

THE *J. Rogers*  
GENERAL STATUTES

OF THE

STATE OF MINNESOTA:

REVISED BY COMMISSIONERS APPOINTED UNDER AN ACT APPROVED FEBRUARY 17, 1868, AND  
ACTS SUBSEQUENT THERETO, AMENDED BY THE LEGISLATURE,  
AND PASSED AT THE SESSION OF 1866.

TO WHICH

THE CONSTITUTION OF THE UNITED STATES, THE ORGANIC ACT, THE  
ACT AUTHORIZING A STATE GOVERNMENT, AND THE  
CONSTITUTION OF THE STATE OF MINNESOTA,

ARE PREFIXED;

AND A LIST OF ACTS PREVIOUSLY REPEALED,

A GLOSSARY, AND INDEX, ARE ADDED.

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Edited and Published under the authority of Chapters 15 and 16 of  
the Laws of 1866.

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his trust, or evidently unsuitable therefor, the judge of probate, after notice to him and all others interested, may remove him. Upon the request of a guardian the probate court, in its discretion, may allow him to resign his trust. Upon such removal or resignation, and upon the death of a guardian another may be appointed in his stead.

SEC. 26. When a female guardian marries, her husband shall not be guardian in her right, but the marriage shall extinguish her authority, and the other guardian, if there is any, may proceed in discharging the trust. If there is no other guardian the probate court may appoint one, or make such other order in the premises as the case requires.

Marriage of female guardian extinguishes her authority.

SEC. 27. The marriage of a female under guardianship as a minor, shall terminate such guardianship; and the guardian of an insane person or spendthrift may be discharged by the judge of probate, when it appears on the application of the ward, or otherwise, that such guardianship is no longer necessary.

Marriage of female ward, terminates the guardianship.

SEC. 28. The judge of probate may require a new bond to be given by a guardian, whenever he deems it necessary, and may discharge the existing sureties from future responsibility, after due notice given, as such court may direct, when it satisfactorily appears that no injury can result therefrom, to those interested in the estate.

Guardian to give new bond, when

SEC. 29. Upon complaint to the judge of probate, by a guardian, ward, creditor or other person interested in the estate of a ward, or by any person having any prospective interest therein, as heir or otherwise, against any one suspected of having fraudulently concealed, embezzled, or conveyed away any of the money, goods, or effects, or any instrument in writing, belonging to the ward, the judge may cite and examine such suspected person, although he is the guardian, and proceed with him as at such charge, in the same manner as is provided with respect to persons suspected of concealing or embezzling the effects of a deceased person.

Party suspected of embezzlement may be cited before judge of probate and examined.

SEC. 30. Every guardian shall be allowed his reasonable expenses, incurred in the execution of his trust, and such compensation for his services, as the court in which his accounts are settled, deems just and reasonable.

Expenses and compensation of guardians.

CHAPTER LX.

MASTERS, APPRENTICES AND SERVANTS.

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Who may be bound as apprentices.

SECTION 1. All children under the age of fourteen years, may be bound as apprentices or servants until that age, and all minors above the age of fourteen years, may be bound as apprentices or servants, males to the age of twenty-one years, and females to the age of eighteen years, or to the time of their marriage within that age, in the manner prescribed in this chapter.

Who may bind.

SEC. 2. Children under the age of fourteen years, may be bound by their father, or, in case of his death or incompetency, by their mother, or by their legal guardian; and, if illegitimate, they may be bound by their mother; and, if they have no parent competent to act, and no guardian, they may bind themselves with the approbation of the county commissioners of the county where they reside; but the power of a mother to bind her children, whether legitimate or illegitimate, shall cease upon her subsequent marriage, and shall not be exercised by herself or her husband, at any time during such marriage.

Consent of minor to be expressed in indenture, when.

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

Minors to be bound by indenture.

SEC. 4. No minor shall be bound, as aforesaid, unless by an indenture of two parts, sealed and delivered by both parties; and when made with the approbation of the county commissioners, their approbation shall be certified in writing, signed by them, upon each part of the indenture.

Age of minor to be inserted in indentures.

SEC. 5. The age of every infant, bound pursuant to the provisions of this chapter, shall be inserted in the indentures, and be taken to be the true age without further proof thereof; and whenever any public officers are authorized to execute any indentures, or their consent is required to the validity of the same, they shall inform themselves fully of the infant's age, and deposit the counterpart of any indentures executed by themselves in the registry of deeds of their county.

Indentures shall contain, what.

SEC. 6. Provisions shall be made in every indenture specified in this chapter, for teaching the apprentice to read and write and to be instructed in the general rules of arithmetic. When, however, any minor is bound for a less term than three years, such agreement in reference to the instruction of such minor may be made as shall be deemed right.

Moneys, &c., paid by master to be secured to minor

SEC. 7. All considerations of money or other things, paid or allowed by the master, upon any indenture of apprenticeship or service, made in pursuance of this chapter, shall be paid or secured to the sole use of the minor bound thereby.

Who shall inquire into treatment of apprentices.

SEC. 8. All persons shall inquire into the treatment of apprentices bound by them respectively, or with their approbation, and of all bound by their predecessors in office; and defend them from all cruelty, neglect and breach of contract on the part of their masters.

Complaints for misconduct of master, how made and determined.

SEC. 9. Complaints by parents, guardians or county commissioners, for misconduct or neglect of the master, and by the master for gross misbehavior or refusal to do his duty, or willful neglect thereof on the part of the apprentice or servant, may be made to the court of the county where the master resides, setting forth the facts and circumstances of the case. The court shall order notice to the adverse party, and if the complaint is by the master, to all persons who have covenanted in behalf of the apprentice or servant, and to the county commissioners who approved of the indenture, or their successors in office, and shall hear and determine the case, and render judgment accordingly.

What judgment may be rendered

SEC. 10. The court may render a judgment or decree that the minor be discharged from his apprenticeship or service, or the master from his contract, and the minor thus discharged may be bound out anew.

SEC. 11. Costs may be awarded to the prevailing party and execution issued therefor; but no costs shall be awarded against county commissioners unless it appears that the complaint was made without just and reasonable cause. Costs in favor of the master may be recovered of the parent or guardian who executed the indenture, or if there is no parent or guardian liable therefor, such costs may be recovered against the minor when he arrives at full age.

Costs, how awarded and recovered.

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

Master liable to action—when maintainable and how brought.

SEC. 13. If such action is brought, and a recovery had during the minority of such apprentice or servant, the damages recovered in such action, after paying the necessary charges of the prosecution, shall be the property of the minor, and may be appropriated to his use, or invested for his benefit, in the same manner as any other property belonging to him.

Damages to belong to minor.

SEC. 14. If judgment in such action upon the final determination thereof is rendered for the plaintiff, the court in which the same is prosecuted, may, thereupon, by an order to be entered on its minutes, discharge the minor from his apprenticeship or service, if it has not already been done in the manner before provided; and the minor may thereupon be bound out anew.

Minor may be discharged from apprenticeship, when.

SEC. 15. When any servant, apprentice, or master, is discharged from any indenture, in pursuance of the provisions of this chapter, and any sum of money has been paid or agreed for by either party on the execution of such indenture, the court may, at the time they discharge such person from the indenture, also order such sum of money, or any part thereof, as the equity of the case may require, to be refunded, if paid, to him who advanced the same, or his personal representative; and if not paid, they may, by order, discharge the same, and direct any securities given therefor, to be delivered up or canceled.

Power of court in certain cases.

SEC. 16. No indenture of apprenticeship or service, made in pursuance of this chapter, shall bind the minor after the death of the master; but the minor shall be thenceforth discharged therefrom, and may be bound out anew.

Death of master discharges apprentice.

SEC. 17. All the foregoing provisions shall apply as well to mistresses as to masters.

Provisions of chapter to apply to mistresses.

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

Chapter not to affect common law right of father.