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THE
REVISED STATUTES,
OF THE
TERRITORY OF MINNESOTA,

PASSED AT THE SECOND SESSION OF THE
LEGISLATIVE ASSEMBLY,

COMMENCING JANUARY 1, 1851.

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any person residing without this territory, shall extend to all the estate of the ward within the same, and shall exclude the jurisdiction of the probate court in every other county.

granted to be exclusive throughout the territory.

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

Compensation, &c., of guardians.

SEC. 31. The court in its discretion, whenever the same shall appear necessary, may appoint more than one guardian of any person subject to guardianship, who shall give bond, and be governed and liable in all respects as is provided respecting a sole guardian.

When more than one guardian may be appointed.

SEC. 32. When an account is rendered by two or more joint guardians, the judge of probate may, in his discretion, allow the same upon the oath of any one of them.

Accounts of joint guardians how to be allowed.

CHAPTER 68.

OF MASTERS AND APPRENTICES.

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SEC. 1. Every male infant, and every unmarried female, under the age of eighteen years, with the consent of the persons or officers hereinafter mentioned, may of his or her own free will, bind himself or herself in writing to serve as clerk, apprentice, or servant, in any profession, trade or employment, if a male, until the age of twenty-one years, and if a female, until the age of eighteen years, or until her marriage within that age, or for a shorter time; and such binding shall be as valid and effectual as if such infant was at full age at the time of making such engagement.

Infants may bind themselves as apprentices and for what time.

Consent by whom to be given.

Sec. 2. Such consent shall be given,

1. By the father of the infant. If he be dead, or be not in a legal capacity to give his consent; or if he shall have abandoned and neglected to provide for his family, and such fact be certified by a justice of the peace of the precinct, and indorsed on the indenture; then,

2. By the mother. If the mother be dead, or be not in a legal capacity to give such consent, or refuse; then,

3. By the guardian of such infant, duly appointed. If such infant have no parent living, or none in a legal capacity to give consent, and there be no guardian; then,

4. By the county commissioners, or any two justices of the peace of the precinct where such infant shall reside.

How consent to be signified.

Sec. 3. Such consent shall be signified by the person or officers entitled to give the same, by writing, at the end of or indorsed upon each part of the indenture, signed by such person or officers, and not otherwise.

Indentures how executed.

Sec. 4. No minor shall be bound as aforesaid, unless by indenture in two parts, sealed and delivered by both parties.

Parents may become party with minor.

Sec. 5. Any parent, guardian, or other person, may become a party to any indenture of apprenticeship, by signing and sealing the same together with the minor, and may thereby become liable to the master for the performance of any or all the covenants contained in such indenture, to be performed by the minor.

Age of minor to be inserted in indenture.

Sec. 6. The age of every infant, bound pursuant to the provisions of this chapter, shall be inserted in the indentures, and shall 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, it shall be their duty to inform themselves fully of the infant's age.

Counterpart of indentures where deposited.

Sec. 7. The counterpart of any indentures executed by any public officer or officers, shall be by them deposited in the office of the register of deeds of the county.

Provisions for benefit of minor to be inserted.

Sec. 8. Provision 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; and that the master will give such apprentice at the expiration of his or her service a new bible; and for such other instruction, benefit and allowance, to such apprentice, as may be agreed upon.

Provisions when minor bound for less than three years.

Sec. 9. When, however, any minor shall be bound an apprentice 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, irrespective of the provisions of the preceding section.

Moneys, &c., paid by master to be for use of minor.

Sec. 10. 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 bound to inquire into treatment of apprentices.

Sec. 11. All persons shall inquire into the treatment of apprentices bound by them respectively, or with their consent or approbation, or who shall have been bound by their predecessors in office, and defend them from all cruelty, neglect, and breach of the indentures on the part of their masters.

Complaint against master for misconduct.

Sec. 12. In case any apprentice shall be misused, ill-treated, or neglected by his master, or by any person under the direction or by the permission of such master, the next friend of such apprentice, or any person on his behalf, may file a complaint in the probate court for the county in which the master resides, setting forth the facts and circumstances of the case; and the court, after having caused such notice as

it shall deem reasonable to be given to the master, shall proceed to hear and determine the cause.

SEC. 13. After a full hearing of the parties or of the complainant alone in the case, if the master shall neglect to appear, the court may make an order or decree that the minor be discharged from his apprenticeship or service, and for the costs of the proceedings against the master, and may issue execution therefor accordingly; and the minor may be bound out anew, unless such order be reversed on appeal.

When court may discharge minor and award costs against master.

SEC. 14. If the complaint be not sustained, the court shall order costs to be paid by the complainant to the master, and issue execution therefor accordingly; excepting that if such complaint be made by any officer or officers authorized to bind out minors, the court shall not award costs against them, unless it shall appear that the complaint was made without any just or reasonable cause.

When cost to be awarded against complainant.

SEC. 15. Every master shall also be liable, whether such complaint shall have been filed or not, 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.

Master liable for a breach of indenture.

SEC. 16. If such action be brought, and a recovery be 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 such minor.

Damages recovered to belong to minor.

SEC. 17. No such action shall be maintained by any apprentice or servant, unless it be commenced during the term of the apprenticeship or service, or within two years after the expiration thereof.

When action may be brought.

SEC. 18. If judgment in such action shall, upon the final determination thereof, be rendered for the plaintiff, the court in which the same is prosecuted, may thereupon, by an order to be entered in its minutes, discharge the minor from his apprenticeship or service, if it shall not have been already done in the manner before provided; and the minor may thereupon be bound out anew.

If judgment be rendered for minor, he may be discharged.

SEC. 19. If any apprentice or servant, bound as aforesaid, shall unlawfully depart from the service of his master, any justice of the peace, upon complaint on oath, made to him by the master, or by any one in his behalf, may issue his warrant to apprehend the apprentice or servant, and bring him before such justice.

If apprentice leave master, how liable.

SEC. 20. If such complaint be supported, the justice may order the offender to be returned to his master, or may commit him to the common jail, there to remain for a term not exceeding twenty days, unless sooner discharged by his master.

Justice may order him returned, or commit him.

SEC. 21. The justice's warrant, when directed to any officer, or other person by name, shall authorize him to convey the offender to the place of residence of the master, although it may be in any other county in the territory.

Warrant what to contain.

SEC. 22. All the costs incurred on any such process against an apprentice or servant, shall be paid in the first instance by the master; and, if the complaint be supported, the amount of such costs may be recovered in an action against the minor, after he shall arrive at full age.

Who to pay cost.

SEC. 23. If any apprentice or servant shall be guilty of any gross misbehavior, or refusal to do his duty, or wilful neglect, thereof, his master may file his complaint in the the probate court of the county where he resides, and the court, after causing such notice, as it shall deem reasonable, to be given to the parent or guardian who consented to the binding of such apprentice or servant, or to the officers who bound him, or their successors in office, shall proceed to hear and determine the cause.

Complaint against apprentice and proceedings thereon.

When court may discharge master from indentures,

SEC. 24. After a full hearing of the parties, or of the complainant, if the adverse party shall neglect to appear, the court may make an order or decree that the master be discharged from the contract of apprenticeship or service, and for the costs of the suit; and the amount of such costs may be recovered in an action against the minor, with interest thereon, after he shall have arrived at full age; and such minor may be bound out anew.

Minor discharged by death of master,

SEC. 25. 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.

Apprentice not to be bound not to set up trade, &c.

SEC. 26. No master shall accept from any apprentice any contract or agreement, nor cause him to be bound by oath or otherwise, that after his term of service has expired, such apprentice shall not set up his trade, profession, or employment in any particular place, shop, house or cellar; nor shall any master exact from any apprentice, after his term of service has expired, any money or other things for using and exercising his trade, profession, or employment in any place.

Preceding provision to apply to women as well as men.

SEC. 27. An indenture of apprenticeship or service, made in pursuance of this chapter, by or in behalf of a minor, may be made either with a woman or a man capable in law of contracting; and all the foregoing provisions shall apply as well to mistresses as to masters.

Common law right of father not affected.

SEC. 28. Nothing contained in this chapter, shall prevent or affect the right of a father by the common law, to assign or contract for the service of his children, for the term of their minority, or any part thereof.

Mother of illegitimate child may consent to binding.

SEC. 29. The mother of an illegitimate minor child, shall have power to give the consent authorized in this chapter, to the binding of such child during the lifetime of the putative father, as well as after his death.