

THE 79  
GENERAL STATUTES

OF THE  
STATE OF MINNESOTA

As Amended by Subsequent Legislation, with which are Incorporated  
All General Laws of the State in Force December 31, 1894

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COMPLETE IN TWO VOLUMES

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VOL. 1

CONTAINING THE CONSTITUTION OF THE UNITED STATES, THE ORDINANCE OF 1787,  
THE ORGANIC ACT, ACT AUTHORIZING A STATE GOVERNMENT, THE STATE  
CONSTITUTION, THE ACT OF ADMISSION INTO THE UNION, AND

Sections 1 to 4821 of the General Statutes

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1894

CHAPTER 15.

RELIEF OF THE POOR.

§ 1951. Support of poor persons—Liability of relatives.

Every poor person who is unable to earn a livelihood in consequence of bodily infirmity, idiocy, lunacy, or other cause, shall be supported by the father, grandfather, mother, grandmother, children, grandchildren, brothers or sisters of such poor person, if they or either of them is of sufficient ability; and every person who fails or refuses to support his father, grandfather, mother, grandmother, child or grandchild, sister or brother, when directed by the board of commissioners of the county where such poor person is found, whether such relative resides in the county or not, shall forfeit and pay to the county commissioners, for the use of the poor of their county, the sum of fifteen dollars per month, to be recovered in the name of the county commissioners, for the use of the poor as aforesaid, before any justice of the peace or any court having jurisdiction: provided, that when any person becomes a pauper from intemperance or other bad conduct, he shall not be entitled to any support from any relation except parent or child.

(G. S. 1866, c. 15, § 1; G. S. 1878, c. 15, § 1.)

§ 1952. Order in which relatives are liable.

The children shall be first called on to support their parents, if there are children of sufficient ability; if there are none of sufficient ability, the parents of such poor person shall be next called on; and if there are no parents or children of sufficient ability, the brothers and sisters shall be next called on; and if there are no brothers or sisters, the grandchildren of such poor persons shall be called on, and then the grandparents; but married females, whilst their husbands live, shall not be liable to an action.

(G. S. 1866, c. 15, § 2; G. S. 1878, c. 15, § 2.)

A step-father is not bound to maintain the children of his wife by a former marriage, unless he voluntarily assumes the relation of parent, and receives them into his family under circumstances such as to raise a presumption that he has undertaken to support them gratuitously. *In re Besondy*, 32 Minn. 385, 20 N. W. Rep. 366.

§ 1953. When county shall support.

When any such poor person does not have any such relatives in any county in this state as are named in the preceding sections, or such relatives are not of sufficient ability, or fail or refuse to maintain such pauper, then the said pauper shall receive such relief as the case may require out of the county treasury; and the maintenance and relief of all such poor persons shall be a county charge, and shall be borne by the county in which such poor person, at the time of applying for support or relief, has a legal residence and settlement, and be paid out of the treasury thereof in the manner hereinafter provided.

(G. S. 1866, c. 15, § 3; G. S. 1878, c. 15, § 3.)

By Sp. Laws 1875, c. 74, paupers are town and city charges in Freeborn county. *Odegaard v. City of Albert Lea*, 33 Minn. 351, 23 N. W. Rep. 526; *Fenholt v. County of Freeborn*, 29 Minn. 158, 12 N. W. Rep. 458.

§ 1954. Legal residence, what constitutes.

Any person, other than those hereinafter provided for, who has resided in any county in this state one year continuously, shall, for the purposes of this chapter, be deemed to have gained a legal residence and settlement in such county. Every indented servant or apprentice, legally brought into this state, shall obtain a legal settlement in the county in which such servant or apprentice serves his master one year; and every married woman, during coverture, shall be considered legally settled in the county where her husband was last legally settled; but if she had no legal settlement, she shall be considered as settled in the place where she was last legally settled before marriage; and every minor who has not been emancipated from his parents, and gained a

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legal settlement in his own right, shall be considered as settled in the place where his parents or surviving parent was last legally settled.

(G. S. 1866, c. 15, § 4; G. S. 1878, c. 15, § 4.)

See note to § 1965.

**§ 1955. County commissioners to be superintendents of the poor.**

The county commissioners shall by virtue of their office, be superintendents of the poor of their respective counties; and the commissioners of each county shall take charge of any poorhouse, farm, workhouse, or other place provided for the accommodation, support or employment of the poor therein. Provided, that no member of any board of commissioners which is charged with the care of the poor under this act shall be either directly or indirectly interested in the furnishing of any supplies for the benefit of poor persons or in the erection or maintenance of any poorhouse, and no such member shall be a physician for the poor or overseer of the county poorhouse. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not less than ten dollars nor more than five hundred dollars.

(G. S. 1866, c. 15, § 5; G. S. 1873, c. 15, § 5; as amended 1893, c. 173, § 2.)

**§ 1956. Powers and duties of county commissioners.**

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The county commissioners shall provide, and at all times keep provided, by purchase, lease or otherwise, a suitable place for the reception, proper accommodation and maintenance of all poor persons for whose maintenance such county may from time to time become chargeable, according to the provisions of this chapter; and for that purpose the board of county commissioners, at any regular meeting thereof, by resolution may provide for the purchase or lease of any such farm, lot or tract of land and buildings within their county, as said board may deem necessary and proper for the accommodation and support of the poor of such county, upon such terms as to time and manner of payment or otherwise as said board may deem most advantageous to the county, and in accordance with such resolution may negotiate for and purchase any such farm, lot or tract of land and buildings, and contract for and procure the erection of buildings thereupon; and the board may in its discretion establish and maintain in their county a poor-farm or workhouse, or both, for the employment of such poor persons supported by such county as may be able to perform manual labor; and the expense and cost of providing such farm, lot or tract of land and buildings, shall be defrayed by a special tax upon the taxable property in such county, to be assessed, levied, collected and paid over in the same manner as other county taxes: provided, that if, in the opinion of the county commissioners, the number of poor persons in the county is not sufficiently large to warrant the purchase or rental of a farm or place for the maintenance of the poor of the county, they may provide for their support in any other way which they may deem proper.

(G. S. 1866, c. 15, § 6; G. S. 1878, c. 15, § 6.)

By Laws 1883, c. 36, the following proviso was added, applicable to Goodhue county only: "Provided, further, that if in the opinion of the county commissioners a limited amount of aid will suffice to enable a person or family, who would otherwise have to be sent to the poor-house, to be self-supporting, they may provide for the partial support of such person or persons in any way which they may deem proper."

**§ 1957. Commissioners to appoint overseer of poor.**

Whenever a place is provided in any county for the reception and accommodation of the poor, according to section six of this chapter, and once in each year thereafter, and as often as a vacancy occurs in such office, the board of county commissioners of such county shall appoint a suitable person, resident of said county, overseer of the poor of said county, to perform the duties and exercise the authority specified in section nine of this chapter; the term of appointment of such overseer shall be one year, and until his successor in office is duly appointed and qualified, unless sooner removed by the board of county commissioners; he shall be liable to be removed by said board at any time; and his compensation shall be fixed by said board annually.

(G. S. 1866, c. 15, § 7; G. S. 1878, c. 15, § 7.)

**§ 1958. Bond of overseer—Suit thereon.**

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

(G. S. 1866, c. 15, § 8; G. S. 1878, c. 15, § 8.)

**§ 1959. Powers and duties of overseer.**

Every overseer of the poor, after qualifying as aforesaid, shall take and have the immediate charge, superintendence, management and control of all poor persons supported and maintained by said county, and any farm or lot of land, work-house and other buildings and property, purchased, leased, erected or provided by the board of county commissioners, and used for the reception, accommodation and support or employment of the poor in said county, subject to the general authority, supervision and direction of the board of county commissioners of the county, or a committee thereof, appointed for the purposes of such general supervision. He shall keep a record of the names, ages, residence and condition of all persons received under his charge in pursuance of this chapter, and the date of each person's reception and discharge, and of all deaths and births of poor persons under his charge; and he shall keep a full and accurate account of all moneys and other property received and disbursed by him in the administration of his said office, and shall settle his official accounts with the said board of county commissioners at least once in each year, at such time as said board appoints, and at the expiration of his term of office, and shall therein account to said board for all moneys and other property so received by him, and the manner they have been expended, and for any balance remaining unexpended. He shall annually, and at the expiration of his term of office, and at other times when required by the board of county commissioners, render to said board a full and accurate report of the amount, kinds and condition of all property under his care, by virtue of his said office; the number, names, ages and condition of all persons remaining under his charge at the date of said report, or who have been under his charge during the time covered by said report, by virtue of his said office; the length of time each person has received support through him; the amount of the proceeds of any land and workhouse under his supervision as such overseer, and of the proceeds of the labor or employment of any such poor persons received by him in money or otherwise, and the manner of the employment of such persons; the amount and items of all expenditures made by him in the administration of said office, and such other facts and information as the said board require; and the records and accounts kept by him as aforesaid shall at all times be open to the inspection of the board of county commissioners of the county, and of any member of said board.

(G. S. 1866, c. 15, § 9; G. S. 1878, c. 15, § 9.)

**§ 1960. County physician.**

The board of county commissioners shall appoint one or more suitable and competent practicing physicians to be physician or physicians of the poor of said county, whose duty it shall be, upon direction of any county commissioner or the overseer of the poor of said county, to attend upon and prescribe for all sick poor persons requiring medical aid in charge of such overseer of the poor by proper authority; and also upon the written direction of any county commissioner of the said county to attend upon and prescribe for all sick poor persons in said county, requiring medical aid, who are at the time receiving or entitled to receive support or relief from said county, according to the provisions of this chapter. Such physician or physicians, upon ac-

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ceptance of such appointment, shall continue therein during the pleasure of the board of county commissioners, unless he or they sooner resign the same; and he or they may be removed by said board at any time, and he or they shall receive such compensation for his or their services as shall from time to time be determined by said board. And in the event of the appointment of more than one such physician, the county commissioners shall prescribe, in the order of appointment, the district or territory in which such physician shall act; and such physician shall not, except in case of urgency, be required to act outside the limits of the district or territory in and for which he was appointed.

(G. S. 1866, c. 15, § 10; G. S. 1878, c. 15, § 10; as amended 1881, c. 35, § 1.)

The system contemplates that all professional medical attendance upon paupers of the county shall be rendered by the county physician, regularly appointed by the board of commissioners. *Bentley v. Commissioners Chisago Co.*, 25 Minn. 259.

## § 1961. Overseer shall receive poor persons, when.

All persons shall be received and taken in charge by the overseer of the poor of any county, and provided by him with suitable support at the place provided in said county for that purpose, upon the written order of the board of county commissioners of said county, or of the county commissioners of the district in said county in which such persons reside at the time such order is made, and not otherwise; but the board may at any time discharge any person so received and receiving support from said county, when satisfied that such person is not legally chargeable upon such county.

(G. S. 1866, c. 15, § 11; G. S. 1878, c. 15, § 11.)

## § 1962. Powers of single commissioner—Limit to relief.

Whenever application is made to a county commissioner by or on behalf of any person in his district for public relief or support, and reliable information is furnished that such person is in a suffering condition from poverty and requires public assistance or support, said commissioner shall inquire into the condition and necessities of such person, and if satisfied that such person is in actual need of, and is a proper subject for public relief or support, and is legally settled in said county, or has no legal settlement in this state, said commissioner shall make an order in writing, signed by him officially, directed to the overseer of the poor of said county, that such person be received into the charge of the overseer of the poor, and furnished suitable support, which order shall contain or be accompanied by a statement of facts signed by said commissioner, setting forth the name, age, former occupation, place of residence, and length of residence in the county if a resident thereof, and the condition of such person; and said overseer shall, upon delivery to him of such order and presentation of such poor person, receive into his charge such poor person, and provide him with support at the expense of such county, until the further order of the board of county commissioners; the commissioner making an order to send any person or persons to the county poorhouse is hereby required to report in writing the facts in the case to the board at its next session, said report to be filed by the auditor; and the overseer is hereby required to report to the board in writing at its next session when any inmate in his keeping shall have left or been discharged from the county poorhouse. Provided that, if the commissioner to whom application for relief or support is made shall, upon such inquiry, be of the opinion that only temporary and limited assistance to the extent herein specified will be required by such person or family, and that it will be for the best interest of the county to grant the same, he may, instead of making the order aforesaid, allow such person or family relief to the amount that he deems expedient, subject to the following conditions:

First. In no case shall any money be paid to any poor person under the provisions of this section except, in cases where transportation is furnished, a small sum of money may be given to the pauper for the purchase of food.

Second. The said county commissioner shall not grant relief to any one person or family in a sum exceeding twenty dollars between January first of one

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year and January first of the year following; except that in case where extended relief is asked for before July first of any year, and approved by the commissioner, the board may, by resolution, authorize him to increase the relief to the amount of fifty dollars, or so much thereof as may be necessary.

Provided further, that in all cases where relief is furnished in accordance with the provisions of this section, a fully itemized bill of goods furnished or services rendered, accompanied by an acknowledgment of the same from the person receiving them, must be presented to the said commissioner for his approval. When he shall have approved the bill the party who shall have furnished the goods or performed the service or his agent or assignee, upon presenting the same to the county auditor, shall be entitled to receive an order, duly signed and sealed, upon the county treasurer of said county for the amount specified therein, to be paid out of the fund appropriated to the support and relief of the poor.

The bill shall be made in the following form:

County of \_\_\_\_\_, State of Minnesota, to \_\_\_\_\_, Dr., for supplies furnished or services rendered to \_\_\_\_\_, residence in the town of \_\_\_\_\_, same being authorized by commissioner \_\_\_\_\_, District No. \_\_\_\_\_, as follows:

(Here insert a suitable number of blank lines, not less than ten in number, after which insert the following acknowledgment.)

I hereby acknowledge that I have received all of the goods charged for in the foregoing account and that the services charged for therein (if any) have been duly performed. (Signed) \_\_\_\_\_.

The back of the bill shall have the following indorsement:

(To be filled by the commissioner.)

Temporary Relief Order No. \_\_\_\_\_.

Claim of \_\_\_\_\_ for goods furnished, or services rendered, to \_\_\_\_\_, residing in the town of \_\_\_\_\_.

To the county auditor of \_\_\_\_\_ county, state of Minnesota. I hereby approve the within bill, the same having been authorized by me, and you are hereby directed to draw an order on the county treasurer for \_\_\_\_\_ dollars in favor of \_\_\_\_\_ in payment of the same.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

\_\_\_\_\_  
County Commissioner, District No. \_\_\_\_\_.

(To be filled in by auditor.)

Filed in my office on this \_\_\_\_\_ day of \_\_\_\_\_, 189\_\_\_\_, and paid in warrant No. \_\_\_\_\_.

\_\_\_\_\_  
County Auditor.

It shall be the duty of each county commissioner to keep a correct record of each order issued by him in accordance with this section upon blanks to be prescribed by the state board of corrections and charities.

(G. S. 1866, c. 15, § 12, as amended 1877, c. 13, § 1; G. S. 1878, c. 15, § 12; 1885, c. 263; 1893, c. 178, § 3.)

The powers of a single commissioner to bind the county for aid rendered to persons in his district are limited to the particular cases specified in this section. Bentley v. Commissioners Chisago Co., 25 Minn. 259. He has no authority to bind the county, by contract with a physician, for professional attendance upon a pauper. Id.

## § 1963. Conveyance of poor person to poor-house by sheriff.

Whenever any county commissioner, or board of county commissioners, makes an order for any person to be received into the charge of the overseer of the poor, and supported as hereinbefore provided, who is unable by reason of sickness, infirmity or otherwise, to proceed to the place provided for the reception of the poor in said county, without conveyance at public expense, said board or commissioner may, in writing, direct the sheriff or any constable of said county, convenient to the place where such poor person may be, to take and convey him to the place provided in said county for the reception of the poor; and such direction and the order aforesaid shall be sufficient authority to said sheriff or constable to take and convey such poor person to the place aforesaid, and he shall be entitled to reasonable compensation for the neces-

sary time and expense of so doing, to be allowed by said board and paid out of the county treasury.

(G. S. 1866, c. 15, § 13; G. S. 1878, c. 15, § 13.)

**§ 1964. Paupers without legal settlement to leave the county.**

Whenever application for public support or relief is made to any county commissioner by any person who has not a legal settlement in the county in which such application is made, but who has a legal settlement in some other county in this state at the time of making such application, the board, or chairman thereof shall warn such person to depart from said county; and if such person is unable or refuses so to depart within a reasonable time after being so warned, and he is likely to become chargeable upon the public for support, the chairman of the board of county commissioners may issue an order, under his hand and the seal of said board, directed to the sheriff or any constable of the same county, and requiring him to take such person and convey him to the county in which he has a legal settlement; and the sheriff or constable to whom the same is delivered shall take such person and convey him to the county designated in said order. The reasonable expense of such removal shall be allowed and paid to such officer out of the treasury of the county from which such person is conveyed, and the amount of such expense shall be a legal and valid claim in favor of such county against the county in which such person has a legal settlement, and shall be allowed and paid by the board of county commissioners thereof.

(G. S. 1866, c. 15, § 14; G. S. 1878, c. 15, § 14.)

The provision authorizing the removal of paupers is constitutional. *Lovell v. Seebach*, 45 Minn. 465, 48 N. W. Rep. 23.

Whether the officer may determine matters of fact so as to conclude the pauper, *quaere*. *Id.*

**§ 1965. Sick persons, how supported.**

In case application for support or relief is made to a commissioner, or the board of county commissioners, by or on behalf of any person in said county whose legal settlement at the time is in another county in this state, and who is so sick, infirm or otherwise disabled as to render it unsafe or inhuman to remove him, as provided in the preceding section, and who is in actual and immediate need of public relief or support, such commissioner, or the board to whom such application is made, shall make an order or grant relief, in the same manner and to the same effect, and like proceedings shall be thereupon had, as are provided for in sections twelve and thirteen of this chapter; and the amount of all proper expenditures and disbursements made by such county in and about the support and relief of any such sick and infirm person shall constitute a valid legal claim in favor of such county against the county in which such person has a legal settlement, and shall be allowed and paid by the board of county commissioners thereof.

(G. S. 1866, c. 15, § 15; G. S. 1878, c. 15, § 15.)

To maintain an action by one county against another, under this section, for expenditures made in and about the support and relief of a sick and infirm poor person, such person must have had at the time a legal settlement in the defendant county. To have gained such legal settlement, the person must have resided one year continuously in such county. *County of Lyon v. County of Murray*, 29 Minn. 240, 13 N. W. Rep. 43.

**§ 1966. Minors may be apprenticed.**

When any minor becomes chargeable upon any county for support, the board of county commissioners of said county shall bind such minor as an apprentice to some respectable person, a householder of said county, if such person can be found who will take such minor, by written indenture, of the same tenor and effect as required by the chapter of these statutes relating to masters and servants, and which shall be binding upon such minor as therein provided.

(G. S. 1866, c. 15, § 16; G. S. 1878, c. 15, § 16.)

**§ 1967. Burial of poor person at expense of county.**

When any person dies in any county, leaving insufficient money and effects to defray the necessary expenses of his burial, and leaving no relations therein

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of sufficient ability to procure his burial, the county commissioner of the district in which such person dies shall procure a decent burial of the remains of such deceased person at the expense of the county.

(G. S. 1866, c. 15, § 17; G. S. 1878, c. 15, § 17.)

## § 1968. Penalty for illegally bringing poor persons into the county.

Any person who sends, carries, transports, removes or brings, or who causes to be sent, carried, transported, brought or removed, any insane, idiotic, poor or indigent person, from without this state, to any county in this state, without legal authority, and there leaves or causes to be left such insane, idiotic, poor or indigent person, with intent to make such county to which such removal is made chargeable with the support or relief of such insane, idiotic, poor or indigent person, or who induces any such last described person so to remove, with like intent, shall forfeit the sum of fifty dollars, to be recovered by the treasurer of the county into which such removal is made, for the support of the poor therein; and shall, moreover, be guilty of a misdemeanor, and, on conviction, shall be fined not exceeding one hundred dollars, or imprisoned in the county jail not exceeding three months, or both, in the discretion of the court.

(G. S. 1866, c. 15, § 18; G. S. 1878, c. 15, § 18.)

## § 1969. Tax for support of poor.

The board of county commissioners of each county shall, at the time of fixing and levying the amount of county tax to be raised and collected in said county in each year, assess, levy, and cause to be collected, in the same manner and at the same time that other county taxes are assessed, levied and collected therein, an amount of tax, over and above all other county taxes, sufficient to meet and defray the estimated expense of supporting and relieving the poor therein, according to the provisions of this chapter, during the succeeding year, and to supply and make up any deficiency of the fund raised for such purpose during the preceding year to meet the actual expenditures made by the county during the preceding year for the support and relief of the poor.

(G. S. 1866, c. 15, § 19; G. S. 1878, c. 15, § 19.)

## § 1970. Claim for support of paupers discharged from state prison.

Whenever the county commissioners of any county in this state shall make out a claim against the state for the maintenance or support of any pauper, coming direct from the state's prison, after his or her discharge as a convict thereof, and shall set forth by such claim the name of such convict, the term of service, date of discharge, crime for which imprisoned, together with the time such person or persons have been supported by their county, the same duly verified under oath by the chairman of such county board, such claim or claims shall be paid by the state treasurer out of the appropriation for current expenses of state's prison: provided, however, that such support or maintenance shall not be charged at a higher rate than three and one-half dollars per week for each person so maintained: and provided further, that no money shall be paid under the provisions of this act for the support of any pauper so discharged prior to its passage, except the amount which will be due to Washington county for the support of John Klohn.

(1875, c. 116, § 1; G. S. 1878, c. 15, § 20.)

## § 1971. Claims for support to be made annually.

And that any claim or claims for the support of such convict paupers before the first of January, one thousand eight hundred and seventy-five, shall be made out up to that date, and thereafter such claims shall be made annually, and be presented by the treasurer of the county making such claim.

(1875, c. 116, § 2; G. S. 1878, c. 15, § 21.)

## § 1972. Poor persons to be a county charge.

Every poor person who is dependent upon the public for maintenance or relief shall be a charge upon the county in which such poor person has a legal residence, as provided by chapter fifteen, general statutes of one thousand

eight hundred and seventy-eight, unless otherwise provided by law, and the system of caring for the poor in such counties shall be known as the county system.

(1889, c. 170, § 1.)

See *Pushor v. Village of Morris*, 53 Minn. 325, 55 N. W. Rep. 143.

**§ 1973. When to be a charge upon towns, cities and villages.**

In every county of this state where poor persons who are dependent upon the public for maintenance or relief, in accordance with the provisions of chapter fifteen, of the general statutes of one thousand eight hundred and seventy-eight, have been or shall hereafter be made a charge upon the towns or upon the incorporated cities or villages in which such poor persons have a legal residence, the system of caring for the poor shall be known as the town system. The boards of supervisors of the several towns and the common councils of the several incorporated cities and villages in such counties shall be the superintendents of the poor, in their respective towns, cities and villages, to the exclusion of the county commissioners of such counties.

(1889, c. 170, § 2.)

**§ 1974. Relief, how given.**

All applications for aid in counties having the town system of poor relief shall be made to the boards of supervisors of the several towns or to the common councils of the incorporated cities and villages in such counties; and the said boards of supervisors or common councils, themselves or by committees appointed by them, shall grant such relief as they shall deem necessary by paying for the board and care of such persons, or providing transportation to their homes, paying rent, furnishing provisions, clothing and fuel, medical attendance or burying the dead. No cash shall be paid to any poor person under this act, and no bill shall be allowed by any common council or board of supervisors for goods furnished or services rendered under this act unless some member of said common council or board of supervisors shall first certify in writing under his hand that the said account is correct and just, that the prices charged therein are reasonable, and that the service charged for was actually rendered, or the goods charged for were necessary for the relief of such poor person, were actually delivered and were of good quality. Every such bill shall specify the names of the paupers for whom services were rendered or goods furnished, and the amount charged for each pauper.

(Id. § 3.)

The town cannot avoid liability merely because the application was made to the individual members of the board. *Tessier v. Town of Lake Pleasant* (Minn.) 53 N. W. Rep. 371.

**§ 1975. Officers not to have a pecuniary interest.**

No member of any board of supervisors, or any city or village council, which is charged with the care of the poor, under this act, shall be either directly or indirectly interested in the furnishing of any supplies for the benefit of poor persons, or in the erection or maintenance of any poor house; and no such member shall be a physician for the poor, or overseer of the county poor house. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor.

(1889, c. 170, § 4.)

**§ 1976. Duties of town supervisors and common councils, in counties having the town system.**

In counties having the town system of caring for the poor, the boards of supervisors of the several towns, and the common councils of the several incorporated cities and villages, shall have the following powers and duties:

(a.) They may appoint some suitable and competent practicing physician to be physician of the poor, whose duty it shall be, upon direction of any member of such board of supervisors, or common council, to attend upon and pre-

<sup>1</sup>An act to authorize counties to change their system of caring for the poor. Approved April 23, 1889. This act not to be construed as repealing any special laws regulating the care of the poor in Dakota, Hennepin, or Ramsey counties. See § 1986.

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scribe for all sick poor persons requiring medical aid, who are at the time receiving, or entitled to receive, public support or relief, according to the provisions of this act. Such physician shall hold office during the pleasure of the board or council appointing him, and shall receive such compensation as they shall from time to time determine.

(b.) Whenever application for public relief is made by any person who has not a legal settlement in the town, city or village in which such application is made, but who has a legal settlement in some other county, town, city or village in this state at the time of making such application, the board of supervisors or the common council, or the chairman or president thereof, shall warn such person to depart from said town, city or village; and if such person is unable or refuses to depart within a reasonable time after being so warned, and is likely to become chargeable upon the public for support, the chairman or president aforesaid may issue an order, directed to any constable or marshal in the said town, city or village, and requiring him to convey such poor person to the county, city or town in which he has a legal settlement; and the said constable or marshal shall take such person and convey him to the place designated in said order. The reasonable expense of such removal shall be allowed and paid to such officer out of the poor fund of said town, city or village.

(c.) When any minor becomes chargeable upon any town, city or village, the board of supervisors or the common council or any member thereof shall apply to the board of county commissioners to secure the admission of such minor to the state public school, or they shall bind such minor as an apprentice to some respectable person, a householder of said county, if such person can be found, who will take such minor by written indenture of the same tenor and effect as required by the chapter of the general statutes relating to masters and servants, and which shall be binding upon such minor, as therein provided.

(Id. § 5.)

## § 1977. Residence.

The general laws of the state as to the residence of poor persons in order to obtain aid from counties shall apply to the residence of poor persons in towns and incorporated cities and villages in counties which shall have adopted the town system of caring for the poor. Provided, that if any poor person shall have resided within any county continuously for one year, but has not resided within any town, city or village therein continuously for one year, he shall be entitled to relief from that town, or that incorporated city or village wherein he has resided for the longest period of time within the year preceding his application for relief.

(Id. § 6.)

## § 1978. Poor house.

In any county having the town system of poor relief, the county commissioners may establish and maintain a county poor house with the advice and consent of the state board of corrections and charities. The said poor house shall be governed by the provisions of sections six, seven, eight and nine of chapter fifteen of the general statutes of one thousand eight hundred and seventy-eight. The cost of establishing and maintaining it shall be paid from the county treasury; but at their July meeting in each year the board of county commissioners shall fix a weekly rate of board to be charged back upon the several towns, cities and villages in said county, and paid into the county treasury from the town, city or village poor fund. The chairman of any board of town supervisors or the president of the common council of any city or village in such county, shall have authority to sign commitments to the county poor house and to designate some officer of said town, city or village to convey any poor person to the said county poor house, the expense of such conveyance to be paid from the town, city or village poor fund. The overseer of said poor house shall receive and care for such poor persons, provided, that the said overseer shall not be required to receive any person who may be suffering from any contagious or infectious disease. The said overseer shall have authority to discharge any inmate of the said poor house whenever, in his judgment, the said inmate is capable of self support, or whenever he shall ascertain that any inmate has not a legal residence in

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the county, or whenever the officer by whom such person was committed shall issue an order for his discharge. The overseer may, if he shall deem it necessary, furnish transportation to any discharged inmate to the place from which he came, at the expense of the county.

(Id. § 7.)

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**§ 1979. Care of non-resident paupers.**

In all cases where any town, city or village in any such county shall expend any money in the removal, support, maintenance or burial of any person who has any relative chargeable with his or her support, or who has a legal settlement in any other county, town, city or village within this state which is charged by law with the support of such poor person, the said town, city or village shall be entitled to and may recover from such relative or from such county, town, city or village, the same amount and in the same manner as is provided by law for counties to recover under like circumstances.

(Id. § 8.)

**§ 1980. Taxes, how levied.**

The electors of each town, at their annual town meeting, and the common council of each incorporated city or village in every county having the town system of caring for the poor, shall levy or cause to be levied, each year, a tax upon the real and personal property in said town, city or village, respectively, of such sum as shall seem necessary for the support and relief of the poor; provided, that the said levy shall not be less than one mill upon each dollar of the assessed valuation, unless there shall be in the poor fund of said town, city or village not less than fifty dollars above the amount of orders outstanding at the time when such levy is made. The several town clerks, and the several city or village clerks or recorders shall certify the facts to the county auditor.

(Id. § 9.)

**§ 1981. Duties of the county auditor.**

The county auditor of every county having the town system of caring for the poor shall, at any time of making the grand tax duplicates of the county, assess and levy upon the taxable property of each town and each incorporated city or village in such county the sums levied for the support and relief of the poor; provided, that in case the proper officers of any town, city or village shall neglect to make a levy for the support and relief of the poor, and to notify the county auditor as herein prescribed, then it shall be the duty of the said county auditor to make an assessment upon the said town, city or village of one mill on each dollar of the valuation for that purpose.

(Id. § 10.)

**§ 1982. Duties of the county treasurer.**

The county treasurer shall refund to the treasurer of each town and each incorporated city and village in such county the amount of poor funds collected from such towns, cities and villages.

(Id. § 11.)

**§ 1983. County poor fund, how disposed of.**

Any balance of the county poor fund remaining in the county treasury when the town system of caring for the poor goes into effect, may be used for maintaining a county poor house, or transferred into the county revenue fund, as the board of county commissioners shall direct.

(Id. § 12.)

**§ 1984. Steps to be taken before changing the system of caring for the poor.**

Whenever the county commissioners of any county in this state shall vote to consider the question of changing the system of caring for the poor in said county from the county system to the town system, or from the town system to the county system, or whenever one-fourth of the legal voters of any county, as shown by the registration at the last preceding general election, shall petition for such a change of system, it shall be the duty of the county commissioners of the said county, or the county auditor, by their direction, to lay the question before the state board of corrections and charities at a regular meeting of that board, stating the principal reasons for or

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against the proposed change. It shall be the duty of the state board of corrections and charities, thereupon, to present to the said board of county commissioners, in writing, without delay, such advice as they may deem necessary and proper and no final action shall be taken by any board of county commissioners respecting such change of the system of caring for the poor until the advice of the state board of corrections and charities has been received. If a majority of the members of the said board of county commissioners shall concur in favor of the proposed change, by a yea and nay vote, the question shall be submitted to the legal voters of said county at the next following general election in this state. If the question be whether the town system shall be adopted, the ballots used at said election shall have written or printed, or partly written and partly printed thereon the words, "For the town system of caring for the poor. Yes—no." If the question be whether the county system shall be adopted, the ballots used at said election shall have written or printed, or partly written and partly printed, "For the county system of caring for the poor. Yes—no," and each elector voting on said question shall erase, mark across or scratch out, one of said words, Yes or No, on said ballot and leave the other on the same when deposited in the ballot box, and no ballots shall be counted except those having one only of said words, yes or no, thereon. The votes cast upon the question thus submitted, shall be canvassed and returned in the same manner as votes for county officers, and if a majority shall be found to have voted in favor of the said change, the same shall take effect as soon as funds shall become available in the treasuries of the several towns, cities and villages in said county for the support and care of the poor in accordance with this act.

(Id. § 13.)

## § 1985. Notice of election to be given.

It is hereby made the duty of the county auditor of such county, at least thirty days prior to the said general election, to notify the several town clerks and the recorders or clerks of the several incorporated cities and villages in such county, to insert a paragraph in the notice of the said general election, setting forth that the question of changing the system of caring for the poor from the county system to the town system, or from the town system to the county system, as the case may be, will be voted upon at the said general election; Provided, however, that any failure of any town clerk, or any city or village recorder, to give such notice shall not invalidate such election, or prohibit the canvass of the votes cast upon such proposition.

(Id. § 14.)

## § 1986. Repealing clause.

This act shall not be construed to repeal or modify any special laws heretofore passed regulating the care of the poor in Hennepin, Ramsey or Dakota counties, unless such counties shall hereafter change their system of caring for the poor, in accordance with this act. All counties in this state which are now under the town system of caring for the poor shall so continue, unless the said system shall hereafter be changed, in accordance with the provisions of this act, but in all such counties the care of the poor shall be regulated by this act in all cases where the special laws relating to the care of the poor in such counties are inconsistent with this act; and all acts or parts of acts inconsistent with this act are hereby repealed.

(Id. § 15.)

See *Pushor v. Village of Morris*, 53 Minn. 325, 55 N. W. Rep. 143.

## § 1987. Issue of county bonds for poor farm.

Whenever a majority of the legal voters of any county shall so direct the board of county commissioners of any county within this state, by resolution adopted at a regular session of said board deem it necessary and proper for the accommodation and support of the poor of such county that they purchase for said county, for the reception and maintenance of such poor persons, a poor farm, or a lot, piece or parcel of land and erect necessary and proper buildings thereon to be used as such poorhouse or workhouse for said poor, or for both, the said board of county commissioners, for the purpose of carrying out the provisions of said resolution and any contract for the erection of buildings they may make thereunder and for the purpose of paying for

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such farm, lot, piece or parcel of land and buildings, are hereby authorized and empowered to issue the bonds of such county, not to exceed in amount an amount equal to one-tenth of one per cent of the assessed valuation of said county.

(1893, c. 149, § 1. 2)

**§ 1988. Same—Limitations.**

Said bonds shall be issued in such denominations and for such time, not exceeding ten years, as said commissioners shall determine; shall bear interest not to exceed the rate of seven per centum per annum, payable annually or semi-annually as said commissioners shall determine; shall not be negotiated for less than par; the proceeds thereof shall not be used for any purpose except to create a fund to purchase a poor farm, or a lot, piece or parcel of land and to erect the proper and necessary buildings thereon to be used either as a poorhouse or workhouse, or both, for the reception and maintenance of the poor persons of said county.

(Id. § 2.)

**§ 1989. Same—Annual tax for payment.**

The said board of county commissioners shall annually, after issuing said bonds, assess and levy a tax upon all the taxable property of said county (which may be in addition to all other taxes authorized to be levied) sufficient in amount to pay the interest and principal of said bonds as the same shall become due.

(Id. § 3.)

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<sup>2</sup> An act authorizing and empowering county commissioners to issue the bonds of their county for the purpose of creating a fund to pay for, or purchase, a poor farm and erect buildings thereon, or to purchase a piece of land and erect buildings thereon to be used for the reception and maintenance of poor persons, either as a poor house, or a work house, or both, when directed to do so by a majority of the legal voters of their county. Approved April 18, 1893.

§ 4 repeals all inconsistent acts.