

## CHAPTER 263

## TOWN SYSTEM

**263.01 TOWN BOARDS AND COUNCILS TO BE SUPERINTENDENTS;  
RELIEF.**

**HISTORY.** 1889 c. 170 s. 3; G.S. 1894 s. 1974; R.L. 1905 s. 1509; G.S. 1913 s. 3094; G.S. 1923 s. 3184; M.S. 1927 s. 3184.

Where the town supervisors are required to provide for the care and support of the poor therein and the town has no regular physician to attend its paupers, and a pauper requires immediate medical attention, the physician who renders such service may recover reasonable compensation from the town, even though he has not been requested by the town authorities to attend the patient. *Robbins v Town of Homer*, 95 M 201, 103 NW 1023.

Where the chairman of the town board of supervisors authorized the furnishing of goods and services to a pauper, the fact that he had no power to do so is unimportant if his acts were subsequently ratified by the town board through payment for those goods and services. This ratification makes his acts those of the board and is equivalent to prior authority. *City of Minneapolis v County of Beltrami*, 206 M 371, 288 NW 706.

Town supervisors who unlawfully and forcibly remove an alleged pauper from her freehold, are personally liable for all actual damages resulting from their acts. The town is not held liable. *Thiede v Town*, 217 M 224, 14 NW(2d) 400.

County under town system may not treat a resident for tuberculosis at the expense of the county where he remains outside of a sanatorium. In town system counties medical care must be furnished by the town, city, or village in which the poor person resides. OAG March 8, 1933.

Where a poor person is treated by a physician in an emergency situation, village cannot avoid liability to such physician for such treatment and care even though the mayor told the physician in advance that the village would not be responsible. OAG Jan. 30, 1935.

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

A public hospital, even though a tax-exempt institution, which treats indigent persons at the request of the municipality in which these persons have their settlement, may charge a fee for such services. OAG Feb. 19, 1937.

A village, after incorporation as a separate election and assessment district, is liable for the care of the poor having settlement therein. OAG Nov. 22, 1937.

Although primary obligation to care for the poor rests upon the various towns, cities, and villages in counties operating under the town system, the county welfare board may, in proper cases, extend necessary aid when the municipality is unable or refuses to provide such aid; but such municipality is not required to reimburse the county welfare board. OAG May 19, 1938.

In counties under town system, town boards and village councils have authority to provide such hospitalization as they deem necessary, the right of counties to provide hospitalization under sections 261.21 and 158.01 et seq. being supplemental. OAG March 20, 1939.

Town board has authority, when so empowered by a vote of the electors, to engage legal services in opposing a poor relief claim, and money thus expended is a proper charge upon the town's poor fund. OAG July 26, 1939.

Where a poor person is injured and hospitalized in a county other than the one in which he has his settlement, the hospital may collect from the town and not the county of the pauper's settlement when the county in which the town is located operates under the town system of poor relief. OAG Oct. 27, 1939.

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Where a pauper having a settlement in the state dies therein, the expense of his burial should be paid by the county, if it operates under the county system of poor relief; by the town in which the pauper had his settlement, if the county operates under the town system. OAG March 6, 1940.

Where a child under commitment from juvenile court to a private charitable institution is hospitalized, the cost of treatment is a charge upon the town where the child has her legal settlement, rather than upon the county in which that town is located (when the county is operating under the town system of poor relief). The commitment by the juvenile court does not change the financial responsibility of the place of settlement. OAG March 20, 1940.

Expenditures made by town to pay taxes on land owned by pauper and to pay interest on a loan of the pauper are not proper for poor relief. OAG July 28, 1931.

### 263.02 LIMITATIONS APPLYING TO MEMBERS OF BOARD.

HISTORY. 1889 c. 170 s. 4; G.S. 1894 s. 1975; R.L. 1905 s. 1510; G.S. 1913 s. 3095; G.S. 1923 s. 3185; M.S. 1927 s. 3185.

### 263.03 POWERS AND DUTIES OF BOARD.

HISTORY. 1889 c. 170 s. 5; G.S. 1894 s. 1976; 1903 c. 298; R.L. 1905 s. 1511; G.S. 1913 s. 3096; 1915 c. 366; 1917 c. 39 s. 1; G.S. 1923 s. 3186; M.S. 1927 s. 3186; 1939 c. 68; M. Supp. s. 3186.

The notice required by this section is not a condition precedent to the right of recovery by town for expenses incurred in caring for a pauper who is a county charge. *Town of Highland Grove v County of Clay*, 101 M 11, 111 NW 651.

Where child became in need of immediate hospitalization which his father refused to provide, the child was entitled to receive hospital care from the municipality in which he was residing at the time even though he did not have legal settlement there. A nurse who cared for the child during his illness was entitled to recover from the municipality the value of her services. The expense thus incurred by the municipality becomes a charge on the county and it in turn may recover from the political subdivision in which the child has legal settlement. *Henrickson v Town of Queen*, 149 M 79, 182 NW 952.

Authorizes a town to convey a pauper, not having a legal settlement therein, to the place of his settlement only if he has one in this state. *Village of Litchfield v County of Meeker*, 182 M 150, 233 NW 804.

In emergency cases. *Re Larson*, 215 M 599, 11 NW(2d) 145.

City was liable for medical services performed for prisoner at request of chief of police in an emergency, if the prisoner was an indigent person. OAG March 14, 1929.

A poor person cannot be ordered out of a county unless he has made application for relief. OAG Sept. 26, 1931.

The fact that a poor person may be able to provide the ordinary necessities of life without public assistance does not render him less entitled to medical care or treatment in case he is in need thereof and unable to provide the same for himself. OAG March 16, 1932.

Town in which transient pauper is when he becomes a pauper must provide for him, and such town may not transfer him to the state from which he came. OAG Feb. 7, 1933.

Where county is under the town system of caring for the poor, either the town or village in which poor persons needing insulin reside may furnish the same under the general poor laws. OAG March 16, 1932.

County board is not authorized to pay board for minor children who have been chargeable upon any town, city, or village for support. OAG Sept. 7, 1933.

Before a town can remove a poor person it must be determined that he has a settlement somewhere else in the state to which he may be conveyed. OAG Dec. 22, 1933.

If a poor person has no settlement within the state, the ultimate liability for his care rests upon the county without any right of recovery. OAG April 12, 1934.

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The burial expenses of a pauper who had been sent by the county of his settlement to another county for hospitalization and died there is to be paid by the county of his settlement. OAG July 5, 1934.

A pauper is free to move wherever he chooses and the right of removal to place of settlement does not arise until he makes application for relief. OAG April 16, 1935.

In carrying out the provisions of clause (2) of this section a peace officer may use such force as is reasonably necessary, depending upon the circumstances in the particular case. OAG May 16, 1935.

The expense incurred by a town in removing a person to his place of settlement becomes a charge against the county, which in turn may recover from the subdivision in which the person has his place of settlement, if it be within the state. OAG May 16, 1935.

Where a pauper is removed from a certain municipality to his place of settlement and then returns, the municipality has no right to remove him again until he makes another application for relief. OAG May 16, 1935.

Claim for reimbursement for the care of a transient pauper can be made by a town against the county under clause (2) of this section. OAG Oct. 17, 1935.

A city in a county operating under the town system is entitled to reimbursement from the county for funds paid for the relief of a person not having a poor settlement within the state. OAG Feb. 28, 1936.

A person may not be removed to place of settlement while self-supporting nor until application for relief is made, even though it appears that he may, at some time in the future, become a public charge. OAG Aug. 7, 1936.

A person having no settlement within the state may not be removed to another state against his will. OAG Dec. 19, 1936.

The liability for the support of a person who has no settlement in the state rests upon the municipality in which he resides at the time he needs relief, but if the county is operating under the town system, the municipality has a right of recovery from the county. OAG April 2, 1937.

A county or municipality furnishing medical care or hospitalization to a transient pauper has no right of recovery unless the pauper has a settlement within the state. OAG Aug. 11, 1937.

Paupers who have no settlement in the state may not be removed to another state against their will, but if they are willing to leave and the other state or some subdivision thereof agrees to assume responsibility for future care, it seems proper for a Minnesota municipality to pay the cost of returning them to the other state even though there is no express statutory authority for assuming such expense. OAG Nov. 2, 1937.

If a body is claimed for burial or cremation by a fraternal organization, or person claiming friendship with the deceased, the official in charge of the body has authority to deliver it to such organization or person for burial or cremation. OAG March 2, 1938.

After an application for relief is made by a poor person and he is warned to depart to his place of settlement, but refuses to do so, he must be removed to his place of settlement within a reasonable time thereafter. The question of what constitutes "reasonable time" is one of fact, to be determined by the local relief authorities. OAG April 4, 1938.

In a county operating under town system an application to county relief office cannot be considered as an application for relief warranting removal by the town board. Before removal proceedings may be started an application for relief must be made to the town authorities. OAG April 18, 1938.

A pauper from another state cannot be deported against his wishes even though the other state is willing to receive him. OAG April 29, 1938.

A person who applies for relief in a county (or town) where he does not have settlement for poor relief purposes cannot be removed from his freehold estate in the county (or town), whether it be a legal or equitable estate. OAG June 20, 1938.

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Where family has not resided in state for more than one year (two years) the duty of supporting them falls upon the town, city, or village in which the pauper happens to be living when relief is needed. OAG June 21, 1938.

The town and county in which a non-resident pauper was injured in an automobile accident, and not the county in which the hospital was located, were liable for hospital and medical attention. OAG June 28, 1938.

A municipality in this state furnishing relief to a pauper having his residence in another state has no right of recovery against the other state or a municipality thereof. OAG June 28, 1938.

Authorities have power to remove paupers against their will to county of their settlement in state, but have no power to forcibly remove them to another state though that state is willing to receive them. OAG Feb. 28, 1939.

Where a transient pauper is injured on a town line it is immaterial which town is liable for his doctor and hospital bills, since in any event recovery can be had from the county. OAG July 22, 1939.

A pauper does not commit a misdemeanor under clause (4) of this section unless he voluntarily returns and applies for relief within the 90-day period. OAG Feb. 8, 1940.

### 263.04 POORHOUSE.

HISTORY. 1889 c. 170 s. 7; G.S. 1894 s. 1978; R.L. 1905 s. 1512; G.S. 1913 s. 3097; G.S. 1923 s. 3187; M.S. 1927 s. 3187.

The fact that the county board in counties under the town system may collect for the maintenance of the inmates of the poorhouse from the towns, villages, or cities from which such inmates come, does not necessarily require that these subdivisions be charged with the full cost of the operation of the poorhouse. OAG March 8, 1939.

### 263.05 TAXES, HOW LEVIED.

HISTORY. 1889 c. 170 ss. 9 to 11; G.S. 1894 ss. 1980 to 1982; R.L. 1905 s. 1513; G.S. 1913 s. 3098; G.S. 1923 s. 3188; M.S. 1927 s. 3188.

In a county operating under the town system a one-mill tax levy must be made for relief, and such tax levy constitutes primary fund for relief purposes and, after it has been exhausted, funds granted by the state and distributed through the county must next be used; thereafter, funds realized from additional poor relief levy must be used; but county may not hold emergency relief money provided by the state and pay out of it to the municipality the 75 per cent of relief money extended by the town from the additional poor relief levy, nor may the county use any part of the state money for any other relief purposes. OAG May 5, 1939.

That part of a village situated within a county having the town system is governed by the laws pertaining thereto, while that portion of the village situated in another county operating under the county system is governed by the laws applicable to the county system; and each county auditor should make his own levy for that portion of the village within his county. OAG Dec. 16, 1939.

### 263.06 ALLOWANCE TO TOWNS ON CHANGE FROM COUNTY SYSTEM.

HISTORY. 1899 c. 295; R.L. 1905 s. 1514; G.S. 1913 s. 3099; G.S. 1923 s. 3189; M.S. 1927 s. 3189.

### 263.07 COUNTY SYSTEM CHANGED TO TOWN SYSTEM.

HISTORY. 1907 c. 79 ss. 1 to 3; G.S. 1913 ss. 3100 to 3102; G.S. 1923 ss. 3190 to 3192; M.S. 1927 ss. 3190 to 3192.

It is the duty of the county upon changing from county system to town system to pay 80 per cent of the taxes collected or levied for poor purposes in the year of the change and also to pay to municipality 75 per cent of the amount in excess of one mill on the taxable value of property in the municipality expended for poor purposes. OAG Feb. 8, 1934.

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On change from county system to town system, taxes levied for poor relief prior to such change and to be collected thereafter must be paid to the town as herein required and may not be retained by the county to take care of overdrafts in county funds from last year, but change from county system to town system does not prevent expenditure by county in cooperation with state and federal administration. OAG Feb. 15, 1935.

On change from county to town system, taxes for the year levied by county for poor relief purposes, to extent of 80 per cent thereof, must be paid over to towns and municipalities, and cannot be used by county to pay overdrawals from county poor fund in previous years. OAG March 30, 1935.

Town board has authority, when so empowered by a vote of the electors, to engage legal services in opposing a poor relief claim, and money thus expended is a proper charge upon the town's poor fund. OAG July 26, 1939.

### 263.08 TRANSFER OF SURPLUS IN COUNTY POOR FUND, WHEN.

HISTORY. 1913 c. 39 ss. 1, 2; G.S. 1913 ss. 3103, 3104; G.S. 1923 ss. 3193, 3194; M.S. 1927 ss. 3193, 3194.

### 263.10 LIABILITY OF COUNTIES FOR CARE OF POOR BY TOWNS; TAX LEVY.

HISTORY. 1937 c. 286 ss. 1, 2; M. Supp. ss. 3195-2.

Laws 1937, Chapter 286, Sections 1 and 2, changes the obligation and liability of county to one direct county obligation and liability instead of one for reimbursement, did not, for lack of a clause referring to, or purporting to repeal or amend it, continue section 263.09 in effect as to claimed rights of reimbursements thereunder, but entirely superseded and by implication repealed the same, although it already had been validated and nullified. *City of Jackson v County of Jackson*, 214 M 245, 7 NW(2d) 753.

Where a town in a county operating under the town system expends funds in the care and maintenance of tubercular persons in discharge of its legal obligation to provide medical attention to its pauper residents, the amount so expended is to be included as "care of the poor" in calculating the reimbursement by the county to which the town is entitled under this section. If the town is proceeding under section 145.05 (which provides that expense incident to establishing, enforcing, and releasing of quarantine is a legal charge upon the health district, half of which expense may be recovered from the county) it is entitled to reimbursement of one-half of its expenditures; however, the half of the expenditures assumed by the town cannot be included as poor relief for the purpose of securing further reimbursement under this section. OAG Aug. 1, 1936.

County boards may not use state relief funds to reimburse towns under this section. OAG Aug. 1, 1936.

County under town system of poor relief may levy taxes pursuant to its obligations under sections 263.10, 393.06, and 393.07, and administer aid received from state and federal government through the county welfare board, but does not have authority to make levies to defray the cost of general poor relief. OAG March 8, 1939.

In county operating under town system one-mill tax levy must be made for relief, and such tax levy constitutes primary fund for relief purposes, and after it has been exhausted funds granted by state and distributed through county must next be used; thereafter, funds realized from additional poor relief levy must be used; but county may not hold emergency relief money provided by state and pay out of it to municipality the 75 per cent of relief money expended by town for additional poor relief levy, nor may county use any part of the state money for any other than relief purposes. OAG May 5, 1939.

Municipality is entitled to reimbursement notwithstanding that it requires recipients of poor relief, able to do so, to work out the amount of their relief on local work projects. OAG July 17, 1939.

County under town system must reimburse cities or towns to extent of 75 per cent of excess spent by them for poor relief over and above the one-mill tax rate, except in Hennepin county. OAG July 25, 1939.

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## **263.11 RELIEF OF THE POOR; TOWN SYSTEM**

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### **263.11 MUNICIPAL AUTHORITIES TO CERTIFY LEVIES.**

**HISTORY:** 1937 c. 286 s. 3; M. Supp. s. 3195-3.

### **263.12 APPLICATION.**

**HISTORY.** 1937 c. 286 s. 4; M. Supp. s. 3195-4.

This act is not invalid as special legislation. OAG Oct. 11, 1937.