

## CHAPTER 263

## TOWN SYSTEM

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

The general statutory system providing for the poor neither curtails the power of the legislature to enact such legislation as that contained in L. 1913, c. 130, known as "mothers' pension law," nor prevents its enforcement. The relief provided for in said chapter 130 is not a matter of purely local concern, and its provisions are operative in a county wherein the town system of caring for the poor prevails, as well as elsewhere, and also in a city in such county notwithstanding it maintains its own pauper system. *State ex rel v Klasen*, 123 M 383, 143 NW 260.

A tenant on a 160-acre farm operating the farm and dairy on shares and owning live stock valued at several hundred dollars jointly with another, the personal property being mortgaged, was not such a poor person as to make the town liable for his hospitalization. *Evangelischer Diakonissen Verein v Town of Cannon City*, 191 M 132, 253 NW 97.

Expense of treatment and care of a prisoner at liberty on commuted sentence who was shot while attempting to commit a crime should be handled as a case of any other pauper in the county. OAG Oct. 15, 1946 (91-H).

**263.03 POWERS AND DUTIES OF BOARD.**

In a county where the town system of caring for the poor is in force the ultimate liability for the care of a pauper, who has no settlement anywhere in the state, for the purposes of poor relief, does not rest upon the county in which is located the town where the pauper is when he becomes a charge. *Town of Iona v Co. of Todd*, 135 M 183, 160 NW 669.

The owner of a freehold cannot, without his consent, be removed therefrom to his legal settlement for poor relief purposes in another municipality, notwithstanding general statutory language conferring such right of removal. *Thiede v Town of Scandia Valley*, 217 M 226, 14 NW(2d) 400.

The courts for centuries have uniformly declared that the owner of a freehold cannot, without his consent, be removed therefrom to his legal settlement for poor relief purposes in another municipality, and this notwithstanding the provisions of section 263.03 authorizing the removal of paupers to their place of settlement. In the language of the Earl of Chatham: "The poorest man may, in his cottage, bid defiance to all the forces of the Crown. It may be frail; its roof may shake; the wind may blow through it; the storm may enter; the rain may enter; but the King of England may not enter; all his force dare not cross the threshold of the ruined tenement." *Thiede v Town of Scandia Valley*, 217 M 226, 14 NW(2d) 400.

Notwithstanding the poor are cared for under a town system, a patient may be hospitalized in a county hospital at county expense. The town must pay the physician who attends such indigent person. OAG May 19, 1945 (1001-C).

No statutory authority exists permitting the county board in counties where the town system prevails to purchase an ambulance for transporting sick or injured. OAG July 9, 1945 (125-A-17).

While under sections 262.01 and 263.04 there is authority for operation of a poor farm, there is no authority for the county board to establish a boarding house for accommodation of poor persons. OAG May 28, 1946 (339-k).

**263.07 COUNTY SYSTEM CHANGED TO TOWN SYSTEM.**

City should be reimbursed by the county for expense incurred in administration of the poor law but for no other purpose. OAG Feb. 8, 1943 (107-B-15).

# MINNESOTA STATUTES 1947 ANNOTATIONS

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RELIEF OF THE POOR; TOWN SYSTEM 263.11

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

Section 263.10 which covers the same subject matter as section 263.09 changes the obligation and liability of a county to one of direct county obligation and liability instead of one for reimbursement and in effect supersedes section 263.09 and impliedly repeals the section. *City of Jackson v Co. of Jackson*, 214 M 245, 7 NW (2d) 753.

Compute the expense incurred by the city in taking care of the poor during the year. Compute the amount of tax levy of one mill. Deduct the last sum from the first, and 75 per cent of the difference is the amount the county should pay to the city. 1944 OAG 327, Feb. 15, 1944 (339-M).

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

City may bill the county for 75 per cent of amount expended during the calendar year in excess of one mill on taxable value of property of city. OAG June 24, 1943 (339-I-3).