

Statutes
1878

THE
GENERAL STATUTES
OF THE
STATE OF MINNESOTA,

As Amended by Subsequent Legislation.

PREPARED BY
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EDITED AND PUBLISHED UNDER THE AUTHORITY OF CHAPTER 67 OF THE LAWS
OF 1878, AND CHAPTER 67 OF THE LAWS OF 1879.

FOURTH EDITION.

WITH SUPPLEMENTS,
CONTAINING ALL THE GENERAL LAWS IN FORCE UP TO THE END OF
THE LEGISLATIVE SESSION OF 1883.

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CHAPTER LX.

MASTERS, APPRENTICES AND SERVANTS.

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§ 1. Who may be bound as apprentices. 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.

§ 2. Who may bind apprentices. 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.

§ 3. Consent of minor to be expressed in indenture, when. 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.

§ 4. Indenture necessary—requisites thereof. 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.

§ 5. Age of minor to be expressed in indenture—duty of public officers. 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.

§ 6. Provision for education of apprentice. 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. 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.

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§ 7. **Consideration paid by master to be secured to minor.** 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.

§ 8. **Inquiry into treatment of apprentices.** 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.

§ 9. **Complaint for misconduct of master or apprentice—proceedings thereon.** 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 wilful 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.

§ 10. **Judgment discharging indenture.** 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.

§ 11. **Same—award and recovery of costs.** 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.

§ 12. **Action against master on indenture.** 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.

§ 13. **Same—damages recovered to belong to minor.** 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.

§ 14. **Same—discharge of minor from apprenticeship.** 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.

§ 15. **Power of court to order refunding of money.** 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 cancelled.

§ 16. **Death of master discharges apprentice.** 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.

§ 17. Provisions of chapter to apply to mistresses. All the foregoing provisions shall apply as well to mistresses as to masters.

§ 18. Chapter not to affect common-law right of father. 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 LXI.

MARRIAGE.

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§ 1. **Marriage a civil contract.** Marriage, so far as its validity in law is concerned, is a civil contract, to which the consent of the parties capable in law of contracting, is essential.

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§ 2. **Who is capable of contracting marriage.** Every male person who has attained the full age of eighteen years, and every female who has attained the full age of fifteen years, is capable in law of contracting marriage, if otherwise competent.

§ 3. **Persons prohibited from marrying.** No marriage shall be contracted while either of the parties has a husband or wife living, nor between parties who are nearer of kin than first cousins, computing by the rules of the civil law, whether the half or the whole blood.

§ 4. **Marriages, by whom solemnized.** Marriages may be solemnized by any justice of the peace in the county in which he is elected; and throughout the state, by any judge of a court of record, or any ordained minister of the gospel, in regular communion with any religious society.

§ 5. **Credentials of ministers to be filed and recorded, etc.** Ministers of the gospel, before they are authorized to perform the marriage rite, shall file a copy of their credentials of ordination with the clerk of the district court of some county in this state, who shall record the same, and give a certificate thereof; and the place where such credentials are recorded shall be endorsed upon each certificate of marriage granted by any minister, and recorded with the same.

§ 6. **Parties may be examined on oath.** All judges, justices of the peace, and ministers of the gospel may, before solemnizing any marriage, examine at least one of the