

Relief of the Poor

CHAPTER 261

RELIEF OF THE POOR; GENERAL PROVISIONS.

261.01 SUPPORT OF POOR; LIABILITY OF RELATIVES.

HISTORY. 1849 c. 60 ss. 2, 3; R.S. 1851 c. 16 ss. 2, 3; P.S. 1858 c. 15 ss. 1, 2; G.S. 1866 c. 15 ss. 1, 2; G.S. 1878 c. 15 ss. 1, 2; 1889 c. 170 s. 8; G.S. 1894 ss. 1951, 1952, 1979; 1905 c. 327 s. 1; R.L. 1905 s. 1485; G.S. 1913 s. 3067; G.S. 1923 s. 3157; 1925 c. 290; M.S. 1927 s. 3157.

Liability of one relative to another relative for the support of a dependent relative. *Manthey v Schueler*, 126 M 87, 147 NW 824.

The expense of emergency services rendered to a dependent person may be recovered from the relative liable by law, even though such services were rendered without the knowledge of said relative. *Tryon v Dornfield*, 130 M 198, 153 NW 307.

A widow, upon her remarriage, is not liable for the support of her minor child by a former husband, but is entitled to have his income applied thereto. A stepfather is not bound to maintain the children of his wife by a former marriage, unless he voluntarily assumes the relation of a parent. A guardian may be allowed for necessary expenses incurred in the support and maintenance of his minor ward, though no previous order has been made therefor by the court. In *re Besondy*, 32 M 385, 20 NW 366.

The serious illness of a minor residing with his uncle in a town other than the residence of his father, necessitated his removal to a hospital. The court said: "The statutory law of this state is that every poor person shall be supported by his relatives named in the statute, in the order in which they are named; that, if they refuse or fail to support him, he shall receive such relief as he may require from the county, town, city, or village in which he has a settlement; that a minor, not emancipated and settled in his own right, shall have the same settlement as the parent with whom he last resided, and that whenever a person, not having a legal settlement in the municipality where he is taken sick, is in need of immediate relief and is unable to depart therefrom and is so sick as to render it unsafe or inhuman to remove him, he shall receive relief from such municipality. The expense incurred becomes a charge on the county, and it may recover the same from the municipality in which such person has his settlement." *Hendrickson v Town of Queen*, 149 M 79, 182 NW 952.

The court found:

(1) That his nurse was entitled to recover from the town whether the minor had a legal settlement therein or not;

(2) That if the minor had a father able to support him, the father was ultimately liable for the payment of the necessary expenses. If he had no relative who was liable and his legal settlement was in another town, such town could be compelled to pay the expenses;

(3) The father of an emancipated indigent minor is liable for his support. *Hendrickson v Town of Queen*, 149 M 79, 182 NW 952.

Relatives voluntarily supporting mother held not entitled to recover from relatives equally obligated by statute; but unaided support of mother may not be voluntary so as to prevent recovery against other relatives if they refuse reasonable demands for contributions. *Howie v Gangloff*, 165 M 346, 206 NW 441.

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A mother advanced in years, unable to earn a livelihood, without means other than annual rents of \$200.00, and needing more than that for her maintenance, is a poor person. *Howie v Gangloff*, 165 M 346, 206 NW 441.

Evidence held to justify findings that support of mother was not voluntary and to entitle plaintiff to recover contribution from sister. *Pechtl v Schmit*, 172 M 362, 215 NW 512.

A county which furnishes support to a woman deserted by her husband may recover of the husband. *County of Brown v Siebert*, 175 M 39, 220 NW 156.

Section 261.01 imposes a reciprocal obligation on parent and child, so that, it may be argued there is a presumption of pecuniary loss to a parent from death of a child by the wrongful act of another. *Gamble v Smith*, 211 M 459, 1 NW(2d) 411.

If defendant Cordingley, by his negligence, proximately caused or contributed to cause decedent's death, plaintiff could recover for funeral expenses and the loss to decedent's sister, even though there was no surviving spouse of decedent. *Rogers v Cordingley*, 212 M 546, 4 NW(2d) 627.

A person who can and does support himself is not a poor person and is not chargeable or removable as such. *Lucht v Bell*, 214 M 319, 8 NW(2d) 26.

Primary duty of supporting pauper rests upon blood relatives in the order stated in the statute. OAG Nov. 17, 1931.

Fact that applicant for relief owns a homestead clear of all encumbrances does not preclude him from receiving poor relief, but is a matter to be considered as affecting amount of or necessity for relief. OAG June 21, 1932.

Maternal grandparent is not financially responsible for support of an illegitimate child. OAG Aug. 9, 1932.

Ownership of property does not necessarily preclude one from receiving poor relief. OAG Jan. 9, 1934.

Father-in-law is not liable for support of daughter-in-law. OAG Oct. 12, 1934.

County compelled to pay for an emergency operation upon pauper married woman could recover reimbursement from father, though he had no notice of necessity for operation. OAG June 14, 1935.

Fact that widowed mother is receiving OAA is a sufficient showing that she is not able to contribute to support of child, and after relatives are called upon and directed to support the poor person, all brothers and sisters of the pauper may be joined in one complaint and in court proceedings it may then be determined which is able to support poor persons; and in this respect brothers and sisters are equally liable. OAG Oct. 18, 1937.

Father of illegitimate adult child is not responsible for its support. OAG Nov. 26, 1937.

Whether a person is in need of poor relief is a question of fact to be determined by local authorities. The fact that he is employed on a WPA project does not necessarily mean that he is not entitled to poor relief, if the amount he receives from such employment is not sufficient to provide the necessities of life for himself and his family. OAG Jan. 3, 1938.

What constitutes "sufficient ability" of relatives to provide support for a pauper is a question of fact in each case to be determined by local poor authorities. OAG Jan. 3, 1938.

Father of tubercular adult person at a state sanatorium is liable for money expended by county and such liability may be enforced by action if he is financially able to pay. OAG July 6, 1939.

Emancipation of a child does not relieve father of liability created by this section to pay for emergency operation on such child. OAG Aug. 21, 1939.

The amount of old age assistance allowable is not diminished because health bills are paid by one liable under the statute, or by contributions from persons not liable. OAG Oct. 7, 1944 (521r).

261.02 FAILURE TO SUPPORT; RECOVERY FROM RELATIVE.

HISTORY. 1849 c. 60 s. 6; R.S. 1851 c. 16 s. 6; P.S. 1858 c. 15 s. 5; G.S. 1866 c. 15 ss. 12, 13, 15; 1877 c. 13 s. 1; G.S. 1878 c. 15 ss. 12, 13, 15; 1885 c. 263; G.S.

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1878 Vol. 2 (1888 Supp.) c. 15 s. 12; 1889 c. 170 s. 8; 1905 c. 327 s. 1; G.S. 1913 s. 3068; G.S. 1923 s. 3158; M.S. 1927 s. 3158.

A county which furnishes support to a woman deserted by her husband may recover of the husband. *County of Brown v Siebert*, 175 M 39, 220 NW 156.

Burial expense incurred by town may be recovered from relatives chargeable with pauper's support who have sufficient ability to pay. OAG March 1, 1934.

Where father of poor person is out of state, proceedings may be instituted against grandparents who live in the state. OAG July 13, 1934.

No recovery may be had from a relative who is a non-resident of this state. Estate of deceased relative is not liable for reimbursement to village for support furnished pauper. OAG April 21, 1938.

261.03 LIABILITY OF COUNTY, TOWN, CITY, OR VILLAGE.

HISTORY. 1849 c. 60 s. 4; R.S. 1851 c. 16 s. 4; P.S. 1858 c. 15 s. 3; G.S. 1866 c. 15 s. 3; G.S. 1878 c. 15 s. 3; G.S. 1894 s. 1953; R.L. 1905 s. 1486; G.S. 1913 s. 3069; G.S. 1923 s. 3159; M.S. 1927 s. 3159.

In a suit against the town of a pauper's settlement for emergency hospitalization, it was error to instruct that the jury must find that the person furnished aid continued to be a pauper up to the time of the suit. *Warren Hosp. Ass'n v Town of Middle River*, 183 M 230, 236 NW 211.

Ownership of property will not exclude a person from poor relief if income from its use or sale is not adequate for his support. *In re Venteicher*, 202 M 331, 278 NW 581.

Where a dependent, illegitimate, feeble-minded child was committed to the custody of the state board of control (director of social welfare) but not admitted to a state institution, it was not a charge upon the state. The mother was responsible for its support and when she neglected or refused to pay, the county, town, city, or village of the child's settlement was then responsible. *County of Stearns v Town of Fairhaven*. 203 M 11, 279 NW 707.

The owner of a freehold cannot without his consent, be removed therefrom to his legal settlement for poor relief purposes in another municipality; nor if since he was determined to be a pauper, he has attained a self-supporting status; nor is an alleged pauper bound by a judgment determining his place of settlement entered in proceedings between two municipalities, he not being a party. *Thiede v Town*, 217 M 218, 14 NW(2d) 400.

A person may be eligible to receive poor relief notwithstanding that he owns property, if the property is insufficient for his support. OAG May 5, 1931.

A pauper is one who is in need of any or all of the commonly recognized necessities of life, such as food, shelter, clothing, medical or surgical attention, etc., and who is unable to provide the same for himself. A pauper who has no blood relatives, or only relatives unable or who refuse to provide support, becomes entitled to public relief. OAG Nov. 17, 1931.

The duty of providing relief for all poor people entitled thereto under the law is positive, and the exhaustion of moneys in the poor fund does not excuse a municipality from its obligations to provide necessary relief. OAG Nov. 17, 1931. OAG Feb. 8, 1932.

Where indigent children are committed to the state public school at Owatonna and are placed on the waiting list for admittance, parents, and, if they cannot pay, the village of their legal settlement, are liable for support of children. OAG June 14, 1932.

The county board may pay for the groceries furnished by a grocer without prior authority. OAG Dec. 20, 1930.

The fact that husband has been sentenced to jail for violation of a city or village ordinance does not affect in any way the responsibility of the city or county for poor relief of the wife. OAG Sept. 10, 1931.

It is the duty of the municipality, charged with support of its poor, to properly provide for them. OAG April 29, 1932.

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A showing that the applicant for relief has none of the relatives named in section 261.01, or that they are not of sufficient ability or refuse or fail to support her, is a prerequisite to obtaining municipal relief. OAG April 8, 1933.

The duty of administering poor relief falls upon villages as well as other municipalities, and the village council has no discretion. OAG July 15, 1933.

Neither section 261.01 nor section 262.15 imposes limitations on the liability of the county to a town for poor relief extended by the town under this section. OAG May 2, 1932.

County of settlement is liable for emergency hospitalization in another municipality of this state. OAG March 18, 1935.

County cannot compel paupers to sign an agreement to work as a condition to granting of medical aid. OAG April 29, 1935.

Duty of public to care for poor is absolute and when poor funds are exhausted county board may transfer moneys from other funds to the poor fund, except that funds may not be transferred which are held for a specific purpose imposed by law; surplus in the road and bridge fund may be properly transferred. OAG July 3, 1935.

Section 262.07 does not limit amount which county may expend on any particular poor person. OAG Aug. 16, 1935.

Statutory duty of caring for poor is mandatory and outweighs statutory limitations as to expenditures of funds or creation of public debt. OAG Oct. 15, 1935.

The county board may furnish relief on a county work project in lieu of direct relief to persons physically able to work. OAG Dec. 21, 1936.

County giving relief to a person having settlement in another state has no right of recovery from the other state or any of its political divisions. County has authority to continue to extend relief to a family after it has moved into another state so long as it has not acquired a new settlement in the other state, or so long as it has not been voluntarily and uninterruptedly absent from this state for more than one year with intent to abandon its residence. OAG Oct. 7, 1937.

Where applicant for poor relief has moved into city from another state and has resided there less than one year, primary obligation to care for him is upon municipality in which he lives, and he cannot be removed therefrom without his consent. OAG Nov. 2, 1937.

If a person does not have a settlement in Minnesota for poor relief purposes and is in need, the duty of providing relief rests upon the municipality in which he is residing at the time he becomes in need of such relief. OAG March 10, 1938.

A person cannot be denied relief on the ground that he is not a citizen of the United States. OAG March 10, 1938.

City has authority to build shelter for destitute family where there is no available housing. OAG April 25, 1938.

Ownership of an automobile does not necessarily render one ineligible for direct relief. OAG April 13, 1939.

State relief acts do not directly control administration of relief funds raised by municipalities or other local subdivisions, nor can local relief agency compel poor people to work, but they may withhold relief funds from persons wilfully refusing to take either public or private employment and may favor those actually destitute, having regard to considerations of fairness and common sense. OAG July 18, 1939.

Where pauper contracts a contagious disease and is furnished medical and nursing care, that portion of the services rendered by a nurse or physician which inures solely to the benefit of the patient may be paid from county poor funds; that portion of the services which is reasonably necessary to the control of a communicable disease and for the protection of the public from contagion, as provided in section 145.05, should be paid for in accordance with provisions of section 145.06 by the town, city, or village in which the afflicted person is located. OAG Feb. 29, 1940.

Where a resident of the state lost his settlement by moving into another state, not intending to return, but does return in later years, he must receive care even if he has no legal settlement. OAG July 21, 1944 (339j).

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A person on parole who is necessarily hospitalized must have the expenses paid as in other cases. OAG Aug. 23, 1944 (328a).

261.04 LIABILITY OF ESTATE.

HISTORY. 1925 c. 60 ss. 1, 2; M.S. 1927 ss. 3159-1, 3159-2.

A county has no authority to enter into a contract with a pauper whereby the county agrees to support and maintain such pauper for the term of his natural life in consideration for the pauper transferring and conveying real estate to the county. OAG Feb. 11, 1932.

Counties may not accept conveyances of real estate from indigent persons conditioned upon county supporting them for remainder of their lives. OAG June 17, 1933.

Where person is hospitalized pursuant to section 158.03 expenses of treatment at University hospital may not be recovered from patient or relatives. OAG Jan. 7, 1936.

County or municipality furnishing relief in discharge of liability imposed on it by statute may not recover against poor person or his estate where he acquires property subsequent to the furnishing of relief. OAG Nov. 15, 1937.

Estate of deceased relative is not liable for reimbursement to village for support furnished pauper. OAG April 21, 1938.

Town may accept conveyance of home from poor person but poor person may not be compelled to make such conveyance. OAG Oct. 14, 1938.

Cost of medicines, medical treatment, and hospitalization paid by a county by way of poor relief is a valid claim against recipient or his estate, but this rule does not apply to cost of treatment at University hospital. OAG April 28, 1939.

Municipality furnishing poor relief may recover from estate of deceased person or of ward. OAG Jan. 18, 1945 (339m)

261.05 POWERS OF GOVERNING BODY OF TOWN, CITY, OR VILLAGE.

HISTORY. 1929 c. 199 s. 1; M. Supp. s. 3159-3.

Counties may not accept conveyances of real estate from indigent persons conditioned upon county supporting them for remainder of their lives. OAG June 17, 1933.

A city has no authority to enter into an agreement with a pauper or indigent person whereby the city assumes to agree to support and maintain such poor person for the term of his natural life upon condition that such poor person convey his property to the city. OAG Feb. 8, 1932.

A city which has supported a poor person during his life may sell property conveyed to the city by such poor person and place the proceeds of the sale to the credit of the poor fund. OAG Feb. 8, 1932.

261.06 COUNTY AND TOWN SYSTEMS.

HISTORY. 1889 c. 170 ss. 1, 2, 15; G.S. 1894 ss. 1972, 1973, 1986; R.L. 1905 s. 1487, 1509; G.S. 1913 s. 3070; G.S. 1923 s. 3160; M.S. 1927 s. 3160.

261.07 LEGAL SETTLEMENT OF PAUPERS.

HISTORY. 1849 c. 60 ss. 7, 8; R.S. 1851 c. 16 ss. 7, 8; P.S. 1858 c. 15 ss. 6, 7; 1864 c. 16 s. 2; G.S. 1866 c. 15 ss. 4, 12, 14; 1877 c. 13 s. 1; G.S. 1878 c. 15 ss. 4, 12, 14; 1885 c. 263; G.S. 1878 Vol. 2 (1888 Supp.) c. 15 s. 12; 1889 c. 170 s. 6; G.S. 1894 ss. 1954, 1977; 1897 c. 291 s. 2; R.L. 1905 s. 1488; G.S. 1913 s. 3071; 1919 c. 128; G.S. 1923 s. 3161; M.S. 1927 s. 3161; 1933 c. 385; Ex. 1935 c. 68; 1937 c. 102; 1937 c. 138; 1939 c. 398 s. 1; 1945 c. 289 s. 1.

Provision that time during which poor person "has received relief from poor fund of any county or municipality" shall be excluded in determining settlement, cannot be construed to include also payments of mothers' pensions. In re Settlement of Skog, 186 M 349, 243 NW 384.

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Change from the county system to the town system of poor relief, the support of the poor falls upon the towns and settlement is determined by this section. *City of Moorhead v Town of Flowing*, 184 M 509, 239 NW 509.

A town is not estopped from denying a settlement because the poor person receives aid from the county, while in such town, or because the county commissioner of the district which includes the town gives aid or because the poor person voted in the town. *City of Moorhead v Town of Flowing*, 184 M 509, 239 NW 217.

Residence entitled a person to be admitted to university hospital from a particular county is not to be confused with legal settlement-within poor laws, and a person may be admitted to hospital from county in which he has just established his residence. OAG Jan. 9, 1934.

The wife has the same settlement as her husband. *City of Willmar v Village of Spicer*, 129 M 395, 152 NW 767.

It is the manifest policy of the state, as evidenced by the statute, that every poor person, unable to earn a livelihood and without near of kin upon whom to depend, shall be cared for at public expense. The place of a "person's settlement", as that term is used in the poor laws of this state, is the place where he has a legal right to support, if he becomes a public charge. *County of Redwood v City of Minneapolis*, 126 M 512, 148 NW 469.

A poor person who has a legal settlement in a particular county retains it until he acquires a new settlement in another county, or loses it by removing from the state.

To acquire a new settlement in another county, a poor person must reside continuously for one year therein. *City of Willmar v County of Kandiyohi*, 167 M 178, 208 NW 648.

Legal settlement of pauper not lost by residence outside of Minnesota for less than a year. Even though the pauper, upon his return to this state, lives in a county other than the one in which he had established settlement before he left, his settlement remains in the first county and does not change until he has lived in the second county to length of time required by this section to acquire a new settlement. *In re Leslie*, 166 M 180, 207 NW 323.

Upon becoming a pauper, a person who has resided one year or more continuously in a town system county (but has not lived continuously for one year in any one town of the county), is a charge for necessary support on the town, city, or village therein in which he has longest resided during the year (two years) immediately preceding the date of his application for poor relief. *Grove City v Town of Manannah*, 182 M 197, 233 NW 875.

In determining the settlement of a pauper, no distinction is to be made between citizens and aliens. *Village of Litchfield v County of Meeker*, 182 M 150, 233 NW 804.

Where a poor person has his place of settlement in a county having the town system of caring for the poor moves into another state, does not acquire a settlement there, (nor lose his settlement in Minnesota) and returns to the town where he originally resided, his settlement there is not lost. If, a short time after his return, he moves to another town of the same county and then applies for relief, the town is liable only if he has lived there a longer period of time in the year (two years) preceding his application than he had lived in the first town. *Town of Petersburg v City of Jackson*, 186 M 509, 243 NW 695.

Having established a legal settlement in one county, a poor person to acquire a new settlement in another county must reside therein continuously for one year (two years) exclusive of each month during which he receives relief. *In re Settlement of Johnson*, 189 M 161, 248 NW 710.

The legal settlement of a poor person having been established in a certain municipality, settlement remains there until a new one is acquired. *Town of Equality v Town of Star*, 200 M 316, 274 NW 219.

To determine the settlement of a pauper, his intention to return to his place of sojourn in the state after temporary work in another state is not of great importance, since the fact of living in a place regardless of intention to make it one's domicile is what counts in determining a pauper's settlement. To gain a pauper settlement in this state there must be a residence of one year (two years)

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continuously. Two periods, each less than one year (though aggregating one year), separated by a residence of several months in another state, does not suffice to establish a settlement in this state. As between two political divisions, settlement of a pauper who has resided one year continuously in the state, but not one year in any one county, is to be fixed at the place where he has resided longest during the year (two years) preceding the application for aid. *City of Detroit Lakes v Village of Litchfield*, 200 M 349, 274 NW 236.

A pauper receives relief from the county poor fund when money in that fund is appropriated to his use either by a cash disbursement to him or when the fund becomes liable for the payment of goods or services furnished him by the county. *In re Settlement of Youngquist*, 203 M 530, 282 NW 272.

Amendment by Ex. Laws 1935-36, Chapter 68, was not retroactive. Where a person removes from a county which administers poor relief under the town system and in which he has a settlement, his settlement continues in the town in which it was at the time of his departure until he has acquired a new settlement. The period determinative of settlement is the year next preceding application for relief, but if aid is given in the same month in which application for relief is made, the year contemplated by the statute is the year ending the last day of the month immediately preceding. *In re Settlement of Venteicher*, 202 M 331, 278 NW 581.

The months to be excluded in determining settlement are those during which goods and services were actually supplied from relief funds rather than those months in which payment is made for such goods and services. Work received on WPA by minor son certified for such employment because father was in ill health and unemployable and whose wages were used for the support of the family, constitutes "work on a relief basis and in lieu of direct relief" as to his family as well as himself. The months during which the son received WPA wages are therefor excluded in determining settlement of the family. *City of Mpls. v County of Beltrami*, 206 M 371, 288 NW 706.

Ex. Laws 1935-36, Chapter 68, is not retroactive; i. e., if the period of time involved in determining a question of settlement was before Jan. 25, 1936, the provisions of chapter 68 would not apply. *In re Settlement of Wrobleski*, 204 M 264, 283 NW 399.

Except as provided in Laws 1939, Chapter 398, Section 1, the legal settlement of the wife is that of the husband. The settlement of the illegitimate child of the wife, begotten after her wrongful desertion of her husband, is that of the mother. *Minneapolis v Nerstrand*, 211 M 96, 300 NW 204.

A pauper residing in a county having the town system of poor relief has his settlement for poor relief purposes in the town, city, or village therein in which he has resided longest during the year immediately preceding the date of his application. A municipality is not estopped from denying that it is the pauper's settlement because they have voluntarily furnished relief. *Settlement of Gadbow*, 212 M 331, 3 NW(2d) 490.

Where a husband, with no settlement within the state, abandons his wife, who had a settlement within the state before marriage, she and her minor child may be removed to that settlement. *Settlement of Rutland*, 215 M 364, 10 NW(2d) 365.

A family had never applied for relief until the man met with an accident on January 1, 1935. As he had resided in Minneapolis during all of the year preceding, Minneapolis was the place of his legal settlement. *Settlement of Stewart*, 216 M 485, 13 NW(2d) 375.

A family receiving merchandise from the F.S.A. and where the head of the family was employed on W.P.A. must be classed as poor persons. *Thiede v. Town*, 217 M 218, 14 NW(2d) 400.

It is legal residence, and not legal settlement that determines the right of a person to vote, serve on juries, and similar. *Thiede v. Town*, 217 M 218, 14 NW(2d) 400.

Under Laws 1933, Chapter 385, a person non compos mentis and under guardianship of the state board of control, if not confined within a state institution, may acquire a settlement by residence within a county operating under the county system of poor relief for the prescribed period of time. Ex. Laws 1935, Chapter

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68, eliminated from consideration in determining place of settlement the time during which a person has been committed to the guardianship of the applicable state agency. In re Peniondtz, 218 M 525, 16 NW(2d) 902.

A pauper cannot acquire a legal settlement by living in a county while receiving poor relief from another county of his former residence. 1926 OAG 81, May 10, 1926.

A county is not liable for the support of a discharged indigent inmate of a home for the aged located in said county, where such inmate was brought to the institution from another county. OAG Aug. 18, 1924.

The settlement of an illegitimate child is determined by that of its mother. OAG March 23, 1927.

Where a father voluntarily assumes care of his child awarded to the mother by divorce decree and brought him into this state where the father has a legal settlement, and the mother having disappeared, the child has acquired a legal settlement in this state. OAG Nov. 4, 1927.

The legal settlement of a child of divorced parents is that of the parent having custody of the child by the decree of divorce. OAG Dec. 15, 1927.

A child committed to the state public school from county where she has a legal settlement retains such legal settlement as long as she is a ward of the state public school. OAG Jan. 18, 1928.

In determining the "settlement" of a pauper, no distinction is to be made between citizens and aliens. Village of Litchfield v County of Meeker, 182 M 150, 233 NW 804.

By act of Congress, June 2, 1924, all non-citizen Indians born within the territorial limits of the United States are citizens of the United States. OAG Aug. 25, 1925.

"Residence", as used in this section, is where the pauper has lived the longest within the year immediately preceding the commencement of the proceedings and does not have reference to his technical legal residence. Residence may have two meanings: (1) legal or technical, and (2) personal, actual or physical. Legal residence is where "intent" controls, as where the person maintains a home which is his domicile. While a person may have a legal residence he may also have a personal residence away at a hotel or boarding house where he may be employed. His "personal" residence is the residence that controls in determining legal settlement. Town of Smiley v Village of St. Hilaire, 183 M 533, 237 NW 416.

Poor person moving into another state but returning before acquiring a settlement there does not lose his settlement in this state. In re Settlement of Spangler, 186 M 509, 243 NW 695.

Giving of notice by city to town to take care of family removing from town to city did not stop running of limitations so that time to make up year of residence would not run after such notice. OAG Jan. 31, 1933.

Fact that one makes application for poor aid, which is not granted, does not prevent him from gaining a new settlement by residing in the county for one year. OAG Nov. 2, 1933.

If there is no other municipality in state which can be compelled to assume support for one who is applying for aid, that municipality or county in which the pauper is actually living at the time must bear the burden. OAG May 3, 1934.

Relief furnished to citizens by way of Red Cross flour, emergency or work relief from the state emergency relief committee, is not relief from "poor funds" within this section. OAG June 17, 1933.

Time for which person receives old age pension is not to be excluded in determining settlement for poor relief. OAG Jan. 9, 1935.

Federal relief is not poor relief for purpose of determining place of settlement. OAG Jan. 23, 1935.

Period during which a poor person receives work through PWA federal program cannot be excluded in determining whether he has established a residence. OAG Jan. 17, 1934.

Wards of state cannot acquire settlement for poor purposes. OAG Feb. 23, 1934.

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Woman, by marrying a man who was committed as feeble-minded in another county, lost her settlement and took his. OAG May 4, 1934.

Fact that woman was feeble-minded did not prevent her from obtaining legal residence in county. OAG Nov. 2, 1933.

Where husband is in jail and is not supporting wife, she has right to establish separate place of residence, as regards poor relief. OAG Feb. 4, 1933.

The settlement of a 15-year-old girl in the home school for girls to which she was committed while living with her mother, is in the county in which her mother enjoys settlement. OAG March 29, 1933.

Marriage emancipates a minor girl and her settlement follows that of her husband, even though she lives with her parents. OAG Oct. 20, 1933.

Any person who has been a resident of a county maintaining a tuberculosis sanatorium throughout year immediately preceding application and who is afflicted with tuberculosis, is eligible to admission, regardless of whether he has a legal settlement in such county for poor relief purposes. OAG Dec. 13, 1934.

Wilful absence from state for 30 days terminates settlement for poor relief purposes. OAG Oct. 4, 1933.

Where husband failed to support his wife and children and the wife, without obtaining a divorce, goes with her children to another county, where she resides more than one year, the children acquire settlement in the latter county, and that county is liable for the support of the children, provided that the conduct of the husband has been such as to break up the home, justifying the wife in establishing a separate residence. OAG June 16, 1930.

Furnishing medical attention to minor child by reason of poverty of parents amounts to receipt of poor relief by parents. OAG April 20, 1932.

Town board may not agree to furnish support for an indefinite period of time to pauper residing in another state. OAG March 5, 1935.

Persons receiving poor relief are not disqualified to vote. OAG Oct. 17, 1936.

Settlement for purpose of relief has nothing to do with residence for the purpose of voting. OAG Oct. 19, 1936.

County has authority to continue giving relief to a family after it has moved into another state so long as it has not acquired a new settlement in the other state, or so long as it has not been voluntarily and uninterruptedly absent from this state for more than one year (two years) with intent to abandon residence. OAG Oct. 7, 1937.

If a person does not have a settlement in Minnesota for poor relief purposes and is in need, the duty of providing relief rests upon the municipality in which he is residing at the time he becomes in need of such relief. A person cannot be denied relief on the ground that he is not a citizen of the United States. OAG March 10, 1938.

Person receiving hospitalization at U. S. Veterans Hospital located at Ft. Snelling on federal territory, cannot acquire settlement for poor relief purposes in this state while residing in that hospital. OAG April 11, 1934.

Soldier in United States army cannot acquire settlement in state while stationed at Ft. Snelling. OAG April 2, 1937.

Person may acquire settlement even though his work requires him to be absent from home from time to time. OAG Jan. 20, 1938.

A person residing in one city who visits his wife confined in a hospital in another city does not lose his legal settlement while temporarily absent, if it can be established that he did not intend to abandon his residence. OAG April 13, 1938.

Parts of years interrupted by absence from the state may not be tacked together in order to make a full year's (two years) settlement in the state. OAG Sept. 6, 1938.

Poor family acquired legal residence where warrant for removal was handed to sheriff at end of ten months but he failed to execute it within the year (two years). OAG Jan. 18, 1939.

Where person having legal settlement in one town moved to another town in the same county and resided there ten months, then moved to a second county

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and lived there two months, and then moved to a third county and resided there three months before applying for relief, his settlement was in the town where he resided ten months. Where applicant for relief has resided for two years in a county, his settlement is in the town in which he has lived the longest time within the two-year period, excluding therefrom the period during which he received one or more of the kinds of public assistance enumerated in this section; matter of intention is not important, but rather, actual residence or place of abode. OAG Aug. 24, 1939.

A person having established settlement in a particular county retains such settlement until he has lived for two years continuously in another county. OAG Aug. 24, 1939.

A person paroled from a state penal institution and under the supervision of the state board of parole cannot gain a new settlement for poor relief purposes. As soon as emancipated, he may establish settlement in any county of the state. OAG Sept. 2, 1939.

If a person's settlement is fixed in a county operating under the town system of poor relief, his residence for relief purposes is in the political subdivision in which he has lived the longest in the two years immediately preceding his application for relief. If he has a settlement in one political subdivision of the county it is not necessary that he live in another political subdivision of the same county for any specific length of time. To change his settlement it is only necessary that he live in the second subdivision for a longer period of time than he lived in the first one, during the two years immediately preceding his application for relief. The rule stated in the case of *City of Willmar v Kandiyohi county*, 167 M 178, 208 NW 648, is only applicable as between counties and not as between political subdivisions within the county. OAG Sept. 8, 1939.

Where the parents of a minor move from a town to a village, but live in a home furnished by the town, the settlement of the minor and his parents is still in the town and not the village, and such settlement will continue after he reaches his majority, if he continues to receive aid directly or indirectly from the town. OAG Sept. 14, 1939.

The fact that the county welfare board in a town system county gave relief to a person having settlement in one of the towns, but living in another county, and thus prevented him from gaining a settlement in the other county, does not throw the burden of supporting that person (upon his return) on the county giving such relief. It remains with the town in which he had his settlement. He retains settlement in that town until a new one is acquired elsewhere. OAG Nov. 29, 1939.

Person on parole from a state hospital for the insane is under such legal restraint of his liberty as to prevent him from acquiring a settlement, but when discharged by the superintendent of the hospital he would be capable of establishing settlement, even though he has not been restored to capacity by the probate court. OAG Jan. 29, 1940.

Time spent in CCC camp is to be excluded in determining settlement. OAG Jan. 19, 1935.

Person cannot acquire settlement while residing in transient camp. OAG March 9, 1935; June 8, 1935.

When persons residing in a transient camp have a legal settlement for poor relief purposes in some other municipality of state, the county in which the transient camp is located is not liable either for medical aid or burial expenses, but where such persons have no settlement in the state, the county is liable for burial expenses. OAG June 8, 1935.

Time during which WPA workers are employed in transient camps is excluded in determining place of settlement. OAG March 14, 1936.

Veterans' relief furnished pursuant to section 198.01 to 198.23, 197.25 to 197.30, Laws 1935, Chapter 51, and Ex. Laws 1935-36, Chapter 101, is not poor relief within the meaning of this section. OAG March 11, 1937; OAG June 14, 1937.

Months during which person's application for relief is pending, but no relief granted, may not be excluded in determining settlement. OAG April 7, 1937; OAG Nov. 9, 1937.

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Receipt of aid from poor fund of a particular municipality does not stop the running of year (two years); the months during which aid was received are merely excluded from the computation. OAG June 25, 1937.

Relief obtained from federal sources and work on WPA is poor relief, to be excluded in computing settlement, but payments made by county for the support of a feeble-minded person in an institution are not poor relief. OAG July 22, 1937.

Months during which aid is received are merely excluded from computation, and periods of self-support are to be added together in gaining settlement. OAG Aug. 13, 1937; OAG Aug. 19, 1937.

Months during which children have received relief from another state are excluded in determining father's settlement. OAG Aug. 30, 1937.

Months during which person is employed on WPA project are to be excluded in determining residence. OAG Dec. 17, 1937.

Mother living with daughter of legal age could acquire settlement notwithstanding fact that daughter was employed on WPA project, and fact that while a member of the household the mother was dependent upon funds secured through daughter's WPA employment. OAG Dec. 23, 1937.

Time during which a person was on WPA work prior to January 25, 1936, is not to be excluded in determining settlement under this section, but WPA work furnished from and after that date is excluded. OAG Jan. 18, 1938; OAG March 10, 1939.

Time spent working on PWA is to be excluded if contractors are required to employ people from relief rolls; otherwise not. OAG Feb. 4, 1938; OAG Feb. 10, 1939.

Month during which a person receives relief from poor fund of any county or municipality is excluded in determining place of settlement even though such relief is furnished by a county or municipality other than that in which such person resides. OAG Feb. 15, 1938.

Months during which Indians are employed on project of the CCC, Indian department, should be excluded in determining their place of settlement, particularly since funds for the project are a direct grant from the federal government for emergency work purposes. OAG Nov. 2, 1938.

Opinions of attorney general to effect that receipt of old age assistance would not prevent establishment of legal settlement for poor relief purposes in another county apply only to situations existing prior to April 22, 1939, at which time Laws 1939, Chapter 398, went into effect. OAG July 7, 1939.

Removal from one county to another while receiving aid to dependent children from first county, prevents family from acquiring settlement in second county for poor relief purposes, but is not a bar to acquisition of residence in second county for aid to dependent children. OAG July 12, 1939.

Receipt of aid from county of another state tolls the two-year period. OAG July 19, 1939.

Where person is employed on WPA project but his employment is not on a "relief basis", the time during which he is so engaged as a non-relief worker is not excluded in determining his legal settlement. OAG Aug. 14, 1939.

The regular receipt of federal surplus commodities (distributed under the direction of the state relief agency), by persons whose eligibility for relief has been officially determined by the county agency, constitutes relief within the meaning of this section, and time during which such surplus commodities are received should be excluded in determining settlement for poor relief purposes. OAG Oct. 3, 1939; OAG Feb. 7, 1940.

The 1939 amendment of this section (Laws 1939, Chapter 398, Section 1, which changed the residence requirement from one to two years, and added old age assistance and aid to dependent children to the other forms of public assistance, receipt of which would extend time required for acquisition of a new settlement) is not to be given a retroactive effect. April 23, 1939, is the effective date of the new law, and if applicant had established a settlement under the old law before that date he would be entitled to receive relief. If he had not established such settlement, his settlement would now be fixed according to the amended law,

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except that receipt of old age assistance or aid to dependent children before April 23, 1939, would not extend the time required for acquisition of settlement. OAG Oct. 17, 1939; OAG Oct. 25, 1939.

A grant from the farm security administration made as a loan, with obligation to repay, is not poor relief; but an emergency grant made on a subsistence basis with no obligation to repay is in effect poor relief, and months in which such grants are received must be excluded in determining legal settlement. OAG Nov. 8, 1939.

Time during which one is employed on nation youth administration project not excluded in determining legal settlement because compensation for such employment is not a grant of federal or state relief funds. OAG Nov. 20, 1939.

Where husband and wife moved from one county (from which husband at the time was receiving, and from which he continued to receive, old age assistance) to another county in March, 1938, lived in second county until October, 1939, and then returned to first county where they have lived continuously to the present time, the wife's settlement for poor relief purposes is in the second county. In March, 1939, she acquired a settlement in the second county, even though her husband was receiving old age assistance, since she had lived there for one full year as required by this section, and since Laws 1939, Chapter 398 (amending the residence requirement from one to two years and including OAA among types of public assistance, receipt of which prevents the gaining of a settlement) is not retroactive, and a settlement established prior to April 23, 1939, (the effective date of chapter 398) is not affected by the two-year requirement nor by the receipt of OAA prior to that date. A settlement once acquired is not lost until a new one is obtained, and the wife has not yet gained a new settlement in any other county. OAG Feb. 28, 1940.

Whether or not a child has been emancipated is largely a question of fact in each case; there must be a surrender by the parent of the right to the child's services and control of his person. The political division seeking to avoid responsibility for support of a pauper child on ground that his settlement is separate from that of his parent has the burden of proving emancipation. OAG April 5, 1934.

To constitute emancipation of a minor child so that he may acquire a settlement in his own right there must be a surrender by parents of right to services of child and to control of his person; marriage with consent of parents works emancipation. OAG Aug. 3, 1937.

Right of a man to fix place of settlement of wife and family continues only so long as he maintains the family relationship and discharges the duties thereof. OAG March 14, 1935.

Settlement of mother of illegitimate, feeble-minded child at date of its birth determines county responsible for care of such child. OAG Aug. 14, 1935.

On marriage, wife's settlement becomes that of her husband. OAG Nov. 21, 1935.

Settlement of illegitimate child is that of mother. OAG March 11, 1936.

Wife and child of husband and father who is confined in insane asylum may establish separate settlement. OAG July 6, 1936.

Settlement of married woman is where her husband has his settlement, except where husband's conduct toward wife is such as to legally justify her living apart from him. OAG Aug. 30, 1937; OAG Nov. 2, 1937.

Settlement of children follows settlement of father for poor relief purposes. OAG Jan. 18, 1938.

Settlement of wife follows that of husband and settlement of step-child follows that of mother. Before wife may establish a separate settlement from that of her husband, he must be guilty of such conduct as to break up the home; or conduct which would justify wife in establishing a separate residence. OAG April 11, 1938.

Where woman with illegitimate children married a mentally incompetent man who was immediately committed to insane hospital, and woman and children left state and resided in another state for five years she is presumed to have

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abandoned her legal settlement; and settlement of the children follows that of the mother. OAG Feb. 17, 1939.

Settlement of an insane woman as it existed at time of her commitment is unaffected by removal of her husband to another state. OAG March 30, 1939.

Wife and minor children may establish their own settlement while husband and father is confined in state penitentiary. OAG July 14, 1939.

Husband can acquire a new settlement while wife is being maintained by county in state sanatorium at Walker since such care is not a form of relief; and she also acquires settlement in new residence established by husband. OAG Aug. 21, 1939.

As a general rule a feeble-minded person under guardianship of the state board of control (director of social welfare) is incapable of changing her legal settlement from the county of commitment. An exception arises where feeble-minded woman marries and moves into another county with her husband. In that case, her settlement follows that of her husband. An illegitimate child who accompanies the mother and lives with her in the second county takes the settlement of the mother. OAG Sept. 22, 1939.

A man may acquire a settlement for poor relief purposes in one town even though his family is temporarily residing in another town. OAG March 11, 1940.

A non-resident committed either to the state sanatorium or a county sanatorium as a public health menace cannot gain settlement for poor relief purposes while in the sanatorium. The receipt of poor relief is not involved in a case of this kind (since such care does not constitute poor relief), but the important fact is that the patient is an "inmate of a hospital . . . or . . . public institution." OAG Nov. 1, 1934.

A person who has been a resident of a county maintaining a tuberculosis sanatorium throughout year immediately preceding application, and who is afflicted with tuberculosis, is eligible to admission, regardless of whether or not he has legal settlement in that county for poor relief purposes. OAG Dec. 13, 1934.

A person having no legal settlement in any county of the state who is admitted to the state sanatorium cannot gain residence during period of hospitalization, either in county from which he came or in county where the sanatorium is located. OAG July 11, 1936.

Admission to tuberculosis sanatorium is not governed by the rules applicable to settlement for poor relief purposes. OAG Dec. 29, 1936.

Question of settlement for poor relief purposes is not involved in determining a person's residence under statute relating to hospitalization in University hospital. OAG April 20, 1938.

Person sentenced to state reformatory does not lose his residence in county from which sent, and when he is granted a medical parole and enters state sanatorium, responsibility for hospitalization rests upon the county rather than upon the state. OAG June 20, 1938.

Time during which person has received hospitalization at University hospital is excluded in determining settlement, since that hospital comes within the definition of a "public institution." OAG June 22, 1938; OAG Sept. 2, 1938.

Expense of burial of an indigent transient is imposed on the county in which death occurs. OAG April 26, 1934.

Burial expense of pauper who had been sent by county of settlement to another county for hospitalization and died there is to be paid by the county of settlement. OAG July 5, 1934.

Where person committed to a state hospital for the insane dies therein, his place of settlement at time he was committed to the institution is liable for the burial expense. OAG Nov. 23, 1934.

Where child was committed to private institution and later committed to state public school at Owatonna, county from which child was committed as a dependent child is liable for its support, regardless of where the parents moved, and the location of the private institution. OAG July 23, 1935.

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Dependent children under guardianship of board of control (director of social welfare) cannot gain new settlement and the time spent in the state public school is not counted toward settlement. OAG May 27, 1936.

Cost of maintaining a minor in epileptic colony is to be borne by county of commitment even though the parents have changed their legal settlement. OAG July 24, 1936.

Where pauper has not resided in state sufficient length of time to establish residence, the county from which he is committed to state institution is responsible for commitment costs; state has no authority to bear such costs. OAG Jan. 21, 1937.

Where child was left by mother with grandparents and has lived with and been supported by them for many years, the child acquires their legal settlement. When grandparents lose their settlement in Minnesota by acquiring a new one in another state, the child who accompanied them does likewise. OAG Sept. 27, 1937.

A feeble-minded minor committed to the guardianship of the board of control (director of social welfare) has same pauper settlement as that of the parents rather than the county of commitment. OAG May 16, 1938.

County from which juvenile court commits a child to state public school is chargeable with its future care and maintenance as an indigent person in the event of its discharge therefrom, even if child is returned to the county of its settlement. OAG June 6, 1939.

After April 22, 1939 (date when Laws 1939, Chapter 398, became effective) a change of settlement by parent will not change legal settlement of a minor under guardianship of state board of control (director of social welfare) or one of its institutions as a feeble-minded, delinquent, or dependent person. OAG Aug. 21, 1939.

Delinquency proceedings must be held in the county of the parent's legal settlement, and not in the county to which the family recently removed. 1942 OAG 263, Sept. 24, 1941 (840A-5).

The stepfather, unless he has adopted them, is not liable for his wife's children by a former marriage. 1942 OAG 264, Feb. 5, 1942 (339-O-4).

Time spent in nursing home by self-supporting inmate is excluded in determining legal settlement. 1942 OAG 276, June 27, 1941 (339-O-4).

The minor children of a person committed to the hospital for insane, though living in another county with grandparents, have their legal settlement at the place where the parent was residing when committed. OAG Jan. 15, 1944 (339g-2).

One who was the recipient of aid for a minor dependent sister, was not herself chargeable with aid. OAG Jan. 14, 1944 (339o-2).

A minor in custody of father under a decree of divorce was adjudged delinquent and sent to her mother who had remarried and removed to the state of Washington. The settlement of the father is the settlement of the daughter, but Minnesota courts have no jurisdiction until she returns to Minnesota. OAG July 21, 1944 (339d).

When a person is on parole from a state asylum or hospital, he may acquire a new settlement. OAG Sept. 23, 1944 (248B-7).

There is no suspension of the running of time for acquiring a poor settlement while the person is not an inmate although he was committed to an institution. OAG Dec. 26, 1944 (679k).

Where the husband leaves the state with no intention to return, the wife loses her right of settlement after the husband remains away one year. A county sending the wife to the University hospital must pay, and without reimbursement. OAG Jan. 18, 1945 (339o-2).

A person must be a resident in the state two years in order to acquire a settlement, but need not be a pauper. OAG March 5, 1945 (248b-7).

261.08 JUDGE OF DISTRICT COURT TO DETERMINE.

HISTORY. 1925 c. 378 s. 1; M.S. 1927 s. 3161-1; 1939 c. 398 c. 2; M.Supp. s. 3161-1.

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Upon becoming a pauper, a person who has resided one year or more continuously in a county wherein the town system of caring for the poor is in force, is a charge for necessary support on the town, city, or village therein, in which he has longest resided during the year immediately preceding the date of his proper application for poor aid. *Village of Grove City v Town of Manannah*, 182 M 197, 233 NW 875.

Where there is no "dispute" as to the settlement of a pauper and the right to remove him, proceedings under section 261.08, for a determination for the pauper's settlement and removal should be dismissed. *Settlement of Robinette*, 211 M 223, 300 NW 798.

A person who can and does support himself is not chargeable or removable as a poor person. *Lucht v Bell*, 214 M 319, 8 NW(2d) 26.

The district court by virtue of sections 261.08, 261.09, has jurisdiction of the matter of removal of a freeholder in proceedings to determine disputes between political subdivisions of different counties. *Robinette v Price*, 214 M 522, 8 NW(2d) 800.

The statute of limitations or laches does not bar a suit under Laws 1925, Chapter 378; and the findings support the conclusion of law that Minneapolis was the settlement of Stewart at the time the suit was brought. *In re Stewart*, 216 M 485, 13 NW(2d) 375.

A person is not bound by a judgment or settlement in an action to which he is not a party. *Thiede v Town*, 217 M 218, 14 NW(2d) 400.

As between the two political divisions involved in the instant case, there are no equities. *In re Peniondtz*, 218 M 531, 16 NW(2d) 902.

It is not necessary for a poor person to make an application for poor relief or for county or municipality to grant such poor relief in order to have proceedings instituted for a determination of settlement. The matter may be determined whenever a dispute arises between two counties or political divisions thereof. OAG Feb. 19, 1932; OAG Jan. 11, 1934.

Where persons applying for relief are found by court to have legal settlement in another county and the family was moved to such other county but returned to first county, they cannot again be removed unless they apply for relief. OAG Jan. 30, 1937.

Fact that court has determined a person's settlement to be in one municipality does not prevent that person from gaining settlement in another, so long as he has not been removed to his place of settlement by the second municipality after such determination. In determining settlement, months during which he had received relief in the second municipality would be excluded. OAG March 6, 1937.

After poor person's place of settlement has been determined by court under this section he may be removed as provided by section 262.11, but if he is not removed within reasonable time and becomes self-supporting, he may not be removed until he again makes application for relief. OAG Dec. 15, 1937.

After place of settlement has been determined under this section, the proper procedure to remove person is that provided by section 262.11. Pauper is not entitled to notice of proceeding and is bound by order. OAG May 12, 1938.

The prevailing county in pauper settlement cases is entitled to clerk costs. OAG April 12, 1938.

Delinquency proceedings must be had in the county of previous residence, where the family has not resided in present place of residence a sufficient time to acquire a legal settlement. 1942 OAG 263, Sept. 24, 1941. (840A-5).

261.09 MAY PROVIDE FOR REMOVAL OF PAUPERS.

HISTORY. 1849 c. 60 ss. 8, 9; R.S. 1851 c. 16 ss. 8, 9; P.S. 1858 c. 15 ss. 7, 8; 1864 c. 16 ss. 12, 13; G.S. 1866 c. 15 ss. 14, 15; G.S. 1878 c. 15 ss. 14, 15; 1889 c. 170 s. 8; G.S. 1894 ss. 1964, 1965; R.L. 1905 s. 1500; G.S. 1913 s. 3083; G.S. 1923 c. 3173; 1925 c. 378 s. 2; M.S. 1927 ss. 3161-2, 3173; 1939 c. 398 s. 3; M.Supp. s. 3161-2.

County may maintain proceeding to determine settlement of poor person given aid though county is not caring for such person at time proceeding is begun. *County of Douglas v Town of Dead Lake*, 179 M 251, 228 NW 929.

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There is no way in which a city may return a pauper to a place outside the state, unless by arrangement with the state from which he came. OAG Dec. 21, 1929.

Where district court has determined the place of settlement of paupers, such paupers should be ordered in writing by the chairman to remove to the proper county; and on their failure to comply, the sheriff should remove them. OAG Nov. 13, 1931.

Until a poor person applies for relief, town has no authority to cause his removal. OAG Feb. 4, 1933.

Adjudication of district court as to settlement does not prevent poor person from obtaining settlement in county adjudged not to be his settlement, where nothing is done about removing him to the county of his settlement and the poor person was self-sustaining during time he remained in county. OAG Jan. 16, 1935.

Where a poor person takes sick, amounting to an emergency, village cannot avoid liability to physician caring for such person, notwithstanding mayor in advance told physician that village would not pay him. OAG Jan. 30, 1935.

See annotations under section 261.08.

When the court ordered removal, and the sheriff removed the family to the place designated, and the pauper five days later returned to his former residence, full compliance with the order had been had. OAG Feb. 2, 1944 (339o-3).

261.10 COUNTY OF RESIDENCE OF POOR PERSON CHARGED WITH SUPPORT.

HISTORY. 1849 c. 60 ss. 8, 9; R.S. 1851 c. 16 ss. 8, 9; P.S. 1858 c. 15 ss. 7, 8; 1864 c. 16 ss. 12, 13; G.S. 1866 c. 15 ss. 14, 15; G.S. 1878 c. 15 ss. 14, 15; 1889 c. 170 s. 8; G.S. 1894 ss. 1964, 1965; R.L. 1905 s. 1500; G.S. 1913 s. 3083; G.S. 1923 s. 3173; 1925 c. 378 s. 4; M.S. 1927 ss. 3161-4, 3173.

261.11 COSTS OF PROCEEDINGS.

HISTORY. 1925 c. 378 s. 5; M.S. 1927 s. 3161-5.

261.12 REMOVAL OF POOR PERSON; SETTLEMENT.

HISTORY. 1897 c. 291 ss. 9, 10; R.L. 1905 s. 1489; G.S. 1913 s. 3072; G.S. 1923 s. 3162; M.S. 1927 s. 3162.

There is no way in which a city may return a pauper to a place outside the state, unless by arrangement with the state from which he came. OAG Dec. 21, 1929.

Application for relief from a federal agency does not authorize removal of recipient of such relief. OAG Feb. 27, 1935.

When a pauper moves from a town to unorganized territory in the same county, application for determining settlement should be made to the district court. OAG Nov. 12, 1936.

Where pauper was removed to county of settlement and then returned to county from which removed, that county has no right to remove him again until he makes another application for relief. OAG July 7, 1937.

Where applicant for poor relief has moved into city from another state and has resided there less than a year, primary obligation to care for him is upon municipality in which he lives and he cannot be removed therefrom without his consent. OAG Nov. 2, 1937.

If a person does not have a settlement in Minnesota for poor relief purposes and is in need, the duty of providing relief rests upon the municipality in which he is residing at the time he becomes in need of such relief. A person cannot be denied relief on the ground that he is not a citizen of the United States. OAG March 10, 1938.

Aid to dependent children act is not in conflict with poor laws with respect to removal of family to place of legal settlement, and county should request approval of state agency for removal of children qualified and receiving aid in cases

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where parents are being moved under the poor laws; state agency should give approval in all such cases. OAG Sept. 15, 1938.

Receipt of poor relief does not toll the statute. A county may not grant old age assistance to a person not having a settlement therein at date of application. 1942 OAG 269, Nov. 19, 1941 (521-T-2).

261.13 BRINGING POOR PERSON INTO STATE.

HISTORY. 1849 c. 60 s. 11; R.S. 1851 c. 16 s. 11; P.S. 1858 c. 15 s. 10; G.S. 1866 c. 15 s. 18; G.S. 1878 c. 15 s. 18; G.S. 1894 s. 1968; R.L. 1905 s. 1490; G.S. 1913 s. 3073; G.S. 1923 s. 3163; M.S. 1927 s. 3163.

Where persons are brought into this state for the purpose of receiving employment, and in fact do receive employment, there is no violation of this section even though after completing their employment some of these persons remain in the state and become public charges upon the political division in which they reside. OAG June 4, 1936.

Removal of poor person from one municipality to another in the state is not a crime. OAG July 13, 1936.

261.14 CHANGE OF SYSTEM.

HISTORY. 1889 c. 170 ss. 12 to 14; G.S. 1894 ss. 1983 to 1985; R.L. 1905 s. 1491; G.S. 1913 s. 3074; G.S. 1923 s. 3164; M.S. 1927 s. 3164.

On adoption by county of town system of caring for poor, support of poor persons falls upon towns, and place of settlement of any poor person involved is determined by section 261.07. *City of Moorhead v Town of Flowing*, 184 M 509, 239 NW 217.

A petition has been held sufficient if signed by one-fourth of number of voters who participated in last general election, but language of statute is broad enough to require one-fourth of all legal voters of county. Signatures to petition need not be verified. OAG Aug. 13, 1936.

Where a majority of electors have voted in favor of changing system, county board has no power to postpone taking effect. OAG Sept. 11, 1936; OAG Sept. 18, 1936.

Change of system can only be made in compliance with this section. OAG Aug. 9, 1937.

On change from town to county system, money in poor fund of village may be transferred to general revenue fund of village by resolution. OAG Aug. 12, 1937.

County system may be changed to town system by vote of electors at general election, but not at primary election. OAG April 14, 1938.

Ballot should be printed on India tint paper. OAG July 5, 1938; OAG Oct. 11, 1938.

Majority of voters voting on question of change is sufficient. OAG Oct. 11, 1938.

Tax levy made by municipality prior to change should not be spread by county auditor, but county should levy additional taxes for poor relief. OAG Nov. 28, 1938.

On change from town to county system, tax levy made by town prior to change may be spread on tax rolls where purpose for which money was to be used was to reimburse general fund for amount transferred to poor fund in prior years. OAG Dec. 8, 1938.

261.15 DEFINITIONS.

HISTORY. 1933 c. 120 s. 1; M. Supp. s. 3164-1.

County board may appropriate money to pay rental for sewing machine used in carrying on WPA project in cooperation with federal government. OAG Dec. 9, 1937.

Generally speaking the expense of installing a cafeteria at Ancker hospital would be a capital expenditure, but there may be circumstances where it might be considered an "administrative expense." 1942 OAG 126, Sept. 17, 1941 (37-B-6).

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261.16 MUNICIPALITIES MAY BORROW FUNDS FOR POOR RELIEF.

HISTORY. 1933 c. 120 s. 2; M. Supp. s. 3164-2.

Though no political subdivision may borrow money or issue bonds in excess of its limit of debt there is no limitation as to amount of taxes which such a subdivision may levy for poor relief purposes. OAG Oct. 2, 1934.

County operating under town system may issue bonds in case of emergency to raise funds for poor relief purposes. OAG April 14, 1936; OAG July 29, 1936.

Bonds may be issued to take up outstanding warrants which were issued to meet expenses of caring for poor through "direct relief," etc. OAG Dec. 23, 1937.

Issuance of warrants for poor relief is subject to the limitations of section 475.22 (which provides that county, town, or village may issue warrants in anticipation of the collection of taxes, but not in excess of the average collections for the three previous calendar years, plus ten per cent). This limitation applies whether county operates under county or town system of poor relief. Where this limitation has been exhausted, county commissioners may issue bonds or other evidences of indebtedness and sell them by popular subscription, as provided by section 475.17, or they may issue bonds pursuant to the provisions of this section. OAG Dec. 4, 1939.

261.17 BONDS MAY BE ISSUED.

HISTORY. 1933 c. 120 s. 3; M. Supp. s. 3164-3.

County may sell warrants or certificates of indebtedness issued against poor fund. OAG Aug. 11, 1936.

County operating under town system may issue evidence of indebtedness such as warrants in cases of emergency to raise funds for poor relief purposes. OAG Dec. 7, 1936.

Bonds issued under this section may be sold in manner provided by section 475.17. OAG May 19, 1938.

261.18 TO BE EXPENDED FOR POOR RELIEF ONLY.

HISTORY. 1933 c. 120 s. 4; M. Supp. s. 3164-4.

261.19 SERIAL BONDS MAY BE ISSUED; TAX LEVY.

HISTORY. 1933 c. 120 s. 5; M. Supp. s. 3164-5.

261.20 ACTS SUSPENDED.

HISTORY. 1933 c. 120 s. 6; M. Supp. s. 3164-6.

261.201 MUNICIPALITIES TO COOPERATE WITH FEDERAL GOVERNMENT IN DISPOSITION OF COMMODITY STAMPS.

HISTORY. 1941 c. 98 s. 1.

Money in the commodity stamp fund should be deposited by the stamp issuing officer in "a local bank carrying federal deposit insurance, designated by the county welfare board for this purpose." 1942 OAG 105, Aug. 8, 1941 (140-a-7).

261.202 MUNICIPALITIES TO ACQUIRE AND DISTRIBUTE STAMPS.

HISTORY. 1941 c. 98 s. 2.

261.203 COUNTY WELFARE BOARDS TO DISTRIBUTE STAMPS.

HISTORY. 1941 c. 98 s. 3.

261.204 COMMODITY STAMP FUND.

HISTORY. 1941 c. 98 s. 4.

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The county board must pass a resolution establishing and creating the food stamp fund. 1942 OAG 272, May 17, 1941 (339I-1).

261.205 MAY BORROW MONEY.

HISTORY. 1941 c. 98 s. 5.

261.206 MUNICIPALITIES MAY CONTRIBUTE TO FUND.

HISTORY. 1941 c. 98 s. 6.

261.207 BONDS.

HISTORY. 1941 c. 98 s. 7.

261.208 CONSTRUCTION OF SECTIONS 261.201 TO 261.208.

HISTORY. 1941 c. 98 s. 8.

261.21 COUNTY BOARD TO PROVIDE HOSPITALIZATION FOR INDIGENT PERSONS.

HISTORY. 1935 c. 359 s. 1; M.Supp. s. 3164-19; 1941 c. 473 s. 1.

A person may be entitled to hospitalization even though not a poor person entitled to poor relief. OAG Dec. 14, 1935.

County board may elect whether to send an indigent resident to the University hospital or some other hospital. OAG Jan. 8, 1936.

County board may enter into a contract with local hospitals for the care of county patients. OAG April 8, 1936.

County board may make arrangements with local hospitals to pay for medical and surgical treatment in addition to the cost of hospitalization. OAG May 23, 1936.

County may pay local hospital expenses for medical and surgical treatment. OAG Aug. 7, 1936.

The same rules that govern with reference to admission to the University hospital are applicable with reference to the right of a person to be admitted to other hospitals. OAG March 5, 1937.

Right of admission is governed by this act and not by the poor relief statute, and county may send patient to the University hospital and other hospitals whether under the county or town system of poor relief. OAG March 9, 1937.

If a pauper is in need of hospital care and the county operating under county system of poor relief fails to provide such care after it has notice of the need, a hospital may furnish the necessary care and the county is liable therefore. OAG May 18, 1937.

The county welfare board does not have responsibility or authority for hospitalization at the University hospital; such authority is vested in the board of county commissioners. OAG July 20, 1937.

A county welfare board has jurisdiction to enter into a contract for hospitalization of indigent persons under the poor relief laws but not for hospitalization at the University hospital or under this section. OAG Nov. 22, 1937.

Although the responsibility for the care of persons in need of hospitalization rests upon the board of county commissioners, that board may designate the county welfare board to act as its agent, except as to matters requiring the exercise of the judgment and discretion of the county commissioners. OAG Jan. 26, 1938.

Unless the provisions of this section are substantially complied with, the county board is not authorized to pay the cost of hospitalization. OAG Jan. 26, 1938.

Distinction between hospitalization and care and treatment. Power of social worker to bind the village. 1942 OAG 274, May 15, 1942 (339G-2).

Rights and duties of county board relative to hospitalization of indigent persons, liability for costs. 1942 OAG 275, June 21, 1942 (1001-D).

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Statute relating to hospitalization is separate from the claim of a physician for performing an emergency operation. The county or town of settlement must pay the hospital bill. OAG Jan. 15, 1944 (339g-2).

261.22 APPLICATION TO BE FILED.

HISTORY. 1935 c. 359 s. 2; M. Supp. c. 3164-20; 1941 c. 473 s. 2; 1943 c. 31 s. 4.

The financial responsibility of relatives of applicant to care for him is not a bar to his treatment at hospital, except as specifically limited by this section. OAG Dec. 14, 1935.

Medical care furnished a poor person at a hospital other than the University hospital is chargeable to the county board only if there has been strict compliance with the provisions of this section. In a county operating under the town system of poor relief payment for such medical care, in the absence of county liability, must be made by the municipality in which the poor person has his settlement. OAG Aug. 27, 1936.

The \$5.00 fee allowed an examining doctor, under the provisions of section 158.03, is not applicable when the examining doctor is appointed pursuant to this section. OAG Dec. 11, 1939.

Where the county board where an accident occurred applied for hospitalization, the county of the injured person's place of residence is liable for the expense. OAG May 3, 1944 (1001-c).

A prisoner is not cared for at the expense of the director of public institutions while out on parole. He must be recommitted if the state is to stand the expense. OAG Sept. 13, 1944 (328a).

261.23 COSTS.

HISTORY. 1935 c. 359 s. 3; M. Supp. c. 3164-21; 1941 c. 473 s. 3; 1943 c. 31 s. 5.

Financial responsibility in hospitalization cases belongs to the county whether under the town or county system of poor relief. OAG Dec. 14, 1935.

Local hospitalization is governed by the rate of charges made at the University hospital. OAG Jan. 15, 1936.

Cost of hospitalization is paid by the county of residence rather than by the county in which the person has settlement for poor relief purposes. OAG Nov. 3, 1938.

Cost of hospitalization must be borne by the county of patient's residence and the state has no authority to reimburse the county for expense incurred at the University hospital or any other hospital in which the patient has been hospitalized pursuant to sections 261.21 and 261.22. OAG Dec. 9, 1939.

Where the county of residence furnishes hospitalization, it may apply to the county of settlement for reimbursement. OAG Jan. 5, 1944 (339g-2).

On the county of residence rests the duty of granting or denying hospitalization to an indigent person. OAG March 7, 1944 (339g-2).

The county of residence may collect from the county of settlement for the expense of hospitalization. OAG Dec. 4, 1944 (339g-2).

261.231 DELEGATION OF POWERS.

HISTORY. 1943 c. 31 s. 7.