other laws of the State as govern the particular political subdivision in making such loans, in regard to the levy of a tax for interest and principal and for the payment thereof. No provision of any act passed during the present session of the Legislature, limiting the tax which may be levied for poor relief purposes shall in any way limit the tax to be levied for the payment of the principal or interest of bonds issued pursuant to the provisions of this act. (Act Mar. 27, 1933, c. 120, §5.)

3164-6. Inconsistent acts repealed.—All laws or parts of laws inconsistent herewith are hereby sus-

pended during the operation of this act; provided, however, that this action shall not be construed as repealing or suspending any other law authorizing municipalities coming within the provisions of this act to issue bonds for poor relief purposes. (Act Mar. 27, 1933, c. 120, §6.)

3164-7. Acts validated.—All bonds heretofore issued by any of the subdivisions of the character embraced in the provisions of this statute, and all proceedings heretofore taken for the issuance of such bonds as hereby authorized, are hereby and in all respects ratified, validated and confirmed, and such bonds are hereby declared to be valid and legally binding obligations of the issuing subdivisions of this State. (Act Mar. 27, 1933, c. 120, §7.)

3164-8. Effective till April 1, 1935.—This Act shall be in force and effect until April 1, 1935. (Act Mar. 27, 1933, c. 120, §8.)

3164-9. Tax levy for poor relief in certain counties.—Each city of the first class responsible by statute or by charter provision for administering poor relief therein, and each county containing a city of the first class, which county is responsible by statute for administering poor relief therein either alone or jointly with any such city of the first class and whether administering such relief through a poor commission or a board of public welfare, is hereby authorized to levy a tax at a rate of not to exceed three (3) mills for each dollar of the assessed valuation of real estate and personal property therein in excess of and in addition to any levy which might otherwise be made by such city or such county to provide funds for poor relief. (Act Apr. 13, 1933, c. 239, §1.)

3164-10. Levies to be subject to same laws as other levies.—Any such additional levy shall be subject to the same limitations and restrictions as to authorization as are required in case of levies for other purposes in such city or such county, and shall be authorized and levied by the same authorities and in the same manner as other levies for poor relief. (Act Apr. 13, 1933, c. 239, §2.)

3164-11. Funds to be expended by Board of Public Welfare.—The funds provided by any such additional levy shall be appropriated and made available for the use of the board of public welfare or poor relief commission or other body, by whatever name known, authorized and empowered with the duty and responsibility of administering and providing for the care of the poor and needy in such city or such county. (Act Apr. 13, 1933, c. 239, §3.)

3164-12. Effective till April 1, 1935, only.—This Act shall be in force and effect until April 1, 1935, only. (Act Apr. 13, 1933, c. 239, §4.)

3164-13. Appropriation for poor relief in certain cases.—That the governing body of any city of the fourth class, operating under a home rule charter, and now or hereafter having an assessed valuation in excess of \$10,000,000 and a population of less than 9,000 inhabitants, may appropriate out of any money available, during the calendar year 1933 and thereafter, for the support of poor persons of the city, an amount not exceeding \$20,000 annually. (Act Apr. 17, 1933, c. 288, §1.)

3164-14. Tax levy.—That in every such city at the time of making the annual tax levy in the year 1933 and annually thereafter, the governing body of any such city may include therein a tax of one mill on all taxable property in such city, not exceeding \$20,000 for each year, however, for use by the city in giving relief to poor persons having a settlement in such city, but such levy shall be within the limitations now provided by law and shall not authorize any levy in addition to the per capita or any millage limitation; provided that no money shall be paid to any such poor person. (Act Apr. 17, 1933, c. 288, §2.)

3164-15. Application of act.—This Act shall not relieve any relative from liability now imposed by

law for the support of any poor person having a settlement in any such city. (Act Apr. 17, 1933, c. 288, §3.)

3164-16. County board may contract with hospitals for care of poor.—The county board of any county in this state having a population of not more than seventy thousand inhabitants, nor less than fifty thousand inhabitants, according to the last Federal census, in which county there is located a hospital designated and rated as a Class A. Hospital by the American Hospital of Surgeons, and the county board of any county adjoining any such county in which is located such a hospital, is hereby authorized to contract with such hospital to care for, treat and hospitalize the indigent residents of such county who are afflicted with a malady, deformity, or ailment of a nature which can probably be remedied by hospital service and treatment and who are unable, financially, to secure and pay for such care and treatment, or, in the case of a minor, whose parent, guardian, trustee or other person having lawful custody of his person, as the case may be, is unable financially to secure or provide such care and treatment. (Act Apr. 21, 1933, c. 393, §1.)

3164-17. Application to be made to judge of probate.—Whenever the existence of a case described in Section 1 of this act shall come to the notice of the sheriff, town clerk, health officer, public health nurse, peace officer, public official, or physician or surgeon, it shall be his duty to, and any other person may, file with the Judge of Probate of the county of the legal residence of such indigent person requiring such care and treatment an application of the treatment of such indigent person. Such application shall be made in such form as the Judge of Probate of such county may prescribe and shall contain the name, age, residence and physical condition of the person sought to be treated and shall also contain a full statement of his financial situation and of the persons, if any, legally charged with his care and support, and such application shall be verified. Upon the filing of such application, the judge of probate shall notify the chairman of the county board of such application. The judge of probate shall make a careful investigation of the matter in such manner as he shall deem advisable and expedient, and it shall be the duty of any public official of any county, city, village or town of the residence of the person sought to be treated to supply the judge of probate on request therefor all information within his knowledge relative to the financial condition of the person sought to be treated and of all persons, if any there be, who are legally liable for the support of such person. If after such investigation, the judge of probate shall be satisfied that the person on whose behalf the application is made is not financially able to provide himself with such care and treatment, or, in the case of a minor, that his parents, guardian, trustee or other person having legal custody over him or legally responsible for his support and maintenance, is not financially able to provide such treatment, then said judge of probate shall direct the county physician, or some other physician, to make an examination of the person on whose behalf such application was made. Such physician shall make and file with the judge of probate a verified report in writing, setting forth the nature and history of the case and such other information as will likely aid in the medical and surgical treatment of the disease, malady, deformity or ailment affecting such person, and shall state in such report his opinion whether or not the condition of such person can probably be remedied at a hospital. Such report shall be made in duplicate, one of which shall be filed in the office of the probate court and the other shall be transmitted to the hospital to which such afflicted person is committed, if he be committed for treatment as hereinafter provided. Such report shall also give any information the examining physician shall have or acquire relative to the finan-

cial ability of the afflicted person to pay for the treatment of his disease, malady, deformity, or ailment, together with any other information such physician may deem helpful to either the judge of probate or the physicians attending him.

If upon filing of such report and a full investigation of the application, the judge of probate shall be satisfied that the case is one which could be remedied by hospital treatment, and that such afflicted person is financially unable to secure or provide the same for himself, and that the persons legally charged with the support and maintenance of such person, if any there be, are financially unable to provide such care and treatment, the judge of probate shall enter an order finding such facts. If the judge of probate is not so satisfied, he may take additional testimony or make such further investigation as he shall deem proper, and shall reject any application if he finds that the facts do not merit the expenditure of public money for the relief of such afflicted person. Upon the entry of the order approving such application and granting the relief prayed for, the judge of probate shall notify the chairman of the county board of the county of the legal residence of such afflicted person, and the chairman of such county board shall arrange for the care and treatment of such afflicted person at the hospital with whom the county board of such county shall have contracted with for the care and treatment of its indigent residents. If the judge of probate shall find that the applicant or the person legally responsible for his support and maintenance is not able to pay in full, but is able to pay in part, for such care and treatment at such hospital, the judge of probate may approve such application of such afflicted person on such terms of division of hospital charges and costs as he may deem equitable and just. The county board shall provide for taking such afflicted person to the hospital and shall determine the nature, extent and duration of the care and treatment to be furnished to such afflicted person. (Act Apr. 21, 1933, c. 393, §2.)

3164-18. County to pay costs.—The contract between any such county and any such hospital for the care, treatment and hospitalization of such indigent persons shall not exceed in amount, inclusive of medical and surgical care and treatment, the rates fixed and charged by the Minnesota General Hospital under the provisions of Laws 1921, Chapter 411, and acts amendatory thereof, for the care, treatment and hospitalization of indigent county patients. The cost of the care, treatment and hospitalization of indigent persons under the provisions of this act shall be paid by the county of the legal residence of such indigent persons at such times as may be provided for in such contract.

All contracts made by any such county board with any such hospital within one year prior to the passage of this act are hereby legalized and validated and shall be of the same force and effect as if entered into under the provisions hereof. (Act Apr. 21, 1933, c. 393, §3.)

Sec. 4 of Act Apr. 21, 1933, cited, provides that the act shall take effect from its passage.

ACTS RELATING TO PARTICULAR COUNTIES

Act Mar. 17, 1933, c. 91 (repealing Act Feb. 11, 1933, c. 20), authorizes counties containing 21 congressional townships, with assessed valuation of not less than \$3,200,000, including moneys and credits, and which has changed to county system of poor relief, to issue bonds not to exceed \$25,000.

COUNTY SYSTEM

3165. County board supervisors of the poor—overseer of poor may grant relief—county poor relief agent—poorhouses.—In counties having the county system, the members of the county board shall be supervisors of the poor; provided that in counties where the board has employed and appointed an overseer of poor, the county board may by resolution confer full authority for granting temporary relief to the poor on the overseer of the poor or such other

person as may be appointed by them, and in such cases the overseer or such other person so appointed shall be the only authorized agent of the county to incur expenses for relief of the poor. In case a person other than the overseer of the poor is appointed for said purpose, he shall be designated as the county poor relief agent and shall hold his office during the pleasure of the county board and his compensation shall be fixed by the board annually. The board may establish and maintain a poorhouse for the reception and support of poor persons chargeable on the county, and also, if it shall deem best, a poor farm or work house, or both, for the employment of the poor therein. If, in the opinion of the board the number of poor persons does not warrant the purchase or lease of a poorhouse, it may provide for their support in any other way which it may deem proper. The expense of providing the necessary land and buildings shall be defrayed by a special tax, to be assessed, levied, and collected like other county taxes. (R. L. '05, §1492; G. S. '13, §3075; Laws 1933, c. 198; Ex. Ses., Dec. 23, 1933, c. 10, §1.)

Sec. 2 of Act Apr. 10, 1933, and Sec. 2 of Act Dec. 23, 1933, cited, provides that the act shall take effect from its passage.

Act Apr. 10, 1933, c. 186, authorizes county board to use condemned buildings on poor farm for housing of poor during present emergency not to exceed a period of two years after passage of the act.

City of Moorhead v. T., 184M509, 239NW217; note under §3161.

Where city quarantines a hotel, the county is liable for the support of poor guests of the hotel. Op. Atty. Gen., Feb. 11, 1929.

County may enter into a contract for the care and support of its poor. Op. Atty. Gen., Dec. 22, 1931.

3167. Overseer of poor may be appointed in certain counties.—When a poorhouse is established, the County Board shall appoint, for the term of one year, and may at pleasure remove, an overseer of the poor, who shall hold office until his successor qualifies, and whose compensation shall be fixed by the board annually. In a county, or counties, where no poorhouse is established, the County Board may appoint for the term of one year, and may at its pleasure remove, an overseer of the poor, who shall hold office until his successor qualifies, and his compensation shall be fixed by the Board annually. Before entering upon his office, the overseer, in either case, shall give bond to the county in such sum as the Board may direct, to be approved by it, and conditioned for the faithful performance of his duties; and the board may require an additional bond whenever such bond is deemed insufficient. (R. L. '05, §1494; G. S. '13, §3077; Feb. 9, 1933, c. 19.)

Where county enters into contract for the care and support of its poor and is not maintaining a poor house, it is not necessary to appoint an overseer. Op. Atty. Gen., Dec. 22, 1931.

Failure of poor overseer to furnish bond does not render his work illegal, but is ground for his removal. Op. Atty. Gen., Feb. 28, 1933.

County operating under town system of caring for poor may not hire an assistant to relieve administrator. Op. Atty. Gen., June 5, 1933.

3170. Commitment by member.

County board in counties having county system and having within its limits city of 3rd class may employ relief agent. Laws 1933, c. 6.

Overseer of poor is compelled to furnish aid upon order of county commissioner. Op. Atty. Gen., Feb. 28, 1933.

3171. Temporary relief.

175M39, 220NW156.

A county operating under the county system of caring for the poor may not purchase provisions at wholesale and dole the same out to such persons as may be entitled to temporary relief. Op. Atty. Gen., Mar. 20, 1931.

Neither §3157 nor §3171 impose limitations on liability of county to town for poor relief expended by town under §3195. Op. Atty. Gen., May 2, 1932.

Fact that applicant for relief owns homestead, clear of all encumbrances, does not preclude applicant from receiving poor relief, but is matter to be considered as affecting amount of or necessity for relief. Op. Atty. Gen., June 21, 1932.

Counties have no authority to purchase supplies by wholesale and deliver same to poor. Op. Atty. Gen., Oct. 16, 1933.

3171-1. Relief agent may be employed in certain counties.—In any county having the county system and having within its limits any city or cities of the third class, the County Board may employ a relief agent to assist any member of the Board whose district is composed solely of a city of the third class, in the performance of the duties of such Board member, prescribed by Sections 3170 and 3171, Mason's Minnesota Statutes 1927. (Act Jan. 17, 1933, c. 6, §1.)

3171-2. Duties—reports.—In the performance of such duties any relief agent so employed shall receive such compensation as shall be fixed from time to time by the County Board. He shall act under the general supervision and direction of the member of whose district he shall be assigned by the County Board, subject to such regulations and orders as the Board shall adopt. He shall make his report in writing to the member whom he is employed to assist. (Act Jan. 17, 1933, c. 6, §2.)

3171-3. Term.—The term of employment of the relief agent authorized by this act shall be fixed by the County Board. (Act Jan. 17, 1933, c. 6, §3.)

3173. Settlement in another county.

County of Kanabec v. C., 248NW710; note under §3161. Relief given to a widow with several small children dependent upon her is proper basis for reimbursement under this section, though such woman owns property from which she derives no income. Op. Atty. Gen., Feb. 11, 1930.

One receiving workmen's compensation of \$13.33 per week is not a pauper and cannot be required to remove from the county, though he has been paid some temporary assistance, which has been paid back. Op. Atty. Gen., July 17, 1931.

Where a poor person has a settlement in one county and moves into another and four months later the county of his new residence renders necessary emergency medical treatment, such county may recover the cost from the county of the poor person's settlement, and such claim will not outlaw until six years. Op. Atty. Gen., Sept. 26, 1931.

Where district court has determined the place of settlement of paupers, such paupers should be ordered in writing by the chairman to remove to the proper county; and on their failure to comply, the sheriff should remove them. Op. Atty. Gen., Nov. 13, 1931.

Poor family may not be ordered removed from county prior to making application for relief. Op. Atty. Gen., June 1, 1932.

Authority of municipality to cause removal of pauper does not occur until application for relief has been made. Op. Atty. Gen., June 13, 1932.

Order of chairman of board is sufficient authority to sheriff to convey pauper to his place of settlement even though he resists. Op. Atty. Gen., Aug. 3, 1932.

Local authorities have no power to remove paupers against their will to another state. Op. Atty. Gen., June 17, 1933.

Adjoining township into which paupers have moved, and applied for aid, may convey such poor person back to township of settlement. Op. Atty. Gen., Oct. 16, 1933.

3174. Board to appoint physician.

It is mandatory for the county board to appoint a county physician. Op. Atty. Gen., Jan. 19, 1932.

3175. Minors, how provided for.

The mother of two dependent children born of a bigamous marriage may receive a county allowance to enable her to care for these children in her home. Op. Atty. Gen., Sept. 26, 1931.

3176. Burial at expense of county.

County board may allow a reasonable amount for services of a minister. Op. Atty. Gen., Apr. 6, 1929.

A county with county system for care of the poor paying burial expenses of a pauper not resident in the county may not recover funeral expenses from relatives. Op. Atty. Gen., Dec. 18, 1931.

3177. Tax for support of poor.

County operating under county system of poor relief is not required to use the Minnesota General Hospital for its indigent sick but may contract with private hospital to take care of such patients, paying therefor from the poor relief fund. Op. Atty. Gen., Apr. 12, 1933.

County was not required to use Minnesota General Hospital for care of persons entitled to poor relief but could contract with any private hospital. Op. Atty. Gen., Apr. 12, 1933.

Money for poor relief and widow's pensions may not be raised under levy for "old age pension levy." Op. Atty. Gen., June 22, 1933.

There is no maximum limit upon amount of tax which may be levied for old age pensions, widow's pensions and poor relief. Id.

3183. County boards to contract for care of persons other than paupers.

Act Mar. 26, 1929, c. 89, repeals Special Laws 1883, c. 316, as amended by Special Laws 1891, c. 361.

This section does not authorize a contract for the care of the poor. Op. Atty. Gen., Dec. 22, 1931.

A county has no authority to enter into a contract with a pauper whereby the county assumes and agrees to support and maintain such pauper for the term of his natural life in consideration for such pauper transferring and conveying real estate to the county. Op. Atty. Gen., Feb. 11, 1932.

3183-1. Old age pensions established.—There is hereby established in each county in this state a system of old age pensions. Provided that whenever this act shall have been in force for more than one year in any county, the county board shall upon a petition signed by at least 25 per cent of the voters therein, according to the last general election, adopt a resolution submitting the question of continuing such old age pension in said county to the voters at the next general election thereafter; if a majority of the voters voting upon such proposition shall vote in favor thereof, said old age pension shall be continued in effect in said county, but if a majority of the voters voting upon such proposition shall vote against continuing such old age pension in said county, then, and in that event the county board will thereupon adopt a resolution discontinuing such old age pension within said county. (Act Mar. 1, 1929, c. 47, §1; Apr. 9, 1931, c. 138, §1; Apr. 19, 1933, c. 348, §1.)

Before a proposition may be lawfully submitted to the voters, a resolution must be adopted by a majority vote of the county board, and appropriate reference to this should be made in the posted notice of election provided by §353. Op. Atty. Gen., Sept. 22, 1930.

Resolution submitting proposition of old age pensions to voters is upon resolution adopted by county board, and not by poor and hospital commission. Op. Atty. Gen., Sept. 13, 1932.

County board may rescind its resolution to submit proposition of establishing a system of old age pensions to voters. Op. Atty. Gen., Sept. 15, 1932.

Laws 1933, c. 348, does not repeal §3183-18. Op. Atty. Gen., Aug. 30, 1933.

3183-2. Who entitled to pension.—Any person who shall comply with these provisions, shall be entitled to a pension, while continuing to reside in the county in which such pension is granted. The amount of such pension shall be fixed with due regard to the conditions in each case, but in no case shall it be an amount, which, when added to the income of the applicant, including income from property, as computed under the terms of this act, shall exceed a total of one dollar per day. (Act Mar. 1, 1929, c. 47, §2; Mar. 18, 1931, c. 72, §1; Apr. 9, 1931, c. 138, §2; Apr. 19, 1933, c. 348, §2.)

3183-2a. Effective January 1, 1934.—This Act shall take effect and be in force from and after January 1, 1934. (Act Apr. 19, 1933, c. 348, §3.)

3183-3. Who may receive.—An old age pension may be granted only to an applicant who:

(1) Has attained the age of seventy years or upwards.

(2) Has been a citizen of the United States for at least fifteen years before making application for a pension.

(3) Has resided in the state and county in which he makes application:

(a) Continuously for at least fifteen years immediately preceding the date of application, but continuous residence in the state and county shall not be deemed to have been interrupted by periods of absence therefrom if the total of such periods does not exceed three years, or,

(b) Forty years, at least five of which have immediately preceded the application;

(c) Provided, that absence in the service of the state of Minnesota or of the United States shall not be deemed to interrupt residence in the state or county if domicile be not acquired outside the state or county.

(4) Is not at the date of making application an inmate of any prison, jail, workhouse, infirmary, in-

sane asylum, or any other public correctional institution;

(5) During the period of ten years immediately preceding such date has not been imprisoned for a felony;

(6) If a husband, has not without just cause, failed to support his wife and children under the age of fifteen years for six months or more during the fifteen years preceding the date of application;

(7) Has not, within one year preceding such application, been a habitual tramp or beggar;

(8) Has no child or other responsible person under the law of this state liable for his support and able to support him. (Act Mar. 1, 1929, c. 47, §3.)

(8.) Applicant is entitled to pension if he has children if they are not financially able to support him. Op. Atty. Gen., May 20, 1933.

3183-4. Restrictions.—No old age pension shall be granted or paid to a person:

(1) While or during the time he is an inmate of and receives the necessities of life from any charitable institution maintained by the state or any of the political subdivisions of the state, or of a private charitable, benevolent or fraternal institution, or home for the aged;

(2) If the value of his property or the value of the combined property of husband and wife, living together, exceeds three thousand dollars;

(3) Who has deprived himself, directly or indirectly, of any property for the purpose of qualifying for old age relief. (Act Mar. 1, 1929, c. 47, §4.)

3183-5. Computation of income.—The annual income of any property which is not so utilized as to produce a reasonable income, shall be computed at five per cent of its value. (Act Mar. 1, 1929, c. 47, §5.)

3183-6. Estate to pay pension in certain cases.—On the death of a person pensioned, or on the death of the survivor of a married couple, both of whom were so pensioned, the total amount paid as pension, together with simple interest at three per cent annually shall be allowed and deducted from the estate of such person or persons, by the court having jurisdiction to probate the estate. The amount so recovered shall be paid in to the treasuries of the county, town, village or city, in the proportion in which they respectively contributed toward the total of the pensions received by the deceased or by the married couple of which the deceased was the survivor. (Act Mar. 1, 1929, c. 47, §6.)

3183-7. County board may require property to be deeded to county.—(1) If the board of county commissioners deems it necessary, it may require as a condition to the grant of a pension certificate, that all or any part of the property of an applicant for a pension be transferred to the county. Such property shall be managed by the board of county commissioners, which shall pay the net income to the person or persons entitled thereto. The board shall have power to sell, lease or transfer such property or defend and prosecute all suits concerning it and to pay all just claims against it and do all other things necessary for the protection, preservation, and management of the property, provided that the property acquired by the county under the provisions hereof shall be sold, leased or transferred only in the manner provided by Section 638, General Statutes 1923.

(2) If in the event that the pension is discontinued during the lifetime of the pensioner the property thus transferred to the board of county commissioners exceeds the total amount paid as pensions with simple interest at three per cent annually, the remainder of such property shall be returned to the pensioner; and in the event of his death such remainder shall be considered as the property of the pensioner for proper probate proceedings. The board of county commissioners shall execute and deliver all necessary instruments to give effect to this subsection.

(3) The county attorney at the request of the board of county commissioners shall take the necessary proceedings and represent and advise the board in any matters arising under this section. (Act Mar. 1, 1929, c. 47, §7; Apr. 9, 1931, c. 138, §3.)

Deed of property to county constitutes acquiring property taxes for public use and section is constitutional. Op. Atty. Gen., Aug. 2, 1933.

3183-8. Applications.—An applicant for a pension shall file his application in writing with the county auditor of the county in which he resides in such manner and form as shall be prescribed by the county attorney. All statements in the application shall be sworn to or affirmed by the applicant, setting forth that all facts are true in every material point. Upon the filing of such an application, the board of county commissioners shall make an order fixing a time and place for the hearing thereon, which hearing shall be not sooner than thirty days after the making of such order. The county auditor shall forthwith upon the making of such order mail a copy of the same and of the application to the clerk or recording officer of the city, town or village of which the applicant is a resident; a like copy of such order shall be mailed to the applicant. (Laws 1929, c. 47, §8; Mar. 18, 1931, c. 72, §2; Apr. 9, 1931, c. 138, §4.)

Guardian may make application for old age pension for incompetent. Op. Atty. Gen., Sept. 7, 1933.

3183-9. County board to direct investigations.—The board of county commissioners shall promptly make or cause to be made such investigation as it may deem necessary. The board of county commissioners shall decide upon the application, and fix the amount of the pension, if any, and such decisions shall be final. Provided, however, that in a county having a board of public welfare as authorized by Chapter 371, Laws of 1929, the board of county commissioners may delegate to such board of public welfare, subject to the supervision of the board of county commissioners, such investigation, decisions upon the applications and fixing of the amounts of the pensions, if any. Provided, that in any county having a Poor Commission authorized to administer poor relief with all the powers of the county board in counties having the county system of administering such poor relief, the said Poor Commission shall make or cause to be made by competent authority, such investigations, decisions upon applications for pension, and the fixing of the amounts of pension, if any, to be awarded hereunder; all subject to the final approval of said Poor Commission by resolution and order duly entered in its records, before any such pension shall be paid by the County Auditor. In any such county where such poor relief is administered by and under the supervision of said Poor Commission, it shall be the duty of said Poor Commission and its secretary or clerk, to carry out the provisions of this act with the same powers, duties and obligations as are here-in vested in the Board of County Commissioners and the County Auditor respectively, and for the purpose said Poor Commission shall have authority to employ such additional assistance as shall be found necessary. Provided further that in any county having a poor commission, it shall be the duty of the poor commission to designate the deputy clerks of court at such places where regular terms of court are held in said county as clerks for the purpose of accepting applications for such pension. It shall be the duty of such clerks of court to aid and assist the applicant in making out his application for such pension. Provided, further, that in a county having an official investigator appointed as provided in Section 8676, General Statutes 1923, the board of county commissioners may delegate such investigation to such official investigator subject to the supervision of the board of county commissioners. An applicant whose application for pension has been rejected, may not again apply for a pension until the expiration of twelve months from the date of his previous appli-

cation. (Laws 1929, c. 47, §9; Mar. 18, 1931, c. 72, §3; Apr. 9, 1931, c. 138, §5.)

3183-10. County board to issue certificates.—(1) The board of county commissioners shall issue to each applicant to whom a pension is allowed, a certificate stating the date upon which pension payments shall commence and the amount of each installment, which may be monthly or quarterly, as the board of county commissioners may decide.

(2) Each pensioner shall file such reports with the board of county commissioners as the said board of county commissioners may from time to time require. If it appears at any time that the applicant's circumstances have changed, the board of county commissioners may revoke or modify any pension certificate issued. Any pension paid in excess of the amount due shall be returned to the county and may be recoverable as a debt due the county. (Laws 1929, c. 47, §10; Apr. 9, 1931, c. 138, §6.)

3183-11. Funeral expenses.—On the death of pensioner such reasonable funeral expenses for burial shall be paid to such person as the board of county commissioners may decide; provided that these expenses do not exceed one hundred dollars, and provided further that the estate of the deceased is insufficient to pay these expenses. (Laws 1929, c. 47, §11; Apr. 9, 1931, c. 138, §7.)

3183-12. Not to receive other aid.—(1) During the continuance of the pension no pensioner shall receive any other relief from the state or from any political subdivision thereof, except for medical and surgical assistance.

(2) If the pensioner is, on the testimony of at least three reputable witnesses, found incapable of taking care of himself or his money, the board of county commissioners may direct the payment of the installments of the pension to any responsible person or corporation for his benefit or may suspend payment for such period as the board of county commissioners shall deem advisable. (Laws 1929, c. 47, §12; Apr. 9, 1931, c. 138, §8.)

3183-13. Pensions exempt from tax or process.—All pensions shall be exempt from any tax levy by the state or by any subdivision thereof, and exempt from levy and sale, garnishment, attachment, or any other process whatsoever, and shall be inalienable in any form. (Act Mar. 1, 1929, c. 47, §13.)

3183-14. Revocation of certificate.—If at any time the board of county commissioners has reason to believe that a pension certificate has been improperly obtained, the board of county commissioners shall cause special inquiry to be made and may suspend payment of any installment pending the inquiry. If on inquiry it appears that the certificate was improperly obtained, it shall be cancelled, but if it appears that the certificate was properly obtained, the suspended installments shall be payable in due course. (Laws 1929, c. 47, §14; Apr. 9, 1931, c. 138, §9.)

3183-15. False statements a misdemeanor.—Any person who by means of a wilfully false statement or representation, or by impersonation, or other fraudulent device, obtains, or attempts to obtain, or aids or abets any person to obtain:

(1) A pension certificate to which he is not entitled;

(2) A larger pension than that to which he is justly entitled;

(3) Payment of any forfeited installment grant;

(4) Or aids or abets in buying or in any way disposing of the property of the pensioner without the consent of the district judge;

Shall be guilty of a misdemeanor. (Act Mar. 1, 1929, c. 47, §15.)

3183-16. Violation a misdemeanor.—(1) Any person who violates any provision for which no penalty is specifically provided shall be guilty of a misdemeanor.

(2) Where a pensioner is convicted of an offense under this section the board of county commissioners

may cancel the certificate. (Laws 1929, c. 47, §16; Apr. 9, 1931, c. 138, §10.)

3183-17. Pension shall cease when.—If a pensioner is convicted of any misdemeanor, felony, or other offense punishable by imprisonment for one month or longer, payments shall not be made during the period of imprisonment. (Act Mar. 1, 1929, c. 47, §17.)

3183-18. County board to provide funds.—(1) The county board of each county shall annually appropriate a sum of money sufficient to carry out the provisions of this act. Upon the orders of the board of county commissioners, the county auditor shall draw his warrant on the proper fund in accordance with said order of said board and the county treasurer shall pay out the amounts ordered to be paid as pensions, under the provisions of this act.

(2) Each city, town and village, shall reimburse the county for all amounts of money paid in old age pension to its residents, except that such reimbursements shall not be required for persons who have not been residents thereof for at least five years. The county auditor shall make a report to the county board at its annual meeting showing in detail the amounts which under this subsection are chargeable to each city, town and village, and the county board at such meeting shall determine the amount to be raised and paid by each such city, town and village, to reimburse the county. The county auditor shall charge the amount so determined to such city, town or village, and shall certify the same to the city, town or village clerk. Each city, town or village shall annually levy a tax sufficient to meet such charges, which shall be collected as are other taxes, and paid into the county treasurer. Provided, the foregoing provisions of this subdivision shall not apply in counties operating under a county system of caring for the poor. In any county where the commission system of caring for the poor is in operation, all sums paid as pensions under the law shall be paid out of the revenue fund of said county. (Act Mar. 1, 1929, c. 47, §18; Mar. 18, 1931, c. 72, §4; Apr. 9, 1931, c. 138, §11.)

Ramsey County which operates under county system has no valid claim against village for old age pensions paid. Op. Atty. Gen., Apr. 19, 1933.

The commission system is not applicable to Ramsey county, and city of North St. Paul is legally obliged to pay county of Ramsey any amount expended by it for old age pensions to residents of such city. Op. Atty. Gen., June 4, 1933.

This section is not repealed by Laws 1933, c. 348. Op. Atty. Gen., Aug. 30, 1933.

(2). In counties having a commission system of taking care of its poor the county must pay the old age pensions without reimbursement on the part of the various municipal subdivisions of such county. Op. Atty. Gen., Apr. 19, 1933.

3183-18½. Transfer of county funds.—Any county may transfer surplus funds from any county fund, except the sinking fund or ditch fund to the general fund or to a special old age pension fund in order to provide moneys necessary to pay pensions awarded under Laws 1929, Chapter 47 [§§3183-1 to 3183-21]. The money so transferred shall be used for no other purpose, but any portion thereof no longer needed for such purpose may be transferred back to the fund from which taken. When necessary by reason of failure to levy sufficient taxes for payment of said old age pensions in the county, the county board may authorize the payment of said pensions and the county auditor may carry any such payments as an overdraft on the old age pension fund of said county until sufficient tax funds shall be provided for said old age pension payments. (Act Feb. 5, 1931, c. 8.)

Money received by industrial commission from Spellman Fund pursuant to provisions of this law belongs to the state and is a preferred claim against depository. Op. Atty. Gen., Apr. 8, 1933.

3183-19. County Auditor to make report.—Within thirty days after the close of each calendar year, the county auditor of each county shall make a report

for the preceding year to the board of county commissioners stating:

(1) The amount paid for pensions and to whom and in what amount paid;

(2) The total number of applications for pensions and the name of each applicant;

(3) The number granted, the number denied, the number cancelled during that year, the name of each applicant and such other information as the board of county commissioners may deem advisable. (Act Mar. 1, 1929, c. 47, §19.)

3183-20. County board shall make rules.—The Board of County Commissioners shall from time to time prescribe and promulgate rules and regulations to efficiently carry out the provisions of this act and shall publish such information as it may deem advisable to acquaint aged persons and the public generally with the old age pension plan of this state. (Laws 1929, c. 47, §20; Mar. 18, 1931, c. 72, §5; Apr. 9, 1931, c. 138, §12.)

3183-21. Proceedings validated.—In every case where any district court or district judge has heretofore made and entered an order for the payment of a pension under the terms of Chapter 47, Laws of 1929 [§§3183-1 to 3183-20], the same shall be and hereby is in all respects validated and confirmed and shall continue as a valid order for a pension under the terms of said act and the Board of County Commissioners or Poor Commission of the county in which such order has been so entered shall continue to pay the pension granted in accordance with the terms of said order, subject to the limitations and provisions of Chapter 47, Laws of 1929, and until modified or revoked by said county board of Poor Commission as provided by said Chapter 47, Laws of 1929 as by this act amended. (Laws 1929, c. 47, §20a, added Apr. 9, 1931, c. 138, §13.)

3183-22. Maximum expenditures for old age pensions in certain counties.—In all counties of this state now or hereafter having property of the assessed valuation of not less than \$325,000,000.00 exclusive of moneys and credits and having a bonded indebtedness not exceeding \$5,000,000.00, inclusive of bonds issued to defray the cost of permanently improving state trunk highways, which bonds the State of Minnesota has heretofore agreed to pay, the maximum amount which may be expended in any one year for old age pensions shall not exceed such a sum as may be produced by a tax levy of seven-tenths of a mill on each dollar of the taxable value of the property of such counties—, provided, however, that for the year of 1934, a sum not exceeding a tax levy of nine-tenths of a mill on each dollar of the taxable value of the property of such counties, may be so extended. (Act Apr. 17, 1933, c. 308, §1; Dec. 27, 1933, Ex. Ses., c. 23.)

TOWN SYSTEM

3184. Towns board and councils to be superintendents—Relief.

Expenditures made by town to pay taxes on land owned by pauper and to pay interest on a loan of the pauper are not proper for poor relief. Op. Atty. Gen., July 28, 1931.

County would not be justified in refusing payment to town because bills had not been presented to town board of audit in advance of their allowance. Op. Atty. Gen., May 2, 1932.

County was liable to town for relief expended by town without certificates provided for by this section being made and filed by some member of town board. Op. Atty. Gen., May 2, 1932.

There is no machinery provided by law for compelling town board to extend relief to particular person when it refuses to do so. Op. Atty. Gen., May 17, 1932.

Where town and village are one assessment district and village has not levied any separate tax for support of poor, members of town board are superintendents of poor with duty to support poor residing in village. Op. Atty. Gen., Jan. 25, 1933.

County under town system may not treat resident for tuberculosis at expense of county outside of sanatorium. Op. Atty. Gen., Mar. 8, 1933.

County operating under town system of caring for poor may not hire an assistant to relieve administrator. Op. Atty. Gen., June 5, 1933.

3186. Relief and transportation.

Authorizes a town to convey a pauper, not having a settlement therein, to the place of his settlement only if he has one in this state. *Litchfield v. M.*, 182M150, 233 NW804. See Dun. Dig. 7431.

City was liable for medical services performed for prisoner at request of chief of police in an emergency if the prisoner was an indigent person. Op. Atty. Gen., Mar. 14, 1929.

Subd. 2 of this section is not amended by implication by Laws 1925, c. 378, §1 [§§3161-1 to 3161-5]; the latter act only providing method for determination of settlement. Op. Atty. Gen., Dec. 21, 1929.

This section, though not expressly repealed, is largely superseded by the juvenile court act, and in any event it does not contemplate expenditures by the county, but the placement of children in homes for support. Op. Atty. Gen., Jan. 13, 1930.

The liability for the care of a pauper who has no legal settlement in the state rests upon the county in which the town where the pauper becomes a public charge is located. Op. Atty. Gen., Mar. 17, 1931.

A town board has no authority to purchase land for use by paupers, nor to expend public funds or incur public indebtedness for that purpose. Op. Atty. Gen., May 25, 1931.

A poor person cannot be ordered out of the county unless he has made application for relief. Op. Atty. Gen., Sept. 26, 1931.

The fact that a poor person may be able to provide the ordinary necessities of life without public assistance does not render him less entitled to medical care or treatment in case he is in need thereof and unable to provide the same for himself. Op. Atty. Gen., Mar. 16, 1932.

Where county is under township system of caring for the poor, either the town or village in which poor persons needing insulin reside may furnish the same under the general poor laws. Op. Atty. Gen., Mar. 16, 1932.

Where family has not resided in state for one year, duty of supporting them devolves upon town, city or village in which they happen to be when they become public charges. Op. Atty. Gen., Aug. 28, 1933.

(2).

Authority of municipality to cause removal of pauper does not occur until application for relief has been made. Op. Atty. Gen., June 13, 1932.

(3).

County board is not authorized to pay board for minor children which have been chargeable upon any town, city or village for support. Op. Atty. Gen., Sept. 7, 1933.

3188. Taxes, how levied.

Duties of township without funds and whose warrants are not acceptable, stated. Op. Atty. Gen., Oct. 16, 1933.

3194. Duty of auditor—Poor fund.

This section applies alone to the fund mentioned in §3193 arising on change from county to town system and does not prevent transfer of funds received from other sources as provided by §1053. Op. Atty. Gen., Mar. 24, 1930.

3195. Counties to pay portion, etc.

Litchfield v. M., 182M150, 233NW804; note under §3186. Op. Atty. Gen., Apr. 4, 1932; note under §994.

Village may file claim against county and include therein separate charges for several years, it not being necessary to file a claim each year. Op. Atty. Gen., June 16, 1930.

Village cannot recover from county for cash paid to a pauper. *Id.*

If village has not been separated from town, then the valuation of all property in the township, including the property in the village, is to be taken into consideration for determining the taxable value of the property of the township. Op. Atty. Gen., Mar. 10, 1931.

Town board may file its application with county auditor at any time. Op. Atty. Gen., Mar. 10, 1931.

County board is authorized to inquire into the necessity for the relief granted by a town and the expense incurred in determining whether or not the statement received from the township clerk is correct, but the determination of the town board is conclusive. Op. Atty. Gen., Mar. 10, 1931.

The terms of this section are mandatory. Op. Atty. Gen., Mar. 10, 1931.

Expense incurred by town in caring for a nonresident pauper should be made under §3186(2). Op. Atty. Gen., Mar. 17, 1931.

Op. Atty. Gen., Apr. 4, 1932; note under §994.

Expenditures made by town to pay taxes on land owned by pauper and to pay interest on a loan of the pauper are not proper for poor relief. Op. Atty. Gen., July 28, 1931.

Mason's Stat., §3177, is still in effect in counties having town system, and such counties may levy in excess of the five mill limitation for poor purposes, and this levy may include moneys for the payment of mothers' pensions. Op. Atty. Gen., Oct. 30, 1931.

Amount to be expended by town for "a decent burial" of a pauper is a matter that rests largely within the discretion of the municipality chargeable with the burial. Op. Atty. Gen., Jan. 19, 1932.

County board has no authority to reduce the amount to be allowed to any township, though in the opinion of the board the township has expended an amount grossly in excess of what is necessary. Op. Atty. Gen., Jan. 19, 1932.

The place of burial of a pauper is a matter that rests within the discretion of the municipality whose duty it is to provide a "decent burial." Op. Atty. Gen., Jan. 19, 1932.

Failure to set forth each claim separately in minutes of town meeting did not affect liability of county if claims filed with town were properly verified. Op. Atty. Gen., May 2, 1932.

Poor relief claims paid by township should be paid by county, though printed form of endorsement was filed in but not signed by clerk or member of town board of audit. Op. Atty. Gen., May 2, 1932.

County would not be justified in refusing payment to town because bills had not been presented to town board of audit in advance of their allowance. Op. Atty. Gen., May 2, 1932.

Neither §3157 nor §3171 impose limitations on liability of county to town for poor relief expended by town. Op. Atty. Gen., May 2, 1932.

Towns, cities, etc., may require recipients of poor relief to work out their allotment on road projects and still claim reimbursement from county of 75% of amount in excess of one mill levy extended for relief purposes. Op. Atty. Gen., Sept. 26, 1933.

COUNTIES EXCEEDING 75,000

3199. Tax levy for poor purposes.—On or before October 1, in each year, such board shall determine by resolution the amount of tax to be levied for the ensuing year for the support of the poor, the maintenance of the poor-house and other places provided for the reception of the poor, and the erection of any buildings or improvements, and the adoption of such resolution shall constitute a levy on the property taxable in the county of the amount named therein; but the amount so levied for all purposes, except for the erection or repair of buildings, shall not exceed an amount equal to three mills on each dollar of assessed valuation. On or before October 5, thereafter, the board shall file a certified copy of such resolution with the county auditor, who shall enter the amount upon the tax lists, after said levy shall have been submitted to the board of county commissioners of said county for its approval but not exceeding the amount approved by said county board after any reduction. Such tax, when collected, shall be credited to the county poor fund. ('07, c. 222, §4; G. S. '13, §3108; Apr. 25, 1931, c. 355; Apr. 20, 1933, c. 334.)

Laws 1931, c. 60, amends Laws 1917, c. 187, §1-4, relating to poor and hospital commissioners in counties having not less than 80 congressional townships, and assessed valuation of from \$20,000,000 to \$50,000,000.

COUNTIES WITH 400,000 POPULATION OR OVER

3199-3. Same—Tax levy.

Act Mar. 2, 1933, c. 43, as amended by Act Mar. 31, 1933, c. 131, and Act Apr. 20, 1933, c. 338, authorizes counties having population of 200,000 to 240,000, and assessed valuation of less than \$350,000,000, and having a now existing overdraft on the poor fund, to issue bonds to raise money for such fund. It is omitted as local and temporary.