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GENERAL STATUTES

OF THE

STATE OF MINNESOTA.

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

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2 preceding sections shall for each offense forfeit a sum not
 3 exceeding fifty dollars, and be further liable to any party
 4 for all damages sustained by reason of such offense; *Pro-* C. S. p. 347, Sect. 2.
 5 *vided,* That every complaint therefor shall be made within Amended.
 6 three months after the offense is committed, and that every
 7 action for damages shall be commenced within twelve
 8 months after the cause of action accrues.

c 21

1 SECT. 5. No driver of a carriage or other vehicle used
 2 for the conveyance of passengers, shall leave the horses at-
 3 tached thereto, while any passenger remains in or upon the C. S. p. 347, Sect. 4.
 4 same, without making such horses fast with a sufficient hal-
 5 ter, rope or chain, or without some suitable person to take
 6 the charge or guidance of them, so as to prevent their run-
 7 ning; and if any such driver violates the provisions of this
 8 section, he and his employer, jointly and severally, shall
 9 forfeit a sum not exceeding fifty dollars; but no prosecu-
 10 tion shall be commenced therefor after the expiration of
 11 three months from the time of committing the offense.

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1 SECT. 6. The owners of every carriage or other vehicle
 2 running or traveling upon any road or public highway, for
 3 the conveyance of passengers for hire, shall be liable jointly C. S. p. 347, Sect. 5.
 4 and severally, to the party injured, for all injuries and dam-
 5 ages done by any person in the employment of such owners
 6 as a driver, while driving such carriage, whether the act
 7 occasioning such injury or damage is wilful, negligent or
 8 otherwise.

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CHAPTER XV.

RELIEF OF THE POOR.

1 SECTION 1. Every poor person who is unable to earn a
 2 livelihood in consequence of bodily infirmity, idiocy, luna-
 3 cy, or other cause, shall be supported by the father, grand-
 4 father, mother, grandmother, children, grandchildren, C. S. p. 270, Sect. 1.
 5 brothers or sisters of such poor person, if they or ei-
 6 ther of them is of sufficient ability, and every person
 7 who fails or refuses to support his father, grandfather,
 8 mother, grandmother, child or grandchild, sister or broth-
 9 er, when directed by the board of commissioners of the
 10 county where such poor person is found, whether such rel-
 11 ative resides in the county or not, shall forfeit and pay to
 12 the county commissioners for the use of the poor of their
 13 county, the sum of fifteen dollars per month, to be recover-

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14 ed in the name of the county commissioners, for the use of
 15 the poor as aforesaid, before any justice of the peace or any
 16 court having jurisdiction: *provided*., that when any per-
 17 son becomes a pauper from intemperance or other bad con-
 18 duct, he shall not be entitled to any support from any rela-
 19 tion except parent or child.

c15

C. S. p. 270, Sect. 2.

1 SECT. 2. The children shall be first called on to sup-
 2 port their parents, if there are children of sufficient ability ;
 3 if there are none of sufficient ability, the parents of such
 4 poor person shall be next called on, and if there are no pa-
 5 rents or children of sufficient ability, the brothers and sis-
 6 ters shall be next called on ; and if there are no brothers or
 7 sisters, the grandchildren of such poor persons shall be
 8 called on, and then the grandparents ; but married fe-
 9 males, whilst their husbands live, shall not be liable to an
 10 action.

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C. S. p. 270, Sect. 3;
1864—p. 48, Sect. 1,
combined &
amended.

1 SECT. 3. When any such poor person does not have
 2 any such relatives in any county in this state as are named
 3 in the preceding sections, or such relatives are not of suf-
 4 ficient ability, or fail or refuse to maintain such pauper,
 5 then the said pauper shall receive such relief as the case
 6 may require, out of the county treasury, and the mainte-
 7 nance and relief of all such poor persons shall be a county
 8 charge, and shall be borne by the county in which such
 9 poor person, at the time of applying for support or relief,
 10 has a legal residence and settlement, and be paid out of
 11 the treasury thereof in the manner hereinafter provided.

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1864—p. 49, Sect. 2.

1 SECT. 4. Any person, other than those hereinafter pro-
 2 vided for, who has resided in any county in this state one
 3 year continuously, shall for the purposes of this chapter be
 4 deemed to have gained a legal residence and settlement in
 5 such county. Every indented servant or apprentice legally
 6 brought into this state, shall obtain a legal settlement in
 7 the county in which such servant or apprentice serves his
 8 master one year ; and every married woman, during covert-
 9 ure, shall be considered legally settled in the county where
 10 her husband was last legally settled ; but if she had no legal
 11 settlement, she shall be considered as settled in the place
 12 where she was last legally settled before marriage ; and
 13 every minor who has not been emancipated from his pa-
 14 rents and gained a legal settlement in his own right, shall
 15 be considered as settled in the place where his parents or
 16 surviving parent was last legally settled.

1 SECT. 5. The county commissioners shall, by virtue of
 2 their office, be superintendents of the poor of their respect-
 3 ive counties ; and the commissioners of each county shall

4 take charge of the poor, supported at public expense there-
 5 in, and have the management of any poor house, farm,
 6 work-house, or other place provided for the accommoda-
 7 tion, support or employment of the poor therein.

1864—p. 49, Sect. 3.

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1 SECT. 6. The county commissioners shall provide and
 2 at all times keep provided, by purchase, lease or otherwise,
 3 a suitable place for the reception, proper accommodation,
 4 and maintenance of all poor persons, for whose mainte-
 5 nance such county may from time to time become chargea-
 6 ble, according to the provisions of this chapter, and for
 7 that purpose the board of county commissioners at any reg-
 8 ular meeting thereof, by resolution, may provide for the
 9 purchase or lease of any such farm, lot or tract of land and
 10 buildings within their county, as said board may deem ne-
 11 cessary and proper for the accommodation and support of
 12 the poor of such county, upon such terms as to time and
 13 manner of payment or otherwise as said board may deem
 14 most advantageous to the county, and in accordance with
 15 such resolution may negotiate for and purchase any such
 16 farm, lot, or tract of land and buildings, and contract
 17 for, and procure the erection of buildings thereupon; and
 18 the board may in its discretion establish and maintain in
 19 their county a poor farm or work house or both, for the
 20 employment of such poor persons supported by such coun-
 21 ty, as may be able to perform manual labor, and the ex-
 22 pense and cost of providing such farm, lot or tract of
 23 land and buildings, shall be defrayed by a special tax upon
 24 the taxable property in such county, to be assessed, levied,
 25 collected and paid over, in the same manner as other coun-
 26 ty taxes; *Provided*, That if in the opinion of the county
 27 commissioners, the number of poor persons in the county
 28 is not sufficiently large to warrant the purchase or rental of
 29 a farm or place for the maintenance of the poor of the
 30 county, they may provide for their support in any other
 31 way which they may deem proper.

1864—p. 49, Sect. 4.

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1 SECT. 7. Whenever a place is provided in any county
 2 for the reception and accommodation of the poor, according
 3 to section six of this chapter, and once in each year there-
 4 after and as often as a vacancy occurs in such office, the
 5 board of county commissioners of such county, shall ap-
 6 point a suitable person, resident of said county, overseer of
 7 the poor of said county, to perform the duties and exercise
 8 the authority specified in section nine of this chapter; the
 9 term of appointment of such overseer shall be one year, and
 10 until his successor in office is duly appointed and qualified,
 11 unless sooner removed by the board of county commission-
 12 ers; he shall be liable to be removed by said board at any
 13 time; and his compensation shall be fixed by said board
 14 annually.

1864—p. 50, Sect. 5

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1864—p. 51, Sect. 6.

1 SECT. 8. Every person appointed overseer of the poor
 2 shall, before he enters upon the duties of such office, make
 3 and file with the treasurer of said county, a bond, with two
 4 or more good and sufficient sureties, to be approved by said
 5 board of county commissioners, in such sum as the said
 6 board directs, payable to the county treasurer of said county,
 7 conditioned for the due and faithful performance of the du-
 8 ties of said office during his continuance therein; and said
 9 board may require an additional bond whenever the former
 10 bond is deemed insecure. Upon default in the condition of
 11 any such bond, the amount thereof shall be recoverable by
 12 and in the name of the county treasurer of said county, for
 13 the benefit of the poor fund of said county.

c16

1864—p. 51, Sect. 7.

1 SECT. 9. Every overseer of the poor, after qualifying
 2 as aforesaid, shall take and have the immediate charge,
 3 superintendence, management and control of all poor per-
 4 sons, supported and maintained by said county, and any
 5 farm or lot of land, work house and other buildings and
 6 property, purchased, leased, erected or provided by the
 7 board of county commissioners, and used for the reception,
 8 accommodation and support or employment of the poor in
 9 said county, subject to the general authority, supervision
 10 and direction of the board of county commissioners of the
 11 county, or a committee thereof, appointed for the purposes
 12 of such general supervision. He shall keep a record of the
 13 names, ages, residence and condition of all persons received
 14 under his charge in pursuance of this chapter, and the date
 15 of each person's reception, and discharge, and of all deaths
 16 and births of poor persons under his charge, and he shall
 17 keep a full and accurate account of all moneys and other
 18 property received and disbursed by him in the administra-
 19 tion of his said office, and shall settle his official accounts
 20 with the said board of county commissioners at least once
 21 in each year, at such time as said board appoints, and at
 22 the expiration of his term of office, and shall therein account
 23 to said board for all moneys and other property so received
 24 by him, and the manner they have been expended, and for
 25 any balance remaining unexpended. He shall annually and
 26 at the expiration of his term of office, and at other times
 27 when required by the board of county commissioners, ren-
 28 der to said board a full and accurate report of the amount,
 29 kinds and condition of all property under his care, by virtue
 30 of his said office, the number, names, ages and condition of
 31 all persons remaining under his charge at the date of said
 32 report, or who have been under his charge during the time
 33 covered by said report, by virtue of his said office, the length
 34 of time each person has received support through him, the
 35 amount of the proceeds of any land and work house under
 36 his supervision as such overseer, and of the proceeds of the

37 labor or employment of any such poor persons received by
 38 him in money or otherwise, and the manner of the employ-
 39 ment of such persons, the amount and items of all expen-
 40 ditures made by him in the administration of said office,
 41 and such other facts and information as the said board re-
 42 quire, and the records and accounts kept by him as afore-
 43 said, shall at all times be open to the inspection of the board
 44 of county commissioners of the county and of any member
 45 of said board.

1 SECT. 10. The board of county commissioners shall ap-
 2 point some suitable and competent practicing physician to
 3 be physician to the poor of said county, whose duty it shall be,
 4 upon direction of any county commissioner or the overseer of
 5 the poor of said county, to attend upon and prescribe for all
 6 sick poor persons requiring medical aid, in charge of such
 7 overseer of the poor by proper authority, and also upon the
 8 written direction of any county commissioner of said coun-
 9 ty, to attend upon and prescribe for all sick poor persons
 10 in said county requiring medical aid, who are at the time
 11 receiving or entitled to receive support or relief from said
 12 county according to the provisions of this chapter. Such
 13 physician, upon acceptance of such appointment, shall con-
 14 tinue therein during the pleasure of the board of county
 15 commissioners, unless he sooner resigns the same, and he
 16 may be removed by said board at any time; and he shall
 17 receive such compensation for his services as shall from
 18 time to time be determined by said board.

1864—p. 52, Sect. 8. c 16

1 SECT. 11. All persons shall be received and taken in
 2 charge by the overseer of the poor of any county and pro-
 3 vided by him with suitable support at the place provided in
 4 said county for that purpose, upon the written order of the
 5 board of county commissioner of said county, or of the
 6 county commissioners of the district in said county, in
 7 which such persons reside at the time such order is
 8 made, and not otherwise, but the board may at any time
 9 discharge any person so received and receiving support from
 10 said county, when satisfied that such person is not legally
 chargeable upon such county.

1864—p. 53, Sect. 9. c 16

1 SECT. 12. Whenever application is made to a county
 2 commissioner by or on behalf of any person in his district, for
 3 public relief or support, and reliable information is furnish-
 4 ed that such person is in a suffering condition from poverty,
 5 and requires public assistance or support, said commissioner
 6 shall inquire into the condition and necessities of such per-
 7 son, and if satisfied that such person is in actual need of,
 8 and is a proper subject for public relief or support, and is
 9 legally settled in said county, or has no legal settlement

1864—p. 53, Sect. 10. c 16

10 in this state, said commissioner shall make an order in writ-
 11 ing, signed by him officially, directed to the overseer of the
 12 poor of said county, that such person be received into the
 13 charge of the overseer of the poor, and furnished suitable
 14 support, which order shall contain or be accompanied by a
 15 statement of facts signed by such commissioner, setting
 16 forth the name, age, former occupation, place of residence,
 17 and length of residence in said county if a resident thereof,
 18 and the condition of such person; and said overseer shall,
 19 upon delivery to him of such order and presentation of such
 20 poor person, receive said poor person into his charge and
 21 provide him with support at the expense of said county,
 22 until the further order of the board of county commission-
 23 ers; *Provided*, That if the commissioner to whom such ap-
 24 plication is made shall upon such inquiry be of opinion that
 25 only temporary and limited assistance to the extent herein-
 26 after specified will be required by such person, and that it
 27 will be for the interest of the county to grant the same, he
 28 may, instead of making the order aforesaid, allow such per-
 29 son relief to the amount that he deems expedient, not ex-
 30 ceeding the sum of twenty dollars to any one person or
 31 family, and shall thereupon make a written certificate of
 32 such allowance, signed by him officially, in which he shall
 33 specify the sum allowed and the name and residence of the
 34 person to whom it is granted, and upon presentation of such
 35 certificate at the office of the county auditor of said county,
 36 such person shall be entitled to receive an order, duly sign-
 37 ed and sealed, upon the treasurer of said county for the
 38 amount specified therein, to be paid out of the fund appro-
 39 priated to the support and relief of the poor; but no county
 40 commissioner shall be authorized to grant such temporary
 41 relief to any one person or family to exceed the sum of
 42 twenty dollars, except by permission of the board of county
 43 commissioners of the county. In case such commissioner
 44 deems it unsafe to entrust such poor person with the ex-
 45 penditure of such sum of money, he may present his said
 46 certificate and receive such order, and draw the money
 47 thereupon and expend the same or so much thereof as may
 48 be necessary for the use of and in such a way as will be
 49 most beneficial to such poor person, accounting to the board
 50 for the manner of expending the same, and for any balance
 51 not so expended.

1 SECT. 13. Whenever any county commissioner, or
 2 board of county commissioners makes an order for any
 3 person to be received into the charge of the overseer of the
 4 poor, and supported as hereinbefore provided, who is un-
 5 able by reason of sickness, infirmity or otherwise, to pro-
 6 ceed to the place provided for the reception of the poor in
 7 said county, without conveyance at public expense, said

8 board or commissioner may, in writing, direct the sheriff
 9 or any constable of said county, convenient to the place
 10 where such poor person may be, to take and convey him to
 11 the place provided in said county for the reception of the
 12 poor; and such direction and the order aforesaid shall be
 13 sufficient authority to said sheriff or constable to take and
 14 convey such poor person to the place aforesaid, and he
 15 shall be entitled to reasonable compensation for the neces-
 16 sary time and expense of so doing, to be allowed by said
 17 board and paid out of the county treasury.

1 SECT. 14. Whenever application for public support or
 2 relief is made to any county commissioners by any person
 3 who has not a legal settlement in the county in which such
 4 application is made, but who has a legal settlement in some
 5 other county in this state at the time of making such appli-
 6 cation, the board, or chairman thereof shall warn such per-
 7 son to depart from said county, and if such person is una-
 8 ble or refuses so to depart within a reasonable time after
 9 being so warned, and he is likely to become chargeable upon
 10 the public for support, the chairman of the board of county
 11 commissioners may issue an order under his hand and the
 12 seal of said board, directed to the sheriff or any constable
 13 of the same county, and requiring him to take such person
 14 and convey him to the county in which he has a legal set-
 15 tlement, and the sheriff or constable to whom the same is
 16 delivered, shall take such person and convey him to the
 17 county designated in said order. The reasonable expense
 18 of such removal shall be allowed and paid to such officer
 19 out of the treasury of the county from which such person is
 20 conveyed, and the amount of such expense shall be a legal
 21 and valid claim in favor of such county against the county
 22 in which such person has a legal settlement, and shall be
 23 allowed and paid by the board of county commissioners
 24 thereof.

1894—p. 55, Sect. 12.

c 16

1 SECT. 15. In case application for support or relief is
 2 made to a commissioner, or the board of county commis-
 3 sioners, by or on behalf of any person in said county whose
 4 legal settlement at the time is in another county in this state,
 5 and who is so sick, infirm or otherwise disabled as to render
 6 it unsafe or inhuman to remove him, as provided in the pre-
 7 ceding section, and who is in actual and immediate need of
 8 public relief or support, such commissioner or the board to
 9 whom such application is made, shall make an order or
 10 grant relief, in the same manner and to the same effect,
 11 and like proceedings shall be thereupon had as are provi-
 12 ded for in sections twelve and thirteen of this chapter, and
 13 the amount of all proper expenditures and disbursements
 14 made by such county in and about the support and relief of

1894—p. 55, Sect. 13.

c 16

15 any such sick and infirm person shall constitute a valid legal
 16 claim in favor of such county against the county in which
 17 such person has a legal settlement, and shall be allowed
 18 and paid by the board of county commissioners thereof.

c 16
 1864—p. 56, Sect. 15.

1 SECT. 16. When any minor becomes chargeable upon any
 2 county for support, the board of county commissioners of
 3 said county shall bind such minor as an apprentice to some
 4 respectable person, a householder of said county, if such
 5 person can be found who will take such minor, by written
 6 indenture, of the same tenor and effect as required by the
 7 chapter of these statutes relating to masters and servants,
 8 and which shall be binding upon such minor as therein pro-
 9 vided.

c 16
 1864—p. 56, Sect. 16.

1 SECT. 17. When any person dies in any county, leav-
 2 ing insufficient money and effects to defray the necessary
 3 expenses of his burial, and leaving no relations therein of
 4 sufficient ability to procure his burial, the county commis-
 5 sioner of the district in which such person dies shall pro-
 6 cure a decent burial of the remains of such deceased person
 7 at the expense of the county.

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 1864—p. 57, Sect. 17.

1 SECT. 18. Any person who sends, carries, transports,
 2 removes or brings, or who causes to be sent, carried,
 3 transported, brought or removed any insane, idiotic, poor
 4 or indigent person, from without this state, to any county
 5 in this state, without legal authority, and there leaves or
 6 causes to be left, such insane, idiotic, poor or indigent per-
 7 son, with intent to make such county to which such removal
 8 is made, chargeable with the support or relief of such in-
 9 sane, idiotic, poor or indigent person, or who induces any
 10 such last described person so to remove, with like intent,
 11 shall forfeit the sum of fifty dollars, to be recovered by the
 12 treasurer of the county into which such removal is made,
 13 for the support of the poor therein; and shall moreover be
 14 guilty of a misdemeanor, and on conviction, shall be fined
 15 not exceeding one hundred dollars or imprisoned in the
 16 county jail not exceeding three months, or both, in the dis-
 17 cretion of the court.

c 16
 1864—p. 57, Sect. 18.

1 SECT. 19. The board of county commissioners of each
 2 county shall, at the time of fixing and levying the amount
 3 of county tax to be raised and collected in said county in
 4 each year, assess, levy and cause to be collected, in the
 5 same manner and at the same time that other county taxes
 6 are assessed, levied and collected, therein, an amount of
 7 tax, over and above all other county taxes, sufficient to meet
 8 and defray the estimated expense of supporting and reliev-
 9 ing the poor therein according to the provisions of this chap-

10 ter, during the succeeding year, and to supply and make
 11 up any deficiency of the fund raised for such purpose during
 12 the preceding year, to meet the actual expenditures made
 13 by the county during the preceding year for the support
 14 and relief of the poor.

CHAPTER XVI.

INTOXICATING LIQUORS.

1 SECTION 1. The board of county commissioners may
 2 grant licenses for the sale in any quantity of spirituous, vi- C. S. p. 340, Sect. 15. c 18
 3 nous or fermented and malt liquors within their proper
 4 counties, to any person of the age of twenty-one or more
 5 years, upon his complying with the conditions of the next
 6 section.

1 SECT. 2. Any person applying for license to sell intoxi-
 2 cating liquors, shall before the same is issued, pay to the 1862-p. 113, Sect. 1. c 57
 3 county treasurer of the proper county, a sum not greater Amended.
 4 than one hundred dollars nor less than ten dollars, at the
 5 discretion of the board of county commissioners, and shall
 6 file with the clerk thereof, a bond with two or more sure-
 7 ties to be approved by the board, in the penal sum of five
 8 hundred dollars, conditioned, that the said person so li-
 9 censed, will not sell or otherwise dispose of spirituous, in-
 10 toxicating or malt liquors, (as the case may be,) at any
 11 place other than the building or town for which said person
 12 is licensed, nor on the sabbath, and that he will keep a
 13 quiet and orderly house, and not permit gambling with
 14 cards, or any other device for money or the representative
 15 of money, in the house or place of business of such person.

1 SECT. 3. The board of county commissioners may re-
 2 voke any license granted under the provisions of this chap- C. S. p. 341, Sect. 19. c 18
 3 ter, whenever they deem it proper, and every license granted
 4 by any board of commissioners shall cease to be in force
 5 from and after any violation of any of the conditions of the
 6 bond required by this chapter is proved before any court
 7 having competent jurisdiction, and thereafter the person
 8 who has so violated the conditions of the said bond, shall
 9 be liable to all the penalties imposed on persons selling
 10 liquors without license, and shall be further liable for all
 11 damages done by persons intoxicated by liquors obtained
 12 from him.