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1927

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EMBRACING THE ORGANIC LAWS, THE CONSTITUTION, AND THE STATUTES CONTAINED IN THE GENERAL STATUTES OF 1923, EXCEPT THOSE WHICH HAVE BEEN REPEALED OR SUPERSEDED BY THE SUBSEQUENT LEGISLATION OF 1925 AND 1927

AND ALSO EMBRACING LAWS OMITTED FROM THE GENERAL STATUTES 1923, AND THE LAWS OF THE 1925 AND 1927 SESSIONS OF THE LEGISLATURE UNDER APPROPRIATE CLASSIFICATION.

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CHAPTER 15

RELIEF OF THE POOR

General Provisions, §§ 3157-3164.

	Sec.
Support of poor—Liability of relatives	3157
Failure to support—Recovery under town system	3158
Liability of county, town, etc.	3159
Liability of estate of poor person for support, maintenance, care or burial	3159-1
Same—Claims against estate of decedent	3159-2
County and town systems	3160
Settlement	3161
Settlement of poor persons—Dispute as to between political subdivisions in counties, etc.	3161-1
Dispute between counties—Application to district court—Hearing	3161-2
Same—Appeals—Trial of appeals—Care of poor persons	3161-3
Same—County of residence of poor person charged with support of	3161-4
Same—Costs of proceedings	3161-5
Removal of poor person—Settlement	3162
Bringing poor person into state	3163
Change of system	3164

County System, §§ 3165-3183.

County poorhouse	3165
Member of board	3166
Board to appoint overseer	3167
Powers and duties of overseer	3168
Commitment to poorhouse by board	3169
Commitment by member	3170
Temporary relief	3171
Conveyance of poor persons	3172
Settlement in another county	3173
Board to appoint physician	3174
Minors, how provided for	3175
Burial at expense of county	3176
Tax for support of poor	3177
District poorhouse—Board of directors	3178
Location and erection of poorhouse	3179
Expense of poorhouse, how appointed	3180
Overseer of poor	3181
Board of control may purchase land for poor farm	3182
County boards to contract for care of persons other than paupers	3183

Town System, §§ 3184-3195.

Town board and councils to be superintendents—Relief	3184
Member not to be interested, etc.	3185
Granting of relief and transportation of poor to legal settlement in the state	3186
Poorhouse	3187
Taxes, how levied	3188
Allowance to towns on change from county system	3189
Change from county system	3190
Duty of county auditor	3191
Poor fund of town, etc.	3192
Change from county system—Payment from county fund	3193
Duty of auditor—Poor fund	3194
Counties to pay portion of poor expense in certain cases	3195

Counties Exceeding 75,000, §§ 3196-3199

Board of poor commissioners, how constituted	3196
Powers and duties of board	3197
Clerk of poor board, to be paid out of county poor fund, and salary to be fixed by board	3198
Taxes, how levied	3199

Counties with 400,000 population or over.

Poor house—Bond issued for	3199-1
Same—Issue and sale of bonds	3199-2
Same—Tax levy	3199-3

3157Etseq.
31 — 328

GENERAL PROVISIONS

3157Etseq.
29 — 89
29 — 199
29 — 371

3157. Support of poor—Liability of relatives—Every poor person who for any reason is unable to earn a livelihood shall be supported by his children, parents, brothers and sisters, grandchildren, or grandparents; and relatives having sufficient ability shall be called on for such support in the order above named; Provided, that a person who becomes a pauper from intemperance or other bad conduct shall not be entitled to support from any relative except parent or child. Every such relative who refuses or fails to support any poor person whom he is bound by law to support, when directed by the board or council of the county, town, city or village in which such person has a settlement, shall forfeit and pay to such county, town, city or village, for the use of the poor thereof, such amount as the court may determine not exceeding $25 per month, to be recovered in any court having jurisdiction. (1485) [3067] (Amended '25, c. 290)

3157-3158
218nw 882
220nw 156

32-385, 20+366; 79-357, 82+666; 123-382, 143+984; 126-87, 147+824; 130-200, 153+308; 132-370, 157+508; 148-424, 182+608; 149-80, 182+952; 152-401, 189+125; 193+40.

A mother far advanced in years, unable to earn a livelihood, without means other than annual rents of $200, and needing more than that for her maintenance, is a "poor person," 165-346, 206+441.

A relative voluntarily furnishing support to such a poor person is not entitled to contribution from other relatives equally obligated by the statute; but such unaided support may not be voluntary where seasonable demand is made upon the other relatives for contribution and they refuse it. 165-346, 206+441.

3157
Et seq.
25 — 426
33 — 89
33 — 186
33 — 385
243nw 384
245nw 365
246nw 544

3158. Failure to support—Recovery under town system—Whenever any relative chargeable with the support of any poor person fails or neglects, after being *directed by any town, city, or village under the town* system of poor relief, to furnish to such poor person support, maintenance, burial, and in case of non-resident, expenses of removal any such town, city or village furnishing the same may recover in any court of competent jurisdiction from such relation who is resident of this state, any such sum so furnished by it, whether such poor person is a resident of such town, city or village or not. In the event that said poor person shall have no relative chargeable therewith such town, city or village so expending the same may after like notice recover from any town, city or village within this state, which is charged by law with the support of such poor person, any sum so expended. ('89 c. 170 § 8, amended '05 c. 327 § 1) [3068]

3159. Liability of county, town, etc.—When any such poor person has none of the relatives named in § 3067, or they are not of sufficient ability, or refuse or fail, to support him, he shall receive such support or relief as the case may require from the county, town, city, or village in which he has a settlement at the time of applying therefor, as hereinafter provided. (1486) [3069]

25-259; 29-158, 12+458; 33-351, 23+526; 129-534, 152+1102; 130-35, 182+953.

3159-1. Liability of estate of poor person for support, maintenance, care or burial—Whenever any person is furnished or provided with support, maintenance, care or burial as a poor person by any county, city, town, village or borough, the municipality so furnishing such support, maintenance, care or burial shall have a claim therefor against said person or his or her estate for the reasonable value thereof, which claim may be presented and prosecuted by said municipality, at its option, upon discovery of any property belonging to said poor person or to his or her estate. ('25, c. 60, § 1)

3159-2. Same—Claims against estate of decedent—Such claims, when against the estate of a deceased

person, shall be filed in probate court, and acted upon as in case of other claims—('25, c. 60, § 2)

3160
29 — 88

3160. County and town systems—The system of caring for the poor in counties in which they are chargeable upon the county shall be known as the county system. That in which they are chargeable upon the towns, cities, and villages thereof shall be known as the town system. Every county shall continue under the system in force therein at the time when the Revised Laws take effect, until the same is changed as hereinafter provided. (1487) [3070]

3160
33 — 72
See
1186 Note

53–325, 55+143.

See Laws '23 c. 152, infra § 4461 providing for co-operation of State Board of Control with public authorities having to do with the poor.

3161
228nw 929

3161. Every person, except those hereinafter mentioned, who has resided one year continuously in any county, shall be deemed to have a settlement therein, if it has the county system; if it has the town system, he shall have a settlement in the town, city or village therein in which he has longest resided within such year. Every person who has resided one year continuously in the state, but not in any one county, shall have a settlement in the county in which he has longest resided within such year, if it has the county system; if it has the town system, his settlement shall be in the town, city or village therein in which he has longest resided within such year. The time during which a person has been an inmate of a hospital, poorhouse, jail, prison, or other public institution, and each month during which he has received relief from the poor fund of any county or municipality, shall be excluded in determining the time of residence hereunder. Every minor not emancipated and settled in his own right shall have the same settlement as the parent with whom he has resided.

3161Etseq.
31 — 68
233nw 804
233nw 875
8967

3161
179m 251
182m 197
183m 533
237nw 416
239nw 217
See
3164–3165

3161
33 — 385

3161
167m 178
208nw 648
237nw 416
246nw 544
248nw 710
3161 2

A settlement in this state shall be terminated and lost by:

(1) Acquiring a new one in another state.

(2) By voluntary and uninterrupted absence from this state for a period of one year with intent to abandon his residence in the state of Minnesota. (R. L. '05 § 1488; G. S. '13 § 3071, amended '19 c. 128)

29–240, 13+43; 71–503, 74+282; 78–36, 80+836; 89–91, 93+1052; 101–24, 111+652; 103–41, 114+261; 126–514, 148+469; 127–527, 149+1070; 129–395, 152+1102; 149–81, 182+952.

A legal settlement was not lost by residence out of the state for less than one year; nor was it changed to another count - herein, upon their return to the state, the family ed for less than one year. 166–180, 201+323.

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. 167–178, 208+648.

To acquire a new settlement in another county he must reside continuously for one year in that county. 167–178, 208+648.

3161¹
Et seq.
228nw 929

3161-1. Settlement of poor persons—Dispute as to between political subdivisions in counties—Notice of application to justice of the peace for determination—Hearing and order by justice—Whenever a dispute shall arise between political subdivisions within a county as to the place of settlement of any poor person, either of such subdivisions may serve upon the other or others, in the manner provided by law for the service of a summons, a notice that it will on a day certain, not less than five days after the service of such notice, apply to a justice of the peace of a village or township in said county other than those involved in such dispute for a determination of the settlement of such poor person. Such justice shall at the time fixed and without a jury hear the evidence adduced by the parties to such proceeding, and shall forthwith make and file his order determining the place of settlement of such poor person. ('25, c. 378, § 1)

3161¹-5
234nw 7

3161¹-3
239nw 217

3161¹
245nw 365
See 3157
Et seq.

3161-2. Same—Dispute as to between counties or between county and political subdivision of another county or subdivisions of different counties—Notice of application to district court for determination—Hearing and order by judge—Whenever a dispute shall arise between two or more counties or between a county and a political subdivision of another county or political subdivisions of different counties as to the place of settlement of any poor person, any such county or political subdivision may serve upon the other or others a notice that it will on a day certain, not less than five days after the service of such notice, apply to a judge of the district court of the district in which the county or political subdivision serving such notice lies for a determination of the settlement of such poor person. Such judge shall at the time fixed and without a jury hear the evidence adduced by the parties to such proceeding, and shall forthwith make and file his order determining the place of settlement of such poor person. ('25, c. 378, § 2)

3161 2
186m 509
243nw 695
248nw 710

3161-3. Same—Appeals from orders of justices—Trial of appeals—Cost of care of poor person pending determination—Any party aggrieved by the order of the justitce of the peace may appeal from said order to the district court within the time and in the manner provided for appeals in civil actions. Pending such appeal the subdivision found by said order to be the place of settlement of said poor person shall care for said poor person; and if upon trial of the appeal it shall be determined that the settlement of such poor person is elsewhere, the subdivision so caring for him during the pendency of the appeal shall be entitled to recover, from the subdivision in which the settlement of such poor person is found by the district court to be, for the reasonable cost of such care. The trial of the appeal in the district court shall be de novo, shall be tried by the judge without a jury, and may be brought on for trial upon eight days' notice by either party. ('25, c. 378, § 3)

3161⁴
179m 251

3161-4. Same—County of residence of poor person charged with support of—The county or subdivision in which such poor person shall by such order be found to be his settlement shall thereafter be charged with his care and support. ('25, c. 378, § 4)

3161-5. Same—Costs of proceedings—The prevailing party shall be allowed disbursements necessarily paid or incurred, to be taxed in the manner provided in civil actions. ('25, c. 378, § 5)

3162. Removal of poor person—Settlement—When a poor person is removed, as hereinafter provided, from one county, town, city, or village to another, and the authorities thereof deny that he is legally settled therein, they shall make temporary provision for his care. If such removal was from one county to another county, or to any town, city, or village of another, the authorities may present the case to the state board of control; if the removal was from one town, city, or village to another within the same county, they may present the case to the county board. The board shall determine the settlement of such person, and certify its findings, and thereupon he shall become a charge upon the county, town, city, or village in which such settlement is found to be, which shall also pay the cost of caring for such person pending the investigation, and of removing him to the place of his settlement, together with the expenses of such investigation, including the fees and mileage of witnesses, and, in the

case of the state board, the expenses of its committees or agents. But such findings of the board shall be without prejudice in any litigation arising by reason thereof. (1489) [3072]
131–43, 154+661.

3163. Bringing poor person into state—Whoever without legal authority shall send, carry, or remove, or cause to be sent, carried, or removed, any insane, idiotic, or poor person from without the state to any county therein, and there leave him, or cause him to be left, with intent to make such county, or any town, city, or village thereof, chargeable with his support or relief, or who with like intent shall induce any such person so to remove, shall forfeit fifty dollars, to be recovered by the treasurer of such county, town, city, or village, for the support of the poor therein, and shall, moreover, be guilty of a misdemeanor. (1490) [3073]

3164–3165
239nw 217
See 3161

3164. Change of system—Whenever the county board shall so determine, or if one-fourth of the voters of the county shall petition therefor, the question of changing from the system in force therein to either the town or county system shall be submitted to the voters of the county at the next general election. The notices of such election shall state that the question will be voted upon, and provisions for taking such vote shall be made upon the blue ballots furnished therefor, as in the case of other questions. If a majority of the votes cast thereon be in the affirmative, the change shall take effect upon the first Monday of January next thereafter. (1491) [3074]

3165
33 — 20
33 — 91
33 — 198
See 3184

COUNTY SYSTEM

3165
Et seq.
33 — 43

3165. County—Poorhouse—In counties having the county system, the members of the county board shall be superintendents of the poor. The board may establish and maintain a poorhouse for the reception and support of poor persons chargeable on the county, and also, if it shall deem best, a poor farm or workhouse, or both, for the employment of the poor therein. If, in the opinion of the board, the number of poor persons does not warrant the purchase or lease of a poorhouse, it may provide for their support in any other way which it may deem proper. The expense of providing the necessary land and buildings shall be defrayed by a special tax, to be assessed, levied, and collected like other county taxes. (1492) [3075]

3165
33 — 131
34 — 10
1942

See 25–259; 95–201, 103+1023; 126–206, 148+115.

3166. Member of board—No member of such county board shall be directly or indirectly interested in furnishing supplies for the benefit of poor persons, or in the erection or maintenance of any poorhouse or other place provided for the reception of the poor, and no such member shall be a physician for, or overseer of, the poor. Every person violating this section shall be guilty of a misdemeanor. (1493) [3076]

3167
33 — 19

3167. Board to appoint overseer—When a poorhouse is established, the county board shall appoint, for the term of one year, and may at pleasure remove, an overseer of the poor, who shall hold office until his successor qualifies, and whose compensation shall be fixed by the board annually. Before entering upon his office, he shall give bond to the county in such sum as the board may direct, to be approved by it, and conditioned for the faithful performance of his duties; and the board may require an additional bond whenever such bond is deemed insufficient. (1494) [3077]

3168. Powers and duties of overseer—Such overseer shall have immediate charge and control of all poor persons supported by the county, and of the poorhouse and other places provided for their reception or employment, subject to the supervision of the board, or a committee thereof appointed for that purpose. He shall keep a record of the name, age, residence, condition, and date of reception and discharge of each of the persons received under his charge, and of all deaths and births occurring. He shall keep an account of all moneys and property received and disbursed by him, and shall render and settle the same at least once each year at such time as the board may appoint; and at the expiration of his term of office, and at other times when required, he shall make a report showing the number, names, ages, and condition of all persons who are or have been under his charge during the time covered thereby, the length of time each person has received support, the amounts received in money or otherwise from the produce of the farm or workhouse and from the labor of the inmates, and such other facts and information as the board may require. (1495) [3078]

3169. Commitment to poorhouse by board—The overseer shall receive poor persons, and furnish them with suitable support, at the place provided for that purpose, upon order of the county board. The board may discharge any such person when satisfied that he is not legally chargeable upon the county. When any inmate shall have left or been discharged from the poorhouse, the overseer shall report the fact in writing to the board at its next meeting. (1496) [3079]

3170–3171
33 — 6

3170. Commitment by member—When application for relief or support is made to a member of the county board by or for any poor person in his district, if satisfied that he is in actual need, is a proper subject for public relief or support, and is legally settled in the county, or has no legal settlement in the state, he shall make and sign an order directing the overseer to receive such person, and to furnish him with suitable support. Such order shall contain or be accompanied by a statement of such person's name, age, condition, former occupation, place of residence, and length of residence in the county. Upon delivery to him of such order, the overseer shall receive such person, and provide him with support until the further order of the board. The member making such order shall report the facts in writing to the board at its next session. (1497) [3080]
25–259.

3171. Temporary relief—If upon inquiry such member be of the opinion that only temporary and limited assistance will be required by such person, or any member of his family, and that it will be for the best interest of the county to grant the same, instead of making the order aforesaid, he may allow such person or any member of a family relief to the amount that he may deem expedient, subject to the following conditions:

(1) No money shall be paid to any poor person under this section except that when transportation is furnished, a small sum may be given to such person to buy food.

(2) Relief shall not be granted to any one person or any one member of a family in a sum exceeding thirty-five dollars in one calendar year, except that in cases extended relief is asked before July 1st and approved by the commissioner, the board may, by resolution, authorize him to increase the relief to the amount of $75.00 and, by resolution unanimously adopted, authorize him to increase the relief to the amount of two hundred dollars, or so much thereof as may be necessary.

When relief is given under this section, an itemized and verified bill of goods furnished or services rendered, accompanied by an acknowledgment of the same from the person receiving them, must be presented to such member. Upon his approval thereof, he shall direct the auditor in writing to issue his warrant for the amount specified to be paid out of the fund for the support and relief of the poor. A blank form for such bill, acknowledgment, approval and order shall be provided by the auditor and used in all such cases. (R. L. § 1498, amended '07 c. 360; '09 c. 290 § 1) [3081]

25-259.

A county which furnishes relief to a poor person, in discharge of the liability imposed upon it by statute, there being no mistake or deception, cannot recover of the estate of the deceased person. 164-55, 204+469.

3172. Conveyance of poor persons—When an order is made directing an overseer to receive any poor person who is unable to travel without conveyance at public expense, the board or member making the same may, in writing, direct the sheriff or any near-by constable to convey him to the place provided; and such officer shall receive from the county reasonable compensation therefor. (1499) [3082]

3173. Settlement in another county—When application for support or relief is made by a person whose settlement is in another county, or in a town, city, or village of another county, the board applied to, or its chairman, shall warn him to depart from its county; and if he is unable or refuses to do so within a reasonable time, and is likely to become a public charge, the chairman may issue an order, under his hand and the seal of the board, to the sheriff or any constable of the county, requiring him to convey such person to the place of his settlement. If he be so sick, infirm, or otherwise disabled as to render it unsafe or inhuman to remove him, and is in immediate need of support or relief, provision therefor shall be made in the manner prescribed in [R. L.] §§ 1497-1499. All proper expenses incurred by such county in making such removal, or in furnishing such support or relief, shall be paid by it, and shall be a legal claim in its favor against the county, town, city, or village in which such person has a settlement. (1500) [3083]

29-240, 13+43; 45-465, 48+23; 126-512, 148+469; 131-43, 154+661.

3174. Board to appoint physician—The board shall appoint one or more practicing physicians to be physicians of the poor who shall hold office during the pleasure of the board, and receive such compensation as it may from time to time determine. If more than one be appointed, the order of appointment shall prescribe the district in which each shall act, and none shall be required to act outside of his district except in case of urgency. When directed by a member of the board or by the overseer, such physician shall attend upon and prescribe for any sick poor person in charge of the overseer, and also on written direction of a member of the board shall attend upon and prescribe for any sick person who is entitled to receive support or relief from the county. If immediate treatment of any person who has been declared a county charge be required, any licensed physician who may prescribe for or treat him before the arrival of the county physician shall be paid therefor. He shall at once notify the county physician, who shall thereupon take charge of the case. Within thirty days thereafter, he shall file with the auditor a verified report, showing the name and residence of the patient, the day and hour when called, the distance traveled in going to such place, the nature of the disease or injury, the service performed, the time when the county physician was notified and took charge, and the amount claimed as compensation. The auditor shall present such report at the next meeting of the board, which shall allow reasonable compensation. (1501) [3084]

25-259; 95-201, 103+1023.

3175. Minors, how provided for—When a minor becomes chargeable upon any county, the county board shall secure his admission to the state public school, or provide a home for him with some respectable householder, if one can be found who will take him. (1502) [3085]

3176. Burial at expense of county—When a person dies in any county, not leaving sufficient means to defray the necessary expenses of his burial, nor any relatives therein of sufficient ability to procure his burial, the county board shall cause a decent burial of his remains to be made at the expense of the county. (1503) [3086]

3177. Tax for support of poor—The county board shall levy a tax annually sufficient to defray the estimated expenses of supporting and relieving the poor therein during the succeeding year, and to make up any deficiency in the fund raised for that purpose during the preceding year. (1504) [3087]

3178. District poorhouse—Board of directors—The county boards of two or more counties, having a joint population of not less than ten thousand, by concurrent resolutions may unite as a district, and establish therein a district poorhouse, which shall be deemed the poorhouse of the several counties. The management of such poorhouse shall be vested in a board of directors, consisting of the chairmen of the several county boards, if the district comprise more than two counties; if it comprise two counties only, such board shall be composed of the chairmen of the two county boards, one other member of each board to be chosen annually, and a fifth chosen by the other four. Such board shall be a body corporate, with power to sue and be sued, and to purchase, hold, and convey real and personal property. It shall meet at the district poorhouse on the fourth Tuesdays of January and July in each year for the transaction of such business as may be brought before it, and may hold extra sessions as it may deem necessary. An extra session may be called by a majority of the board, and the secretary shall give at least ten days' notice thereof to the members. At its first meeting, and each year thereafter at its January meeting, the board shall elect from its number a chairman, secretary, and treasurer. The chairman shall preside at all meetings, and sign all documents requiring its signature. The secretary shall prepare and present to the county boards bills for all amounts due from the respective counties for the support of poor persons, which shall be allowed and paid as other like bills. The district overseer of the poor shall be assistant secretary. The directors shall receive three dollars per day for their attendance upon meetings, and ten cents per mile for travel; but no director shall be paid for more than twenty days' attendance, or mileage for more than five meetings in one year. (1505) [3088]

3179. Location and erection of poorhouse—Upon the establishment of such district, the directors, by resolution, shall set a time and place for a meeting to receive and consider offers from any county, town, city, village, or person in the district for the sale of land therein for a poorhouse. At such meeting, or any adjournment thereof, the board may purchase such land upon terms which it may deem most advantageous, and may contract for or procure the erection of such poorhouse and other buildings thereon, and the

necessary equipment and supplies therefor. The board, in its discretion, may provide for the employment therein of such poor persons as may be able to labor; but no such buildings shall be erected until the plans, specifications, and location thereof are approved by the state board of control. (1506) [3089]

3180. *Expense of poorhouse, how apportioned*—The expense of providing such land, buildings, equipments and supplies shall be assessed pro rata upon the several counties according to the assessed valuation of the taxable property therein for the preceding year. The board shall fix a weekly rate for each inmate, to be paid by the county from which he comes; and if, at the end of any fiscal year, it appears that such rate was insufficient to pay all expenses of maintaining such poorhouse, the board shall levy upon each county, to meet such deficit, an amount determined by the proportion which the number of days' board furnished to inmates from each county bears to the total number furnished to all poor persons kept therein. The secretary shall certify to the several auditors all amounts assessed upon the counties under this section. (1507) [3090]

3181. **Overseer of poor**—The board shall appoint an overseer of poor of the district, who shall hold office for six years, and until his successor qualifies, unless sooner removed by the board for cause. He shall give bond as provided in the case of a county overseer, except that such bond shall be approved by the board, and made payable to its treasurer. He shall have charge of all poor persons maintained at the district poorhouse, subject to the supervision and written direction of the board, or a committee thereof appointed for that purpose. He shall keep records and accounts, and shall settle his accounts with, and make reports to, the board as provided in the case of a county overseer; stating also in his reports the county to which each poor person is chargeable. He shall also render to the state board of control such reports as are required from county overseers of the poor. (1508) [3091]

3182. **Board of control may purchase land for poor farm**—The board of control of any county of this state may purchase land for its poor farm to be operated in connection with its almshouse. Said land shall be paid for in the same manner as other purchases of said board of control are paid for, and the title to said land shall be taken and held in the same manner as the title of other lands of said board of control is now held; provided, that the land so purchased for said poor farm, together with land heretofore purchased and now owned by said board of control, shall not exceed in area 320 acres, and provided, that no such land shall be purchased without the approval of the city council of the city and the board of county commissioners of the county wherein said board of control exists. ('11 c. 218 § 1) [3093]

'05 c. 79, amended '15 c. 80, fixes the salary of any member of the board of control at $900.00 and allows the board to fix the salary of the almshouse and hospital physician appointed by it at not to exceed $5000.00 per year.

3183 29 — 47 31 — 138

3183. **County boards to contract for care of persons other than paupers**—*The board of county commissioners* of any county now or hereinafter maintaining a poorhouse for the reception and support of poor persons chargeable on such county are hereby authorized to enter into contracts for the support and care at such poorhouse of aged and decrepit persons or indigent persons who are then actual residents of said county, for a stipulated sum per week; provided, however, that said sum shall be one amply sufficient to fully reimburse the county, unless such person is an indigent person; and provided further, that the county board shall have the privilege and right to terminate such contracts whenever such board may deem it for the best interest of the county so to do. ('15 c. 321 § 1)

3183¹ 29 — 47 31 — 72 31 — 138 33 — 348

3183 33 — 308

3183 34 — 23

TOWN SYSTEM

3184 33 — 20 33 — 91 See 3165

3184. **Town board and councils to be superintendents—Relief**—In counties having the town system, the town boards and city and village councils shall be superintendents of the poor. All applications for aid shall be made to such boards or councils, which shall grant such relief as they deem necessary, by paying for the board and care of the applicants, providing transportation to their homes, paying rent, furnishing provisions, clothing, fuel and medical attendance, and burying the dead. They shall pay no cash to any poor person, and shall allow no bill for goods furnished or services rendered to him, unless a member of such board or council shall certify in writing that the account is correct and just; that the goods or services were necessary for his relief, were actually delivered or rendered, and were of good quality; and that the prices charged are reasonable. Every such bill shall specify the name of the person for whom the goods or services were furnished or rendered, and the amount charged for each person. (1509) [3094]

57–145, 58+871; 71–503, 74+282; 74–515, 77+290, 430; 95–201, 103+1023; 123–383, 143+984.

3185. **Member not to be interested, etc.**—No member of any such board or council shall be directly or indirectly interested in furnishing supplies for the benefit of poor persons, or the erection or maintenance of any poorhouse or other place provided for the reception of the poor, and no such member shall be a physician for, or overseer of, the poor. Every person violating this section shall be guilty of a misdemeanor. (1510) [3095]

3186 233nw 804 3161

3186. **Granting of relief and transportation of poor to legal settlement in the state**—Each board and council shall have the following powers and duties:

1. It may appoint a practicing physician to be physician of the poor, who shall hold office during its pleasure, and receive such compensation as it may from time to time determine. When directed by a member of the board or council, such physician shall attend upon and prescribe for any sick poor person entitled to support or relief from the town, city or village.

2. Whenever any person not having a legal settlement therein shall be taken sick, lame or otherwise disabled, or for any other cause shall be in need of relief as a poor person, and shall make application for relief to any such board or council of such municipality, its chairman, mayor or president shall warn him to depart; and if he is unable or refuses to do so within a reasonable time and is likely to become a public charge, such chairman, mayor or president may, in writing require any constable or marshal of the town, city or village to convey him to the place of his settlement, if he have a settlement in this state. If such person is so sick or infirm as to render it unsafe or inhuman to remove him, and is in need of immediate support or relief, the board or council shall provide such assistance as it deems necessary, and if he dies, shall give him decent burial. The expense so incurred shall be paid by the town, city or village, and shall thereupon become a charge against the county. Upon payment thereof, the county may recover the same from the county, town, city or village of such person's settlement, if he have any within this state. Within

five days after such person becomes a public charge, the board or council shall notify the county auditor, and thereupon the county board may take him in charge, or relieve him in such manner as it may seem fit.

3. When any minor becomes chargeable upon any town, city or village for support, the board or council, or a member thereof, shall apply to the county board to secure his admission to the state public school, or secure him a home with some respectable householder, if one can be found who will take him. (R. L. '05 § 1511; G. S. '13 § 3096, amended '15 c. 366; '17 c. 39 § 1)

Notice not condition precedent (101-11, 111+651); 135-183, 160+669; 149-81, 182+952.

3187. Poorhouse—The county board of any county having the town system may establish, maintain and govern a county poorhouse in the same manner as in other counties. The cost thereof shall be paid by the county; but at its July meeting in each year the county board shall fix a weekly rate for each inmate, to be paid to the county by the town, city, or village from which he comes. The chairman of the town board or the president of the council may sign commitments to such poorhouse, and designate some officer of his municipality to convey any poor person thereto; the expense thereof to be paid from the town, city, or village poor fund. The overseer of such poorhouse may discharge any inmate who, in his judgment, is capable of self-support, or who is ordered discharged by the officer by whom he was committed; and, when necessary, he may furnish transportation to a discharged inmate, at the expense of the county, to the place from which he came. (1512) [3097]

33 3188 — 288

3188. Taxes, how levied—In counties having the town system, the voters of each town at their annual meeting, and the council of each city and village annually, shall levy upon the property taxable therein a tax in such amount as shall seem necessary for the support and relief of the poor. Such tax shall not be less than one mill upon each dollar of the assessed valuation, unless there be in the poor fund at least fifty dollars above the amount of orders outstanding. The clerk shall certify to the county auditor such levy, or the fact that no tax is necessary. If a tax be levied, the auditor shall calculate the rate, and extend the same; and, if no certificate be made, he shall levy and extend a tax of one mill on the dollar upon the property taxable in the town, city or village in default. The proceeds of each tax shall be paid to the treasurers of the towns, cities and villages. (1513) [3098]

3189. Allowance to towns on change from county system—The county board of any county which has changed from the county system to the town system may appropriate out of the poor fund such sum as it may deem advisable to reimburse any town, city or village in its county for money expended or indebtedness incurred for the care of the poor therein, if it shall have expended or incurred an indebtedness of not less than three hundred dollars for that purpose within the year preceding its application for such allowance. (1514) [3099]

3190. Change from county system—That whenever the system for relief of the poor in any county is changed from the county system to the town system and there has been levied or assessed for the year in which such change occurs, a tax for the poor fund of such county under such county system, 80 per cent of the moneys received by such county for such tax shall be paid over to the treasurers of the various towns, villages and cities of such county in the manner hereinafter provided. ('07 c. 37 § 1) [3100]

3191. Duty of county auditor—That on the 20th day of March and the 20th day of June and the 20th day of November in such year, the auditor of such county shall compute the amount of taxes collected for such poor fund from the taxpayers of each town, village or city in such county and which then remains in the treasury of such county, and shall draw his warrant in favor of the treasurer of each of such towns, villages and cities for 80 per cent of the amount received from such town, village or city, and the same shall be forthwith paid by the treasurer of such county. ('07 c. 37 § 2) [3101]

3192. Poor fund of towns, etc.—The moneys so paid to the treasurers of such towns, villages and cities shall constitute the poor fund for such towns, villages and cities for the year in which such change is made. ('07 c. 37 § 3) [3102]

3193. Change from county system—Payment from county fund—That whenever the system for relief of the poor in any county is changed from the county system to the town system and there remains in the county poor fund a surplus which has been levied or assessed as a tax for the poor fund of such county under such county system for the years prior to the year in which such change occurred and which then remains in the treasury of such county, the auditor of such county shall compute the amount of taxes collected for such poor fund from the taxpayers of each town, village or city in such county and shall draw a warrant for the pro rata amount received from such town, village or city, and the same shall be forthwith paid by the treasurer of such county to the treasurers of the respective towns, villages or cities of said county. ('13 c. 39 § 1) [3103]

3194. Duty of auditor—Poor fund—The money so paid to the treasurers of such towns, villages or cities shall become a part of the poor fund of such town, village and city and shall be used for no other purpose. ('13 c. 39 § 2) [3104]

31 3195 — 184

3195 233nw 804

3195. Counties to pay portion of poor expenses in certain cases—In all counties in this state wherein the poor are cared for under the town system, if the expense incurred by any town, village or city of the third or fourth class however organized, for the care of the poor therein in any calendar year exceeds an amount in excess of one mill on the taxable value of property in such town, village or city of the third or fourth class for that year, then and in that event the chairman of such town board and the clerk thereof or president of village council and recorder or the mayor of such city (of the third or fourth class) and the clerk thereof as the case may be shall certify to the county auditor a statement showing when, for what purpose, the amount and to whom expense was incurred by such town, village or city (of the third or fourth class) in the care of each named pauper. The county auditor shall lay such statement before the county board at its meeting next following the receipt thereof. Of such annual expense seventy-five per cent of the amount in excess of one mill on the taxable value of property in such town, village or city (of the third or fourth class) shall be a claim against the county, and if such statement is deemed by the county board to be correct, the same, to the extent herein prescribed, shall be allowed and paid by the county to the treasurer of such town, village or city (of the third or fourth class) who shall credit the sum so paid to the poor fund of the town village or city (of the third or fourth class). ('21, c. 420; amended '27, c. 49, § 1)

COUNTIES EXCEEDING 75,000

3196. Board of poor commissioners, how constituted—In counties having a population of over 75,000, and an area of over 5,000 square miles, there shall be a board of three poor commissioners appointed by the chairman of the board of county commissioners of such county, with the approval of the judges of the district court of the judicial district in which such county is located. The terms of the members of the first board shall expire, respectively, on the first Monday of January, in the first, second and third years after their appointment. Upon the expiration of such terms, their successors shall be appointed in like manner for terms of three years; and vacancies shall be filled by like appointment for the unexpired terms. Upon the appointment of the first board, and annually thereafter on the first Monday in January, the board shall elect from its number a president and a vice-president, to serve for one year, and until their successors qualify. It shall make rules for the government of its proceedings, and fixing the times for holding its meetings, and may amend the same at any time. The members shall receive no compensation for their services, but each shall be repaid out of the county poor fund his necessary expenses, a verified and itemized statement of which shall be filed with and approved by the board. It shall be provided with a suitable office, the expenses whereof shall be paid out of the county poor fund. ('07 c. 222 § 1) [3105]

Historical—Section 5 repeals inconsistent acts, etc. R. L. § 1515 provided for the appointment of such board, and for their removal, by the judges of the district court. In other respects the section above set forth is identical with said section; and sections 2, 3, and 4 are identical with R. L. §§ 1516, 1517, 1518, all of which are superseded.

3197. Powers and duties of board—Such board shall have all the powers and duties relative to the care of the poor which in counties having the county system appertain to the county board. All moneys arising from the labor of poor persons in its care, or from the produce of the poor farm, shall be paid to the board and by it paid into the county treasury, to the credit of the poor fund. No money shall be paid from such fund, except on vouchers of the board, signed by its president or vice-president, and countersigned by its clerk. On the first Monday of January, April, July and October in each year, the board shall file with the county auditor an itemized statement of its receipts and expenditures for the preceding three months. ('07 c. 222 § 2)

3198. Clerk of poor board, to be paid out of county poor fund, and salary to be fixed by board—Such board shall appoint a clerk to serve during its pleasure and fix his compensation, which shall be paid out of the county poor fund. He shall keep a record of all the doings of the board; preserve in its office all documents relating to its business; keep an account of all its receipts and expenditures, and the name and address of each person by or for whom relief has been granted, with the amount and date thereof. He shall investigate the condition and needs of all persons by or for whom application is made for relief and report to the board thereon. The board may authorize him to grant temporary relief in cases of emergency, but it shall by resolution limit the amount of relief to be so granted without previous action by the board. The board may employ such other assistance as may be necessary to discharge its duties. ('07 c. 222 § 3, amended '19 c. 26 § 1) [3107]

3199. Taxes, how levied—On or before October 1, in each year, such board shall determine by resolution the amount of tax to be levied for the ensuing year for the support of the poor, the maintenance of the poorhouse and other places provided for the reception of the poor, and the erection of any buildings or improvements, and the adoption of such resolution shall constitute a levy on the property taxable in the county of the amount named therein; but the amount so levied for all purposes, except for the erection or repair of buildings, shall not exceed an amount equal to six-tenths of one mill on each dollar of assessed valuation. On or before October 5, thereafter, the board shall file a certified copy of such resolution with the county auditor, who shall enter the amount upon the tax lists. Such tax, when collected, shall be credited to the county poor fund. ('07 c. 222 § 4) [3108]

31 3199 — 355

33 3199 — 334

For system of poor relief in counties having 80 townships and an assessed valuation exceeding $20,000,000 and less than $50,000,000 see '17 c. 187.

COUNTIES WITH 400,000 POPULATION OR OVER.

3199-1. Poor houses—Bond issue for—The board of county commissioners of any county in the state now or hereafter having a population of 400,000 inhabitants or over, is hereby authorized by resolutions duly passed by a majority vote to issue and sell the negotiable bonds of such county in such amounts as it shall from time to time deem necessary, not to exceed, however, in the aggregate, $250,000 par value, for the purpose of constructing an adequate county poor house. ('25, c. 249, § 1)

3199-2. Same—Issue and sale of bonds—Such county board may issue and sell the bonds of the county for the purposes hereinbefore specified in an amount not exceeding $250,000 par value, the principal of which bonds shall mature and be payable in not more than fifteen annual installments as nearly equal as practical, the first installment of which shall mature not more than five years from the date of issuance of such bonds. The bonds shall be sold in the manner provided for in Section 1856, General Statutes of 1913, but the rate of interest shall in no case exceed four and one-half per cent per annum, payable annually or semi-annually, and said bonds shall not be sold at less than par. The full faith and credit of the county shall be pledged to the payment of the principal and interest of such bonds. ('25, c. 249, § 2)

Explanatory note—For G. S. 1913, § 1856 see § 1943, herein.

3199-3. Same—Tax levy—The board of county commissioners of any such county issuing bonds under the provisions of this act shall annually after the issuance of such bonds levy or cause to be levied a tax upon all the taxable property of such county in addition to all other taxes levied in an amount corresponding to the principal and interest on such bonds falling due from year to year. ('25, c. 249, § 3)

1940 Supplement

To

Mason's Minnesota Statutes

1927

(1927 to 1940)

(Superseding Mason's 1931, 1934, 1936 and 1938 Supplements)

Containing the text of the acts of the *1929, 1931, 1933, 1935, 1937* and *1939* General Sessions, and the 1933-34, 1935-36, 1936 and 1937 Special Sessions of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state and federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota together with digest of all common law decisions.

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1940

CHAPTER 15

Relief of the Poor

GENERAL PROVISIONS

3157. Support of poor.

174M227, 218NW882.

175M39, 220NW156.

Evangelischer D. Verein v. T., 191M132, 253NW97; note under §3184.

In an action by one sister against another to enforce contribution for the support of their mother evidence held to show that the relief given was not voluntary but that the mother was a "poor person," and that plaintiff was entitled to recover. 172M362, 215NW512.

The words "needy, destitute and disabled persons" as used in §§4401-10 to 4401-20 mean substantially the same as "poor persons" as defined by this section. Moses v. O., 192M173, 255NW617.

Mother of an illegitimate minor is responsible for its support. County of Stearns v. F., 203M11, 279NW707. See Dun. Dig. 825.

A feeble-minded, dependent child which had been committed to state board of control for specialized care under §§8689-1 to 8689-5, and thereafter adjudged to be feeble-minded and ordered committed to custody of state board of control but not admitted to a state institution is not a charge of the state. Id. See Dun. Dig. 4249.

On separation of village from town under §§1126 to 1128, village becomes liable for support of pauper within its boundaries. Op. Atty. Gen., Nov. 23, 1929.

A grandfather of an indigent child is liable for its support in the school for feeble minded where there are no nearer relatives able to give such support. Op. Atty. Gen., July 16, 1930.

Fact that maternal grandmother has money and would be able to support children does not negative a finding of dependency on the part of children and the right of mother to a pension. Op. Atty. Gen., Oct. 30, 1930.

Woman cannot be compelled to support a pauper husband whom she has ordered from her house. Op. Atty. Gen., Dec. 4, 1930.

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

A city which supplied poor relief could receive a conveyance of land owned by the poor person and convey good title, notwithstanding that the property was taken subject to encumbrances and subject to trust impressed thereon for the payment of the otherwise unsecured debts of the poor person. Op. Atty. Gen., 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. Op. Atty. Gen., Nov. 17, 1931.

A pauper who has no blood relatives, or only relatives unable or who refuse to provide support, becomes entitled to public relief. Op. Atty. Gen., Nov. 17, 1931.

Primary duty of supporting pauper rests upon blood relatives in the order stated. Op. Atty. Gen., Nov. 17, 1931.

The duty of providing relief for all poor people entitled thereto under the law is positive, and the exhaustion of the moneys in the pooor fund does not excuse a municipality from its obligation to provide necessary relief. Op. Atty. Gen., Nov. 17, 1931.

Neither §3157 nor §3171 impose limitations on liability of county to town for poor relief expended by town under §3195. Op. Atty. Gen., May 2, 1932.

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

Commitment of indigent children to custody of state under general guardianship did not release father and mother from obligation to suport them. Op. Atty. Gen., June 14, 1932.

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

"Dependents" defined. Op. Atty. Gen., Dec. 16, 1933.

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

Relatives, if of sufficient ability, are liable for funeral bills. Op. Atty. Gen., Mar. 1, 1934.

Aid must be furnished first before proceedings may be instituted against relative liable for support of poor person. Op. Atty. Gen. (339n), July 13, 1934.

Father-in-law is not liable for support of daughter-in-law. Op. Atty. Gen. (339n), Oct. 12, 1934.

Indigent persons may be admitted to Minnesota General Hospital even though they have relatives financially able to care for them. Op. Atty. Gen. (1001c), Mar. 25, 1935.

County compelled to pay for emergency operation upon pauper married woman, could recover reimbursement from father though he had no notice of necessity for operation. Op. Atty. Gen. (339g-3), June 14, 1935.

Municipal officials cannot order WPA employees removed to place of settlement until after application for poor relief has been made. Op. Atty. Gen. (339o-3), Jan. 9, 1936.

Fact that veteran is receiving money from federal government under adjusted service certificate is only a fact to be considered in determining whether veteran is entitled to relief. Op. Atty. Gen. (339q), June 27, 1936.

Fact that widowed mother is receiving old age assistance is a sufficient showing that she is not able to contribute to support of child, and after relatives are called upon, proper order for support and a direction by governing body is made to support the poor relative, all brothers and sisters of pauper may be joined in one complaint, and in court proceedings it may be then determined which is able to support poor persons, and in this respect brothers and sisters are equally liable. Op. Atty. Gen. (339n), Oct. 18, 1937.

Father of an illegitimate adult child is not responsible for its support. Op. Atty. Gen. (840c-16), Nov. 26, 1937.

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. Op. Atty. Gen. (556a-2), July 6, 1939.

Emancipation of a child is no defense on part of father for liability created by this section resulting from emergency operation on child. Op. Atty. Gen. (339g-3), August 21, 1939.

Liability of adult child to third person for necessaries furnished an indigent parent. 23MinnLawRev243.

3158. Failure to support—Recovery for.

175M39, 220NW156.

A county with county system for care of the poor paying burial expenses of a pauper not resident in the county may not recover funeral expenses from relatives. Op. Atty. Gen., Dec. 18, 1931.

Where father of poor person is out of state, proceedings may be instituted against grandparents in state without first attempting to proceed against the nonresident. Op. Atty. Gen. (339n), July 13, 1934.

A non-resident relative is not liable. Op. Atty. Gen. (339n), Apr. 21, 1938.

Estate of deceased relative is not liable for reimbursement to village for support furnished pauper. Id.

3159. Liability of county, town, etc.

Act July 14, 1937, Sp. Ses., c. 43, repeals Sp. Laws 1887, c. 252, relating to support of poor in Pope county.

Evangelischer D. Verein v. T., 191M132, 253NW97; note under §3184.

In suit the town of a pauper's settlement for emergency hospitalization rendered the pauper, it was error to receive in evidence a letter written by the pauper months after the aid was furnished, stating he was then employed at good wages. Warren Hospital Ass'n v. M., 183M230, 236NW211. See Dun. Dig., 3229, 7434.

In suit against town of a pauper settlement for emergency hospitalization, it was error to instruct that jury must find that the person furnished aid continued to be a pauper up to the time of suit. Warren Hospital Ass'n v. M., 183M230, 236NW211. See Dun. Dig., 7429.

Ownership of property will not exclude a person from poor relief if income from its use or sale will not adequately support owner. Venteicher, 202M331, 278NW581. See Dun. Dig. 7427.

County board may pay for groceries furnished by grocer without prior authority. Op. Atty. Gen., Dec. 20, 1930.

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. Op. Atty. Gen., Sept. 10, 1931.

The responsibility of a city to care for its poor does not cease when the moneys in the poor fund available for such purpose have been exhausted. Op. Atty. Gen., Feb. 8, 1932.

Neither a village nor a township may make persons who rent or furnish an abode to paupers liable for poor relief subsequently furnished by village or township. Op. Atty. Gen., Feb. 11, 1932.

It is duty of municipality, charged with support of its poor, to properly provide for them. Op Atty. Gen., Apr. 29, 1932.

County board may not make payments to building and loan association on mortgage created by party applying for poor relief. Op. Atty. Gen., July 6, 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. Op. Atty. Gen., Feb. 7, 1933.

A showing that applicant for relief has none of the relatives named in sec. 3157, or that they are not of sufficient ability or refuse or fail to support her is a pre-

requisite to obtaining municipal relief. Op. Atty. Gen., Apr. 8, 1933.

Duty of administering poor relief falls upon villages as well as other municipalities and village council has no discretion. Op. Atty. Gen. July 15, 1933.

County may pay employees on relief rolls by giving orders on merchants instead of cash. Op. Atty. Gen. (90b), July 24, 1934.

Obligation to administer poor relief is absolute and outweighs statutory limitations as to expenditure of funds and creation of public debt. Op. Atty. Gen. (339o-5), Aug. 7, 1934.

County board may pay incidental expenses in cooperation with state and federal government in carrying on direct relief, work relief and drought relief. Op. Atty. Gen. (107b-1), Jan. 24, 1935.

County operating under county system of poor relief may purchase wood lots for purpose of furnishing employment to needy persons in clearing the land and in growing sugar beets thereon if county deems it necessary and for best interest of the county to do so in carrying on its poor relief. Op. Atty. Gen. (107b-15), Feb. 5, 1935.

County of settlement is liable for emergency hospitalization in another municipality. Op. Atty. Gen. (339g-2), Mar. 18, 1935.

Expenses of tubercular patient at sanatorium are to be paid by county only when patient or next of kin are unable to pay same. Op. Atty. Gen. (556a-2), Mar. 21, 1935.

Municipality in which transient lives is responsible for his care. Op. Atty. Gen. (339o-2), Mar. 26, 1935.

County cannot compel paupers to sign agreement to work as condition to granting medical aid. Op. Atty. Gen. (339g-1), Apr. 29, 1935.

Where county does not have sufficient room in courthouse, county board may buy land and a building next door without a vote of the people or a call for bids, it having sufficient money on hand to make the purchase. Op. Atty. Gen. (125a-41), May 9, 1935.

County compelled to pay for emergency operation upon pauper married woman, could recover reimbursement from father though he had no notice of necessity for operation. Op. Atty. Gen. (339g-3), June 14, 1935.

Duty of public to care for the poor is absolute and any fund may be transferred to poor fund, except where they are held for a specific purpose imposed by law, and money in road and bridge fund raised pursuant to §2565(5) may be transferred, but a different rule applies with reference to gas tax money received pursuant to Laws 1929, c. 283. Op. Atty. Gen. (107a-12), July 3, 1935.

County operating under town system may levy taxes for poor relief and may issue bonds in cases of emergency to raise funds for poor relief purposes. Op. Atty. Gen. (519j), July 5, 1935.

County board may extend aid to farmers by providing twine and repairs to harvesting machinery. Op. Atty. Gen. (125a-37), July 12, 1935.

Where farmers are dependent for a living on their crops and will be unable to harvest them unless assistance is provided, county board has authority to borrow money and issue bonds without vote of electors to provide twine and repairs to harvesting machinery, where such bonds are sold to the state. Id.

Expenses incurred in connection with lighting of a home of a person with electricity should be classified as a necessity. Op. Atty. Gen. (339m), Aug. 1, 1935.

Section 3171 does not limit amount which county may expend on any particular poor person. Op. Atty. Gen. (339i-1), Aug. 16, 1935.

Statutory duty of caring for poor is mandatory and outweighs statutory limitations as to expenditure of funds or creation of public debt. Op. Atty. Gen. (125a-37), Oct. 15, 1935.

Municipality may support feeble-minded pauper outside of his or her home. Op. Atty. Gen. (339d-1), Dec. 3, 1935.

A county may levy tax or issue bonds for poor purposes though operating under the town system of poor relief, but cannot issue registered warrant unless there are moneys in treasury sufficient to pay the same or a tax is in actual process of collection pursuant to a tax levy for that purpose. Op. Atty. Gen. (107a-10), Dec. 9, 1935.

Municipal authorities charged with care of poor must determine whether a particular administrative expense is necessary or proper item of poor relief as affecting right to reimbursement from county. Op. Atty. Gen. (339m), Mar. 31, 1936.

City of Cloquet may consider an automobile a necessary expenditure for superintendent of poor, for which reimbursement may be had from county. Id.

Medical and dental care furnished to recipient of old age assistance is a charge against poor fund of township or village in county operating under township system of poor relief and not a charge against county old age assistance funds. Op. Atty. Gen. (521b), June 16, 1936.

County is responsible for lying in expenses and doctor bills of mother of illegitimate child. Op. Atty. Gen. (339d-3), July 6, 1936.

Board of public welfare may adopt reasonable rules and regulations relating to granting of relief and may require an affidavit from an applicant as to his financial status, providing affidavit is not unreasonable in its terms and does not tend to prevent needy persons from obtaining relief. Op. Atty. Gen. (59a-34), Sept. 8, 1936.

County may hire rock crushing outfit for purpose of furnishing work to needy persons and may sell lime derived from such operation at cost. Op. Atty. Gen. (107b-15), Dec. 4, 1936.

County board may furnish relief on a county work project in lieu of direct relief to persons physically able to work. Op. Atty. Gen. (125a-37), Dec. 21, 1936.

Where one without settlement in state was convicted of fine in St. Paul and sent to reformatory and later transferred to state prison and was still later committed by probate court of Washington county to hospital for criminal insane, cost of commitment must be paid by Ramsey county, and not by the state or the state prison. Op. Atty. Gen. (248b-3), Jan. 21, 1937.

A village in a county operating under the county system has no right or procedure for requiring county to pay claim for aid furnished to transient, and application of the "law of humanity" is a matter for determination of local authorities in exercise of their official judgment and discretion. Op. Atty. Gen. (339o-6), Apr. 12, 1937.

County giving relief to a person having settlement in another state has no right of recovery in other state or any of its political subdivisions. Op. Atty. Gen. (339j), Oct. 7, 1937.

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 such 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. Id.

Where applicant for poor relief has moved into city from other state and has resided there less than one year, primary obligation to look after pauper is upon municipality where he lives, and he cannot be removed therefrom without his voluntary consent. Op. Atty. Gen. (399o-3), Nov. 2, 1937.

City has authority to build shelter for destitute families where there is no available housing. Op. Atty. Gen. (59a-34), Apr. 25, 1938.

Ownership of an automobile does not necessarily render one ineligible for direct relief. Op. Atty. Gen. (549), 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 fund from persons wilfully refusing to take either public or private employment, and may discriminate in favor of those actually destitute, having regard to considerations of fairness, and common sense. Op. Atty. Gen. (549), July 18, 1939.

3159-1. Liability of estate of poor person.

175M39, 220NW156.

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

Where farmers are dependent for a living on their crops and will be unable to harvest them unless assistance is provided, county board has authority to borrow money and issue bonds without vote of electors to provide twine and repairs to harvesting machinery, where such bonds are sold to the state. Op. Atty. Gen. (125a-37), July 12, 1935.

Expenses of treatment at University hospital may not be recovered from patient or relatives. Op. Atty. Gen. (618d-3), Jan. 7, 1936.

County furnishing relief in discharge of liability imposed by statutes may not recover against poor person of his estate where he acquires his property subsequent to furnishing of relief. Op. Atty. Gen. (339h), Nov. 15, 1937.

Estate of deceased relative is not liable for reimbursement to village for support furnished pauper. Op. Atty. Gen. (339n), Apr. 21, 1938.

Town may accept conveyance of home from poor person, but poor person may not be compelled to make such conveyance. Op. Atty. Gen. (339h), 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 in University Hospital. Op. Atty. Gen. (339G), April 28, 1939.

3159-3. Powers of governing body of town, city or village.—In addition to all other powers now or hereafter by law conferred upon the governing body of any town, city or village, authority is hereby given to receive and accept for their town, city or village real or personal property, encumbered or unencumbered by gift, devise, conveyance or otherwise, from any person whose care, support, treatment or maintenance in whole or in part, under the laws relating to poor relief, is or may be chargeable to, furnished or provided by such town, city or village, and to hold or dispose of the same the benefit of such town, city or village, as provided by law in the case of other property belonging to such town, city or village, and the payment and discharge of any lien or encum-

brances upon any such property is authorized when such governing body determines that such payment is advisable and for the best interests of such town, city or village. (Act Apr. 16, 1929, c. 199, §1.)

A city has no authority to enter into an agreement with a pauper or an 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. Op. Atty. Gen., 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. Op. Atty. Gen., Feb. 8, 1932.

3160. County and town systems.

Mason's Minn. St. 1927, §3195, providing for reimbursement to cities, towns, or villages of third and fourth class for part of expense of administering their local relief under town system, held unconstitutional in violation of uniformity clause. Village of Robbinsdale v. C., 199M 203, 271NW491. See Dun. Dig. 7427.

Repeal of Sp. Laws 1887, c. 252, providing for town system of relief in Pope County, had effect of re-establishing county system of poor relief in that county. Op. Atty. Gen. (339o-5), Aug. 24, 1937.

County under township system may levy tax for poor relief purposes, which must be expended by county welfare board. Op. Atty. Gen. (125a-64), Oct. 4, 1938.

3161. Legal settlement of paupers.—Every person, except those hereinafter mentioned, who has resided two years continuously in any county, shall be deemed to have a settlement therein, if it has the county system; if it has the town system, he shall have a settlement in the town, city or village therein in which he has longest resided within two years. Every person who has resided two years continuously in the state, but not in any one county, shall have a settlement in the county in which he has longest resided within such two years, if it has the county system; if it has the town system, his settlement shall be in the town, city or village therein in which he has longest resided within two years. The time during which a person has received old age assistance or aid to dependent children, or has been the inmate of a hospital, old age home, or nursing home for the care of the invalid or aged, whether public or private, and the time during the pendency of any suit to determine his legal poor settlement, and the time during which a person has been an inmate of a poor house, jail, prison, or other public institution, or under commitment to the guardianship of the State Board of Control or one of its state institutions as a feebleminded, delinquent or dependent person, and each month during which he has received relief from the poor fund or any county or municipality or from funds supplied by the State of Minnesota or the United States or any department or departments thereof, except a recipient of assistance under the aid to the blind act, supplied as direct relief or in providing work on a relief basis and in lieu of direct relief, shall be excluded in determining the time of residence hereunder, except that a ward of the state public school shall have the legal settlement of the family with whom he has resided for two or more years under a written contract with the state public school providing for his care, education and treatment as a member of such family. Every minor not emancipated and settled in his own right and not under guardianship of the State Board of Control or one of its institutions as a feebleminded, delinquent or dependent person shall have the same settlement as the parent with whom he has resided. Every child born in a state institution shall have a settlement in the county in which the mother had a legal settlement at the time she was committed to such institution. Provided, that every minor not emancipated and settled in his own right and living apart from his parents and not supported by his parents shall, after receiving aid and support from others uninterruptedly for a period of two years, acquire the settlement of the person with whom he has resided for a period of not less than two years, provided, further, that a married woman, abandoned or deserted by her husband for a period of one year continuously, shall thereafter have the same right to acquire a new settlement as a single person.

A settlement in this state shall be terminated and lost by:

(1) Acquiring a new one in another state.

(2) By voluntary and uninterrupted absence from this state for a period of one year with intent to abandon his residence in the State of Minnesota. (R. L. '05, §1488; G. S. '13, §3071; '19, c. 128; Apr. 21, 1933, c. 385; Jan. 24, 1936, Ex. Ses., c. 68; Mar. 23, 1937, c. 102; Apr. 5, 1937, c. 138; Apr. 22, 1939, c. 398, §1.)

Editorial note.—The act of Mar. 23, 1937, c. 102, amended this section (designating it in the title and enacting part as §3136 of Mason's 1936 Supplement), by inserting after the second sentence the words "The time during which a person has been the inmate of a hospital, old age home, or nursing home for the care of the invalid or aged, whether public or private." These words were not carried into the later amendment of Apr. 5, 1937, c. 138.

The amendment of Mar. 25, 1937, c. 102, was ineffective for the reason that the title and enacting words purported to amend "Mason's Minnesota Statutes, 1936 Supplement, section 3136," instead of section 3161, which alone deals with the subject matter of the statute involved. The amendment of Apr. 5, 1937, c. 138, renders the defect in the former amendment immaterial.

179M251, 228NW929.

In determining the "settlement" of a pauper, no distinction is to be made between citizens and aliens. 182 M150, 233NW804. See Dun. Dig. 7430(76).

The word "resided," means where the person has lived or existed the longest within the one year immediately preceding the commencement of the proceedings, and does not have reference to his technical legal residence. Smiley v. H., 183M562, 237NW416. See Dun. Dig., 7430.

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. T., 184M509, 239NW217. See Dun. Dig., 7430.

Evidence held to sustain finding that defendant town was place of settlement of poor person. City of Moorhead v. T., 184M509, 239NW217. See Dun. Dig. 7430.

When a county adopts the township system of caring for the poor in lieu of the county system prevailing, pursuant to §3164, the support of poor persons falls upon the towns, and the place of settlement is determined by §3161. City of Moorhead v. T., 184M509, 239NW217. See Dun. Dig. 7430.

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 mother's pension. In Re Skog., 186M349, 243NW384. See Dun. Dig. 7430.

Poor person moving into another state but returning before acquiring a settlement there does not lose his settlement in this state. Petersburg Tp. v. C., 186M509, 243NW695. See Dun. Dig. 7430.

In determining settlement of poor person in county having town system, question is where he resided longest prior to applying for or receiving public aid. Petersburg Tp. v. C., 186M509, 243NW695.

"Residence" in mother's pension statute is not synonymous with "settlement" under poor laws, and residence for one year, as distinguished from settlement, is condition precedent. State v. Juvenile Court of Wadena County, 188M125, 246NW544. See Dun. Dig. 4460b.

Mother's pension law, being newer, prevails over poor laws to extent of conflict. State v. Juvenile Court of Wadena County. Id.

Where one received aid from county in which he had not resided for year, county in which he had legal settlement owed duty to reimburse county giving aid. County of Kanabec v. C., 189M161, 248NW710. See Dun. Dig. 7430.

A town leasing a farm in another town for a poor person was not estopped to deny settlement, where at expiration of lease, poor persons bought farm on contract and supported themselves for two years. Town of Hagen v. T., 197M567, 267NW484. See Dun. Dig. 7430.

Fact that one received a mother's pension from county did not affect question as to her settlement as between two towns, nor did fact that two sons in family worked for wages under Federal Emergency Relief set-up. Id.

Extra Session, Laws 1935-1936, c. 68, was not intended to change existing law respecting settlement of poor persons, but rather to clarify it so as to remove all doubt and uncertainty. Equality Tp. v. S., 200M316, 274NW219. See Dun. Dig. 7430.

State Emergency Relief Administration by temporarily taking over burdens of poor relief did not thereby change place of settlement of poor theretofore having a recognized place of settlement in a municipality. Id.

Legal settlement of a poor person having been established in a certain municipality, it there remains until a new one is acquired. Id.

As between two political subdivisions, settlement of a pauper who has resided one year continuously in state,

but not one year in any one county, is to be fixed at place where he has resided longest during year preceding his request for aid. City of Detroit Lakes v. V., 200M349, 274 NW236. See Dun. Dig. 7430.

Two periods each less than one year, separated by a residence of several months in another state, does not suffice to establish a settlement in this state. Id.

To determine a pauper settlement, his intention to return to his place of sojourn in this state after temporary work in another state is not of great importance. Id.

Amendment by Laws 1935-36, Ex. Sess., c. 68, was not retroactive. Venteicher, 202M331, 278NW581. See Dun. Dig. 8946.

Section excludes each month in which work relief or direct relief is received from state or federal governments. Id. See Dun. Dig. 7430.

Where a person removes from a county which administers poor relief under township system and in which he has a settlement, his settlement continues in township in which it was at time of his departure until he has acquired a new settlement. Id. See Dun. Dig. 7430.

Period determinative of settlement is year next preceding application for relief, but if aid is given in same month in which application for relief is made, year contemplated by statute is year ending the last day of month immediately preceding. Id. See Dun. Dig. 7430.

Proof of the residence of the mother of an illegitimate child at the time of its birth more than one year prior to commencement of the proceedings with no proof of any change of residence on her part is sufficient proof of her settlement and that of her illegitimate child. County of Stearns v. F., 203M11, 279NW707. See Dun. Dig. 7430.

Evidence held to sustain determination as to settlement of poor person. Bendickson, 203M425, 281NW758. See Dun. Dig. 7430.

An alleged pauper receives relief from the county poor fund when money in the 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 to him by the county. County of Renville v. C., 203M530, 282NW272. See Dun. Dig. 7430.

Chapter 68, Special Laws 1935-1936, is not retroactive. Wrobleski v. T., 204M264, 283NW399. See Dun. Dig. 7430.

Expense of administering poor relief is not relief furnished to a pauper. Id. See Dun. Dig. 7430.

Relief furnished to a pauper from state and federal funds is not relief from the poor fund of a county. Id. See Dun. Dig. 7430.

Mere evidence that poor person was employed on PWA or WPA work would not warrant a finding that he was receiving relief. Blackwell, 285NW613. See Dun. Dig. 7430.

Where a father disappeared, and his child lived with the mother until the latter's death when he went to people living in another township and lived with them about eleven months, when she was taken to the State Sanatorium at Walker where she died, the settlement of the child was in the township where the mother resided at the time of her death. Op. Atty. Gen., May 22, 1930.

Where husband failed to support his wife and children, and the wife without obtaining a divorce, goes with the children to another county, where she resides more than a year, the children acquire a settlement in the latter county, and that county is liable for 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. Op. Atty. Gen., June 16, 1930.

"Within such year" refers to residence within the year preceding application, but it does not follow that because application has been made and no relief granted thereunder, the pauper cannot continue to establish a residence within the town. Op. Atty. Gen., June 10, 1931.

Where one moves from town into village in such town, a year's residence in the village is necessary to shift liability from the town to the village. Op. Atty. Gen., Jan. 8, 1932.

Where a family lived continuously for two years in a township and then moved to a city within the township where they resided for more than six months before applying for aid, the city is liable for their support. Op. Atty. Gen., Jan. 14, 1932.

Where husband and wife were living in different counties intending to locate on a farm wherever they could locate one, and husband disappeared, the wife's place of settlement for the purpose of securing poor relief was the place of her residence and not that of the husband who had disappeared. Op. Atty. Gen., Feb. 18, 1932.

Where pauper has legal settlement in H county and moved in to F county in July, 1930, and received temporary relief from H county in August, 1930, and received relief continuously from F county after he moved to that county, he has never acquired settlement in F county. Op. Atty. Gen., Apr. 4, 1932.

Furnishing medical attention to minor child by reason of poverty of parents amounts to rendition of poor relief to parents. Op. Atty. Gen., Apr. 20, 1932.

Furnishing of poor relief does not toll the running of the year in case of removal from one county to another, or the major part of year in case of removal from one municipality to another in same county. Op. Atty. Gen., Apr. 20, 1932.

State has no remedy against other states for handling paupers who have resided in Minnesota for less than year. Op. Atty. Gen., May 17, 1932.

Legal settlement is in municipality where person has lived or existed longest within one year immediately preceding commencement of proceedings. Op. Atty. Gen., May 24, 1932.

It is not necessary that pauper reside continuously in village for period of one year before poor relief may be granted, and if poor person has resided in three different municipalities during year of application for poor relief, place where he resided longest would be charged with relief. Op. Atty. Gen., June 22, 1932.

Legal settlement was not affected by performance of "made" work where relief was actually paid out of poor fund of town. Op. Atty. Gen., Jan. 27, 1933.

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. Op. Atty. Gen., Jan. 31, 1933.

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

Neither townships nor county may transport transient paupers to another state, but town or county in which he happened to be when he became a public charge is bound to support him. Op. Atty. Gen., Feb. 7, 1933.

Where part of required year's residence has been without the state of Minnesota pauper is not entitled to poor relief. Op. Atty. Gen., Mar. 16, 1933.

The settlement of a 15 year old girl in the Home School for Girls at Sauk Centre, to which she was committed while living with her mother, is in the county in which her mother enjoys settlement. Op. Atty. Gen., Mar. 29, 1933.

Care of one with original residence in another state by insurance company in this state did not change residence to this state and foreign state should be obligated to care for him on his becoming subject of tuberculosis. Op. Atty. Gen., May 15, 1933.

Whether inmate of G. A. R. Home obtained settlement at place where home was located, held question of fact. Op. Atty. Gen., June 7, 1933.

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. Op. Atty. Gen., June 17, 1933.

Time during which applicant received mother's pension ought not to be deducted for purpose of residence. Op. Atty. Gen., June 26, 1933.

Pauper cannot gain settlement while receiving aid from another municipality where he had former residence. Op. Atty. Gen., July 6, 1933.

Words "such year" mean year immediately preceding application for poor relief. Op. Atty. Gen., July 18, 1933.

Legal settlement of family was residence of wife and children where husband and father was committed as feeble-minded to board of control and ran away and later was sent to prison. Op. Atty. Gen., Aug. 22, 1933.

A ward of the state may acquire residence for poor purposes. Id.

A person who has resided continuously in state for one year has settlement for poor relief in county or town or municipality in which he has resided longest. Op. Atty. Gen., Aug. 28, 1933.

Month in which town refuses relief cannot be deducted from residence relied on to fix settlement. Op. Atty. Gen., Sept. 1, 1933.

Willful absence from state for 30 days terminates settlement for poor relief purposes. Op. Atty. Gen., Oct. 4, 1933.

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

One residing at hospital paying his own way gained a residence. Id.

Receipt of aid from poor fund of municipality does not stop running of year, months, during which aid was received merely being excluded from computation. Op. Atty. Gen., Oct. 25, 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 county for one year. Op. Atty. Gen., Nov. 2, 1933.

Fact that woman was feeble-minded did not prevent her from obtaining legal residence in county. Id.

County operating under town system is not liable for expense of caring for poor person treated in another district for tuberculosis, town or municipality being liable therefor. Op. Atty. Gen., Dec. 2, 1933.

Cost of emergency operation performed on deaf child in state school for deaf is chargeable to municipality in which child has his settlement for poor relief purposes. Op. Atty. Gen., Dec. 12, 1933.

Settlement is determined between municipalities to be in that municipality in which applicant has resided greater portion of year immediately preceding application for poor relief. Op. Atty. Gen., Dec. 12, 1933.

Where one, in county having town system of relief, moved from village to city in such county Oct. 7, 1932, and received relief during month from village, and on

July 29, such person's wife was confined as an emergency service in city, settlement had been gained in city which was liable for confinement expense. Op. Atty. Gen., Dec. 18, 1933.

Payment of poor relief by an adjoining county does not prevent mother from establishing a residence for purpose of mother's pension. Op. Atty. Gen., Dec. 19, 1933.

Mother's pension is different from poor relief and right to receive from county granting it may be lost by changing residence to another county. Op. Atty. Gen., Dec. 20, 1933.

A poor person who has a legal settlement in a particular county must reside continuously for one year in another county to acquire a new settlement. Op. Atty. Gen., Dec. 22, 1933.

Residence entitling a person to be admitted to a 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 person has just established his residence. Op. Atty. Gen., Jan. 9, 1934.

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

Settlement for poor relief purposes is not required in order to obtain work on CWA projects. Op. Atty. Gen., Jan. 31, 1934.

Poor person who has legal settlement in a particular county must reside continuously for one year in another county in order to acquire a settlement there. Op. Atty. Gen., Feb. 10, 1934.

Wards of state cannot acquire settlement for poor purposes. Op. Atty. Gen., Feb. 23, 1934.

Year referred to in section means year immediately preceding application for poor relief. Op. Atty. Gen., Mar. 7, 1934.

A poor person who has a legal settlement in a municipality in a certain county to acquire a settlement elsewhere in another county must reside continuously for one year in such other county. Op. Atty. Gen., Mar. 20, 1934.

Lawful absence from state for 30 days terminates settlement for poor relief purposes. Op. Atty. Gen., Mar. 26, 1934.

Laws 1933, c. 385, amending this section is constitutional. Id.

If a child has in fact been emancipated and has voluntarily and uninterruptedly absented herself from the county for one year or more for purpose of abandoning her residence, county is not chargeable with her support. Op. Atty. Gen. (135a-37), Apr. 5, 1934.

Work relief under Civil Works Administration provisions is not to be excluded in determining settlement. Op. Atty. Gen. (476b-11), Apr. 6, 1934.

Person receiving hospitalization at United States Veteran Hospital located at Fort Snelling on federal territory cannot acquire settlement for poor relief purposes in this state while residing in such hospital. Op. Atty. Gen. (339a), Apr. 11, 1934.

Poor person who has resided one year continuously in state but not in any one county has his place of settlement in municipality in which he has resided immediately before application for relief. Op. Atty. Gen. (239o), Apr. 12, 1934.

Expense of burial of a pauper is imposed on county in which death occurs. Op. Atty. Gen. (339c-1), Apr. 26, 1934.

Whether moving of a few household goods and the father of family into the county started time running with respect to establishment of settlement was a question of intention. Op. Atty. Gen. (339o), Apr. 27, 1934.

Settlement may be acquired by poor relief purposes during period that mother's pension is received. Op. Atty. Gen. (335b), May 3, 1934.

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 in at the time must bear the burden. Op. Atty. Gen. (339o-2), May 3, 1934.

Settlement of persons who moved to Canada and do not acquire a citizenship in that country but who are returned for institutional care, is question of fact. Op. Atty. Gen. (339o), May 4, 1934.

There are facts which would justify and enable a wife to establish a residence of her own separate from that of her husband, who has been committed to prison or to an institution for the feeble-minded. Op. Atty. Gen. (679k), May 4, 1934.

Woman by marrying a man who was committed as feeble-minded in another county lost her settlement and took his. Op. Atty. Gen. (679k), May 4, 1934.

One voluntarily departing from state for the purpose of seeking a living somewhere else and wandering from state to state for four years has lost his Minnesota residence. Op. Atty. Gen. (339o), May 4, 1934.

Receipt of aid from poor fund of municipality does not stop running of year, time during which such aid was received merely being excluded from computation. Op. Atty. Gen. (339o), May 7, 1934.

County work relief in co-operation with federal and state government is not poor relief within meaning of this section. Op. Atty. Gen. (125a-37), May 7, 1934.

Where minor was admitted to school for deaf from one county and thereafter parents separated and father took up residence in another county, where child visited him in summer time, latter county was liable for support of child, father being indigent. Op. Atty. Gen. (339o), June 11, 1934.

Receipt of a mother's pension from one county would not prevent establishment of a settlement in another county for poor relief purposes. Op. Atty. Gen. (335b), June 28, 1934.

Burial expense of pauper is to be paid by county in which pauper had a settlement. Op. Atty. Gen. (339c-1), July 5, 1934.

Federal relief is not poor relief within meaning of section in determining place of settlement. Op. Atty. Gen. (339o), Aug. 1, 1934.

Month during which aid is received from poor fund of municipality should be excluded in computation of time in determining place of settlement. Id.

Whether one was willfully absent from state is a question of fact. Op. Atty. Gen. (339a), Aug. 15, 1934.

Period during which person is an inmate of a prison is to be excluded in determining settlement. Id.

Where woman with illegitimate children lived in county for more than one year she gained settlement there, but was committed to guardianship of state board of control while residing in another county less than one year, her commitment prevented her from gaining a new settlement, and her settlement and the settlement of her children was the county in which she last lived for more than one year. Op. Atty. Gen. (339o), Sept. 11, 1934.

A nonresident committed to a sanatorium as a public health menace cannot gain a residence for poor purposes even though he is not receiving poor relief. Op. Atty. Gen. (339o-4), Nov. 1, 1934.

Where a person committed to some state institution, like a state asylum for insane or other state institution, dies in such institution, place of settlement of indigent person at time he was committed to institution is liable for expenses incident to his burial. Op. Atty. Gen. (339c-1), Nov. 23, 1934.

Residence for purpose of mother's pension may be acquired in this state while receiving widow's pension from another state. Op. Atty. Gen. (335b), Dec. 13, 1934.

An epileptic had his settlement for pauper purposes in county wherein he spent more than a year of his time, regardless of any intention on his part to make that county his home. Op. Atty. Gen. (339o), Dec. 13, 1934.

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 legal settlement in such county for poor relief purposes. Op. Atty. Gen. (556a-1), Dec. 13, 1934.

Unless infants have been emancipated and have established settlements in their own rights, their settlement is the same as that of their father. Op. Atty. Gen. (339d-4), Dec. 15, 1934.

A poor person who has a legal settlement in a particular county to acquire a settlement elsewhere should reside continuously for one year in other county. Op. Atty. Gen. (339o), Dec. 18, 1934.

Time for which person receives old age pension is not to be excluded in determining settlement for poor relief. Op. Atty. Gen. (339o-2), Jan. 10, 1935.

Poor person having a legal settlement in a particular county to acquire a settlement in another county must be self-supporting for one year in the new county of residence. Op. Atty. Gen. (339o-1), Jan. 14, 1935.

A person can acquire a settlement in a county wherein he has resided six months where he has resided in state only one year, having passed four months in one county and two months in another. Op. Atty. Gen. (339o-1), Jan. 16, 1935.

Time young men spent in C. C. C. camp is to be excluded in determining settlement. Op. Atty. Gen. (339o-4), Jan. 19, 1935.

Federal relief is not poor relief for purpose of determining place of settlement. Op. Atty. Gen. (339o-2), Jan. 23, 1935.

One who came to state and lived for 11 months in South St. Paul and than went to Wisconsin on a dam project as a PWA employee of South St. Paul and after such work completed returned to state, he then had no legal settlement in the state. Op. Atty. Gen. (339o-2), Jan. 26, 1935.

Settlement of child of divorced parents held in county of father's residence though mother residing in another county was entitled to custody during nine months of the year. Op. Atty. Gen. (339o), Jan. 29, 1935.

Settlement of child was at home of father in St. Paul, though father was in California as chauffeur of family with whom he had worked for five years. Id.

Where applicant for poor relief has lived in county for a year or more, he has his settlement for pauper purposes in town, village or city wherein he has resided for longest period of time during year immediately previous to time of making application for relief, where county is under town system. Op. Atty. Gen. (339o-5), Jan. 31, 1935.

Poor person who has resided one year continuously in state but not one year continuously in any one county has settlement in county in which he has longest resided during such year. Op. Atty. Gen. (339o-1), Feb. 5, 1935.

A poor person who for many years has lived in one township and has moved into a city in the same county and has resided there seven months before applying for poor relief has settlement in the city and not in the town-

ship, county being under town system. Op. Atty. Gen. (339o-2), Feb. 7, 1935.

Year referred to in statute is year immediately preceding application for relief. Op. Atty. Gen. (339o), Feb. 11, 1935.

State relief fee paid out of federal funds is not poor relief within meaning of this section. Op. Atty. Gen. (330o), Mar. 4, 1935.

Town board may not agree to furnish support of a pauper residing in another state for an indefinite period of time. Op. Atty. Gen. (339o-5), Mar. 5, 1935.

Person may not acquire settlement while residing in transient camp. Op. Atty. Gen. (339o-6), Mar. 9, 1935.

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 duties thereof. Op. Atty. Gen. (339o-2), Mar. 14, 1935.

Month or months during which person received relief is to be deducted in determining place of settlement. Op. Atty. Gen. (339o-2), Mar. 16, 1935.

Month during which person receives relief is to be excluded in determining settlement. Op. Atty. Gen. (339o-4), Mar. 18, 1935.

To acquire a new settlement in another county requires continuous residence for one year in the new county. Op. Atty. Gen. (339g-2), Mar. 18, 1935.

Willful absence from state for 30 days terminates settlement for poor relief purposes. Op. Atty. Gen. (339o-2), Mar. 26, 1935.

Month during which indigent person receives federal relief is not excluded. Op. Atty. Gen. (339o-2), Apr. 8, 1935.

Time during which a person receives relief of poor fund of another municipality is to be excluded in determining time of residence. Op. Atty. Gen. (339e-2), Apr. 16, 1935.

Feeble-minded ward of state cannot acquire new proper settlement. Op. Atty. Gen. (679h), May 1, 1935.

Settlement for poor relief purposes cannot be acquired by resident in a transient camp and when persons residing in such camp have a legal settlement for poor relief purposes in some other municipality of state, county in which transient camp is located is not liable either for medical aid furnished or burial expenses in case of death, but county in which one having no settlement in the state dies is liable for burial expenses. Op. Atty. Gen. (339o-6), June 8, 1935.

County operating under township system of poor relief is not liable for medical aid furnished persons in transient camp where they do not have a place of settlement in the state. Id.

Where person was committed to institution for feebleminded from county in which parents resided, and paid for support at institution for some years and then moved to another county, the county of commitment and not the county to which parents moved is liable to the state for the support of the inmate. Op. Atty. Gen. (679c), July 20, 1935.

Where child was committed to private institution and it was later determined to commit it to state public school at Owatonna, county where child was first committed as a dependent child determines county liable for its support, regardless of where parents moved and location of private institution. Op. Atty. Gen. (840a-6), July 23, 1935.

Where mother of illegitimate had a legal settlement in St. Louis County at time baby was born in Minneapolis, and child was brought into juvenile court of Hennepin county on charge of dependency and was under the care of the Catholic central bureau for a number of years, and meanwhile mother remarried and left the state, proper settlement of child on being adjudged feeble-minded and placed under guardianship of state board of control was St. Louis County, which county is responsible for him. Op. Atty. Gen. (339a-2), July 30, 1935.

Settlement of mother of illegitimate at date of its birth determines county responsible for care of feeble-minded child. Op. Atty. Gen. (840a-6), Aug. 14, 1935.

County in which parent of child committed to state school for deaf has settlement is liable for support of child, whether under county or township system of poor relief. Op. Atty. Gen. (339d), Aug. 29, 1935.

Minor child retains settlement of mother at time of commitment to state board of control. Op. Atty. Gen. (339d), Sept. 9, 1935.

Place of settlement remains unchanged until new settlement is acquired in another county by a residence there of one year. Op. Atty. Gen. (339o-2), Sept. 20, 1935.

Time during which a person is inmate of state sanatorium is excluded in determining settlement. Op. Atty. Gen. (339f-3), Oct. 1, 1935.

Legal settlement of wife and children is ordinarily that of husband and father, but wife and children may obtain a separate settlement where they are legally justified in living apart by reason of husband's and father's misconduct. Op. Atty. Gen. (339d-4), Oct. 8, 1935.

Statutory duty of caring for poor is mandatory and outweighs statutory limitations as to expenditure of funds or creation of public debt. Op. Atty. Gen. (125a-37), Oct. 15, 1935.

Where one having legal settlement in Township X in M. County moved to Township Y in M. County and resided there five months and then moved to another county where he resided 11 months before applying for relief, his legal settlement was X in M. County. Op. Atty. Gen. (339o-4), Oct. 26, 1935.

Poor person to acquire a new settlement must be self-supporting for one year in another county. Op. Atty. Gen. (339o-1), Nov. 8, 1935.

Person may acquire settlement while engaged on public works project when paid out of federal funds. Op. Atty. Gen. (339o), Nov. 20, 1935.

On marriage place of settlement of wife becomes that of her husband. Op. Atty. Gen. (339o-2), Nov. 21, 1935.

Work relief on federal or state projects sponsored through local municipality is not poor relief. Op. Atty. Gen. (339o-2), Nov. 21, 1935.

One who has wilfully absented himself from this state for more than 30 days has lost his settlement in this state, and no other state has authority to remove him to this state. Op. Atty. Gen. (339o-3), Dec. 18, 1935.

Settlement of delinquent child was that of its mother, and time spent by child in home school for girls or in a different county on parole did not affect settlement. Op. Atty. Gen. (339d-2), Dec. 29, 1935.

Married woman's settlement follows that of her husband. Op. Atty. Gen. (339-2), Jan. 21, 1936.

Poor person having legal settlement in particular county retains that settlement until he has resided in another county continuously for one year. Op. Atty. Gen. (339o-1), Mar. 3, 1936.

Settlement of illegitimate child is that of mother. Op. Atty. Gen. (339d-3), Mar. 11, 1936.

Time during which WPA workers are employed in transient camps excluded in determining places of settlement. Op. Atty. Gen. (339o-6), Mar. 14, 1936.

Amendment by Laws 1935-36, Sp. Sess. c. 68, is not retrospective and settlement is not lost by the amendment. Op. Atty. Gen. (339o-2), Mar. 18, 1936.

Loss of settlement by willful absence from state for a period of 30 days is not revived by enactment of Laws 1935-36, Ex. Sess., c. 68. Op. Atty. Gen. (339o-4), Mar. 19, 1936.

A person having a settlement in a particular township may lose the same and obtain a new settlement by living in another township in the same county for more than six months. Op. Atty. Gen. (339o-5), Mar. 31, 1936.

Months during which persons are employed on federal or state work projects are excluded in determining place of settlement. Op. Atty. Gen. (339o-4), Apr. 1, 1936.

Laws 1935-36, Sp. Sess., c. 68, was not retroactive insofar as new provisions were concerned. Op. Atty. Gen. (339o-2), Apr. 22, 1936.

County of commitment is charged with duty of supporting children returned from state school, and Laws 1935-36, Sp. Sess., c. 68, is not retroactive insofar as new provisions are concerned. Op. Atty. Gen. (339d), Apr. 29, 1936.

Time during which relief has been received is to be excluded in determining settlement. Op. Atty. Gen. (339o-4), May 11, 1936.

Application for old age assistance is not application for poor relief. Op. Atty. Gen. (521t-5), May 11, 1936.

Willful absence for 30 days terminated settlement for poor relief purposes. Op. Atty. Gen. (339o), May 15, 1936.

Where a person retains settlement until he has resided in another county continuously for one year, and state relief is to be excluded in determining length of residence in state. Op. Atty. Gen. (339o-1), May 19, 1936.

Month during which person has received aid from state or federal funds subsequent to enactment of Laws 1935-36, Sp. Sess., c. 68, to be excluded in determining settlement. Op. Atty. Gen. (339o-5), May 22, 1936.

Application for old age assistance is not equivalent to application for poor relief as regards settlement under poor law. Op. Atty. Gen. (521t-2), May 22, 1936.

Months during which person has received aid from state or federal funds subsequent to enactment of Laws 1935-36, Sp. Sess., c. 68, is to be excluded in determining settlement. Op. Atty. Gen. (339o-2), May 27, 1936.

Dependent children under guardianship of board of control cannot gain new settlement, and time in state public school is not counted toward settlement. Op. Atty. Gen. (848a-10), May 27, 1936.

Month during which person has received aid from state or federal fund prior to enactment of Laws 1935-36, Special Session, c. 68, are not to be excluded in determining settlement. Op. Atty. Gen. (339o-4), June 1, 1936.

Application for old age assistance is to be made in county wherein applicant has resided for one year, and it is immaterial whether or not he has acquired settlement there for poor purposes. Op. Atty. Gen. (521t-3), June 17, 1936.

Time during which person receives poor relief from municipality not to be excluded in determining settlement for old age assistance purposes. Id.

Person while receiving poor relief from a county or municipality may acquire legal settlement in another county for old age assistance purposes. Op. Atty. Gen. (521t-1), June 26, 1936.

Wife and child of husband and father confined in insane asylum may establish separate settlement. Op. Atty. Gen. (339o), July 6, 1936.

Expenses of person admitted to state sanitarium under §4545-1 are to be paid by state, and not a county, and a person admitted cannot gain residence during period of hospitalization in county from which he came or coun-

ty in which sanitarium is located. Op. Atty. Gen. (339f-3), July 11, 1936.

Cost of maintaining minor epileptic colony is to be borne by county of commitment, though parents have changed legal settlement. Op. Atty. Gen. (339f-2), July 24, 1936.

Fact that husband received old age assistance from one county does not prevent him and his family from establishing a legal settlement for poor relief purposes in another county. Op. Atty. Gen. (521t-2), Aug. 4, 1936.

Two married persons living in adultery after crossing state line may establish a settlement for poor relief purposes by being self supporting for one year. Op. Atty. Gen. (339o), Aug. 11, 1936.

Month during which a person is employed on WPA project is merely excluded from computation in determining place of settlement. Op. Atty. Gen. (339o-4), Aug. 11, 1936.

Time during which WPA workers are employed in CCC or transient camps is excluded in determining place of settlement prior to passage of Laws 1935-36, Special Session, c. 68. Op. Atty. Gen. (339o-6), Aug. 22, 1936.

Time during which person taken from relief rolls is employed by contractors having contract with federal government is not to be excluded in determining settlement unless payment is made from funds supplied as direct relief or work relief. Op. Atty. Gen. (339o-2), Sept. 2, 1936.

Person having settlement in township of one county must reside for a year in another township in another county before he can obtain a settlement in such other county or township. Op. Atty. Gen. (339o-5), Sept. 15, 1936.

Residence of parents does not follow that of a child. Op. Atty. Gen. (339o-2), Oct. 2, 1936.

Persons receiving poor relief are not disqualified to vote. Op. Atty. Gen. (339r), Oct. 17, 1936.

Settlement for purpose of relief has nothing to do with residence for purpose of voting. Op. Atty. Gen. (490j), Oct. 19, 1936.

A person who has voluntarily and uninterruptedly been absent from a state for a period of 30 days has lost his settlement, even though he may not have gained a settlement in another state. Op. Atty. Gen. (339j), Nov. 12, 1936.

Where pauper moves from a township to unorganized territory in same county, application for determining settlement should be made to district court. Op. Atty. Gen. (339o-2), Nov. 12, 1936.

Admission to tuberculosis sanatorium is not governed by rules applicable to settlement for poor relief purposes. Op. Atty. Gen. (556a-1), Dec. 29, 1936.

Upon discharge from guardianship of state board of control on attaining 18 years of age, pauper is resident of county from which committed, and not county where he resided at time of discharge, though such person may gain a settlement in his own right upon sufficient residence. Op. Atty. Gen. (339o-2), Jan. 12, 1937.

Settlement for pauper purposes is of no consequence in mother's pension case. Op. Atty. Gen. (335b), Jan. 20, 1937.

Where no aid is granted under application, applicant may continue to establish settlement in a town. Op. Atty. Gen. (339o-5), Jan. 27, 1937.

A family having a settlement in a subdivision of one county must reside for a year in another county before it can obtain a settlement in any municipality and such other county. Op. Atty. Gen. (339o-5), Jan. 30, 1937.

Legal settlement of one who moves about in two counties is county in which she has resided longest during year immediately preceding her application for relief. Op. Atty. Gen. (540m), Feb. 18, 1937.

Ordinarily furnishing of surplus commodities would not constitute poor relief. Op. Atty. Gen. (125a-37), Mar. 6, 1937.

Willful absence from state for 30 days terminated settlement. Op. Atty. Gen. (339o-2), Mar. 8, 1937.

Relief to veterans under §§4344 to 4366 and under Laws 1935, c. 33, and Laws 1935-36, Sp. Sess., c. 101, is not poor relief. Op. Atty. Gen. (339q), Mar. 11, 1937.

Moving of family from county of residence for one day would not interrupt settlement in county ejecting family where family moved back to such county next day. Op. Atty. Gen. (339o-3), Mar. 12, 1937.

Soldier in U. S. Army cannot acquire settlement in state while stationed at Fort Snelling. Op. Atty. Gen. (339q), Apr. 2, 1937.

Month during which person has applied for but has not received relief may not be excluded. Op. Atty. Gen. (339o-4), Apr. 7, 1937.

Month during which family receives portion of salary of boy employed in federal CCC Camp not to be excluded in determining settlement. Op. Atty. Gen. (339o-2), Apr. 15, 1937.

Time of receiving drouth relief not to be excluded in determining settlement. Op. Atty. Gen. (339o-4), Apr. 19, 1937.

Rural federal grants are not poor relief. Op. Atty. Gen. (339s), Apr. 19, 1937.

Old age assistance is not poor relief. Op. Atty. Gen. (339o-5), Apr. 30, 1937.

Place of settlement of an indigent person for poor relief purposes is where such person has resided longest period of time immediately preceding application for poor relief, excluding time during which poor relief was furnished. Id.

Soldier in U. S. Army cannot acquire settlement in municipality adjacent to Fort Snelling while stationed at the Fort as a soldier, though he has permission to live with his wife outside reservation. Op. Atty. Gen. (339q), Apr. 30, 1937.

Where condition of parole was that pauper reside with certain person in another state, his absence from state of Minnesota was not "willful" while abiding by such condition. Op. Atty. Gen. (339*l*), June 3, 1937.

Veterans' relief furnished pursuant to Laws 1935, c. 51 and Laws 1935-36, Ex. Sess., c. 101, is not poor relief within §3161. Op. Atty. Gen. (928c-12), June 14, 1937.

Month during which relief has been furnished from state or federal funds is to be excluded in determining settlement. Op. Atty. Gen. (339o-4), June 23, 1937.

Month during which mother receives portion of salary of boy employed in federal CCC camp is not to be excluded in determining place of settlement of mother. Op. Atty. Gen. (339o-2), June 24, 1937.

Grant from federal resettlement administration is not poor relief. Op. Atty. Gen. (339s), June 24, 1937.

Receipt of aid from poor fund of a particular municipality does not stop running of year, month or months during which aid was received merely being excluded from computation. Op. Atty. Gen. (339o-4), June 25, 1937.

Month during which person has received relief from state or federal funds is to be excluded in determining time of residence. Op. Atty. Gen. (339o-2), July 9, 1937.

Willful absence from state for 30 days terminated settlement. Op. Atty. Gen. (339o-2), July 9, 1937.

Receipt of "surplus commodities" purchased by federal government to remove them from competitive market does not necessarily affect question of settlement for poor relief purposes. Op. Atty. Gen. (339s), July 16, 1937.

Relief obtained from federal sources and work on WPA is poor relief to be excluded in computing settlement, but payment for feeble-minded person in institution is not poor relief. Op. Atty. Gen. (339o-2), July 22, 1937.

Grants from resettlement administration of federal government is not poor relief. Op. Atty. Gen. (339s), July 29, 1937.

To constitute emancipation of a minor child so that he may acquire a residence in his own right there must be surrender by parent of right to services of child and to control of his person, and marriage with consent of parent works emancipation. Op. Atty. Gen. (339d-4), Aug. 3, 1937.

One cannot acquire a settlement in Minneapolis during his time of service in United States army and while residing on federal reservation. Id.

Where there is no other municipality or county in state in which person has a legal settlement, municipality in which he is actually living at time he needs assistance may be responsible for his care. Id.

Month during which aid is received is merely to be excluded from computation, and periods of self-support are to be added together. Op. Atty. Gen. (339o-2), Aug. 13, 1937.

If county has town system and residence has not been continuous in any one municipality therein, inquiry must be directed to ascertain in which municipality therein self-supporting residence has been longest during period of one year, plus months in which aid was received. Id.

Month during which person has been employed under WPA project is merely excluded from computation in determining place of settlement. Op. Atty. Gen. (339o-4), Aug. 19, 1937.

Where person having settlement in certain township left state and purchased farm but returned to state within a year, original place of settlement remained unless settlement was acquired in foreign state under its laws. Op. Atty. Gen. (339o-3), Aug. 23, 1937.

Month during which children of father have received relief from another state to be excluded in determining settlement. Op. Atty. Gen. (339j), Aug. 30, 1937.

Settlement of married woman is where her husband has his settlement, except where husband's conduct towards wife is such as to legally justify her living apart from him. Op. Atty. Gen. (339o-2), Aug. 30, 1937.

Woman who marries while she is a pauper changes her own legal settlement and takes that of her husband, and same is true of her minor children. Op. Atty. Gen. (339o-2), Sept. 20, 1937.

Settlement of illegitimate child living with and supported by grandparents followed that of grandparents, and was lost where grandparents and child moved out of state without intent to return and remained for more than one year. Op. Atty. Gen. (339j), Sept. 27, 1937.

Feeble-minded ward of board of control may lose pauper settlement in the state, but this does not terminate guardianship of board. Op. Atty. Gen. (88a-14), Oct. 4, 1937.

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 such 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. Op. Atty. Gen. (339j), Oct. 7, 1937.

Time during which person has been receiving old age pension from county is not excluded for purpose of determining residence under poor laws. Op. Atty. Gen. (339o-4), Oct. 8, 1937.

Settlement of wife and minor children is that of husband and father. Op. Atty. Gen. (339o-2), Nov. 2, 1937.

Time during which application for relief has been pending but no relief granted is not to be excluded in determining settlement. Op. Atty. Gen. (339o-4), Nov. 9, 1937.

Recipient of mother's pension is not prevented from establishing residence and settlement for poor relief purposes. Op. Atty. Gen. (521t-2), Dec. 10, 1937.

Old age assistance is not considered poor relief so as to prevent recipient from establishing residence and settlement. Id.

Person receiving mother's pension or old age assistance is not prevented from gaining settlement for poor relief purposes. Op. Atty. Gen. (339o-4), Dec. 17, 1937.

Months during which person is employed on WPA project are to be excluded in determining residence. Op. Atty. Gen. (339o-4), Dec. 17, 1937.

Mother living with daughter of legal age could obtain settlement, notwithstanding that daughter was employed on WPA project. Op. Atty. Gen. (339o-2), Dec. 23, 1937.

Laws 1937, c. 138, amending this section, does not repeal by implication Laws 1937, c. 102, amending this section. Op. Atty. Gen. (339o-2), Jan. 5, 1938.

Settlement of children follows settlement of father for poor relief purposes. Op. Atty. Gen. (339d-4), Jan. 18, 1938.

Months during which a person has been employed on WPA project subsequent to enactment of Laws 1935-1936, Ex. Sess., c. 68, are to be excluded in determining place of settlement. Op. Atty. Gen. (339o-4), Jan. 18, 1938.

Person may acquire settlement even though his work requires him to be absent from his home from time to time. Op. Atty. Gen. (339o-2), Jan. 20, 1938.

Rules relating to residence rather than settlement govern eligibility to admission to county sanatorium. Op. Atty. Gen. (556a-1), Jan. 26, 1938.

If contractors performing work on PWA project are not required to employ persons on so-called relief rolls, month during which persons are employed on such project should not be excluded in determining place of settlement. Op. Atty. Gen. (3390-2), Feb. 4, 1938.

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 county or municipality other than that in which such person resides. Op. Atty. Gen. (339o-4), Feb. 15, 1938.

Settlement of wife follows that of husband and settlement of stepchild follows that of mother. Op. Atty. Gen. (339o-2), Apr. 11, 1938.

Before wife may establish a separate settlement from that of her husband, husband must be guilty of such conduct as to break up home or which would justify wife in establishing a separate residence. Id.

One visiting his wife while she was confined in hospital in another city without intending to abandon his residence does not lose his place of settlement. Op. Atty. Gen. (339j), Apr. 13, 1938.

Question of settlement for poor relief purposes is not involved in determining a person's residence under statute relating to hospitalization in university hospital. Op. Atty. Gen. (125a-27), Apr. 20, 1938.

Time which person was furnished WPA relief from and after effective date of laws 1935-36, ex. sess., c. 68, must be excluded, but not for time prior to such date. Op. Atty. Gen. (339o-2), April 26, 1938.

Married woman's settlement is where her husband has his. Op. Atty. Gen. (339o-2), Apr. 27, 1938.

Illegitimate child has his pauper settlement in same municipality as his mother though she is feeble-minded, and though child has been committed by probate court to guardianship of a public charitable organization as a dependent child in another county. Op. Atty. Gen. (679k), May 16, 1938.

A feeble-minded minor committed to guardianship of board of control has same pauper settlement as that of parents, rather than county of commitment. Id.

Person sentenced to state reformatory does not lose his residence in county from which sent, and when prisoner is granted a medical parole and enters state sanatorium, responsibility for hospitalization rests upon county rather than upon state. Op. Atty. Gen. (556a-2), June 20, 1938.

If family was absent from state for a period of more than one year with intention to abandon its residence in the state, its settlement in any particular township was lost, but primary obligation for care of family rested upon municipality where they were actually living at time relief was required. Op. Atty. Gen. (339o-1), June 21, 1938.

Time during which person has received hospitalization at Minnesota General Hospital is excluded. Op. Atty. Gen. (339o-4), June 22, 1938.

Minors committed to guardianship of state board of control as dependent children may acquire new settlement by living with grandparents without cost to the public. Op. Atty. Gen. (339d-1), July 7, 1938.

Aid to dependent children under laws 1937, c. 438, (§8688-13) is not poor relief. Op. Atty. Gen. (840a-6), July 11, 1938.

Prior to amendment of this section children of feeble-minded paupers did not lose settlement when parents were committed to state board of control. Op. Atty. Gen. (339d-1), July 13, 1938.

Settlement of married woman follows that of husband, and annulment of marriage does not void pauper settlement. Op. Atty. Gen. (339o-2), Aug. 4, 1938.

Settlement of a minor under guardianship of board of control follows that of parents with whom he is or has last resided. Id.

One working on a WPA project was receiving relief in meaning of this section, and months during which he received such relief must be excluded. Op. Atty. Gen. (339o-2), Aug. 10, 1938.

Recipient of old age assistance is not receiving poor relief. Op. Atty. Gen. (521v), Aug. 10, 1938.

Settlement of wife follows that of husband. Op. Atty. Gen., (339o-2), Aug. 23, 1938.

University Hospital is a "public hospital". Op. Atty. Gen. (339o-4), Sept. 2, 1938.

Time during which person has been an inmate of University Hospital is excluded in determining place of settlement. Id.

Settlement of feeble-minded child committed to state board of control but never placed in institution due to lack of room is subsequently changed by change of settlement of parents. Op. Atty. Gen. (339d-1), Sept. 6, 1938.

Parts of years may not be tacked together in order to make a full year's settlement in the state. Op. Atty. Gen. (840a-6), Sept. 6, 1938.

Persons receiving old age assistance, aid to dependent children, or aid to needy blind, are not receiving relief. Op. Atty. Gen. (521f), Sept. 28, 1938.

Time during which Indians are employed in CCC to be excluded in determining place of settlement. Op. Atty. Gen., (339o-4), Nov. 2, 1938.

Grant from Federal Resettlement Administration is not poor relief. Op. Atty. Gen. (339s), Dec. 5, 1938.

Poor family acquired legal residence where warrant for removal was handed to sheriff at end of 10 months but he failed to execute it within the year. Op. Atty. Gen. (339o-2), Jan. 18, 1939.

Time spent in working on PWA is to be excluded if contractors are required to employ people from relief rolls, otherwise not. Op. Atty. Gen. (339o), Feb. 10, 1939.

Where woman with illegitimate children married a mentally incompetent man who was immediately committed to insane asylum, and woman and children left state and resided in another state for 5 years she is presumed to have abandoned her legal settlement, and settlement of children follows that of mother. Op. Atty. Gen. (339d-4), Feb. 17, 1939.

Where husband was sent to state sanitarium at Walker, and wife and children moved to another county and remained there for more than one year, receiving no aid other than aid for dependent children, mother and children, including married son and wife, obtained legal settlement in new county. Op. Atty. Gen. (339o-3), Feb. 17, 1939.

WPA relief furnished prior to Jan. 25, 1936, is not to be excluded in determining time of residence, but WPA relief furnished from and after that date must be excluded in determining residence. Op. Atty. Gen. (339o), March 10, 1939.

Absence from state by recipient of old age assistance for a period over one year under successive permissions of county agency does not affect settlement, in absence of intent to abandon residence in state. Op. Atty. Gen. (521t-2), March 13, 1939.

Settlement of an insane woman as it existed at time of her commitment continues unaffected by removal of her husband to another state. Op. Atty. Gen. (248B-7), March 30, 1939.

Township in which applicant resided longest period of year next preceding his application for aid fixes his settlement. Op. Atty. Gen. (339e), May 8, 1939.

Time a family is wholly supported by allotments of a CCC employe's pay should not be excluded in determining settlement. Op. Atty. Gen. (339o-2), May 12, 1939.

Where man residing in one county was committed to state institution from another county as feeble-minded and thereafter married a resident of county from which he was committed, and wife and children resided in first county for more than one year, county of residence was liable for assistance under aid to dependent children act and for direct relief. Op. Atty. Gen. (840a-6), May 26, 1939.

Residence limitation found in this section does not apply to furnishing of relief to disabled war veteran, but residence in state is essential. Op. Atty. Gen. (928c-12), May 29, 1939.

County from which juvenile court commits a child to state public school, subject to guardianship of state board of control, is chargeable with its future care and maintenance as an indigent person in event of its discharge thereform, even if returned to county of its settlement, but the petition may be filed in juvenile court of county of settlement and it might have inherent power to issue a commission to juvenile court of county where child is found to take evidence to be returned to court for commitment. Op. Atty. Gen. (840a-6), June 6, 1939.

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, c. 398, went into effect. Op. Atty. Gen. (521t), July 7, 1939.

Where one was granted old age assistance and moved to another county and resided there for more than two years, receiving old age assistance from first county, and returned to first county and suffered an accident necessitating hospitalization and medical treatment, first county was liable therefor. Op. Atty. Gen. (521V), July 7, 1939.

Removal from one county to another while receiving aid for dependent children from first county, disqualified one from acquiring settlement in second county for poor relief purposes, but is not bar to acquisition of residence in second county for aid for children. Op. Atty. Gen. (840a-6), July 12, 1939.

Where husband and wife and minor children resided in first county for several years, moved to second county and resided there for 8 months, then moved to third county and resided there for 2 months and were returned to first county upon applying for relief, and husband and father died in first county, first county was liable for poor relief, but second county was liable for aid to dependent children until one year after return to first county. Id.

Laws 1939, c. 398, amending this section, does not modify §8688-13, relating to removal of dependent children receiving aid. Op. Atty. Gen. (840a-6), July 13, 1939.

Wife and minor children may establish a settlement while husband and father is confined to state penitentiary. Op. Atty. Gen. (339o), July 14, 1939.

Receipt of aid from foreign county tolls two year period. Op. Atty. Gen. (840a-10), July 19, 1939.

A minor child under guardianship of state board of control may obtain a new settlement by reason of change of settlement of its parents, but in no other way. Op. Atty. Gen. (679k), August 8, 1939.

Husband can acquire a new settlement while wife is being maintained by county in state sanitarium at Walker. Op. Atty. Gen. (556a-1), August 21, 1939.

Maintenance of a married woman in state sanitarium at Walker at expense of a county does not prevent her from acquiring settlement in new place of settlement established by husband. Id.

After April 22, 1939, a change of settlement by parent will not change legal settlement of a minor under guardianship of state board of control or one of its institutions as a feeble-minded delinquent or dependent person. Op. Atty. Gen. (679k), August 21, 1939.

Where one having legal settlement in one township moved to another township in same county and resided there 10 months, then moved to a second county and lived there for two months, and then moved to a third county and resided there for three months before applying for relief, settlement was in township where he resided 10 months. Op. Atty. Gen. (339o-2), August 24, 1939.

Where applicant for relief has resided for 2 years in county, his settlement is in township in which he has lived or resided the longest time within the 2 year period, excluding therefrom period during which he received one or more of kinds of public assistance enumerated in Laws 1939, c. 398, and matter of intention is not of major import, but rather actual residence or place of abode. Id.

A person retains his settlement in a county until he has lived for two years continuously in another county. Id.

A person paroled from a state penal institution and under supervision of state board of parole cannot gain a new settlement for poor relief purposes. Op. Atty. Gen. (339-*l*), Sept. 2, 1939.

Where parents of a minor moved from a town to a village but lived in home furnished by town, settlement of minor was in town and not village, and such settlement continued after he reached his majority if he continued to receive aid directly or indirectly from the town. Op. Atty. Gen. (339d-4), Sept. 14, 1939.

Laws 1939, c. 398, defines "settlement" for purpose of poor relief only and does not in any manner impose limitations upon eligibility of an applicant for old age assistance. Op. Atty. Gen. (521t-2), Sept. 20, 1939.

Restatement of conflict of laws, as to domicile and Minnesota decisions compared. 15MinnLawRev668.

3161-1. Settlement of poor persons—Dispute between municipalities in same county—Determination by justice of the peace. [Repealed.]

Repealed Apr. 22, 1939, c. 398, §2.

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. Grove City v. Manannah, 182M197, 233NW875. See Dun. Dig. 7427(68), 7430.

Proceedings are informal and if a party cited is not a proper party because the "town system" has not been adopted, it should claim such defense. Golden, 182M221, 234NW7. See Dun. Dig. 7427(68).

Evidence held to establish settlement and that persons were paupers. Golden, 182M221, 234NW7. See Dun. Dig. 7430.

Finding that person was not poor person or pauper, held sustained by evidence. Town of Dassel v. V., 187M331, 245NW365. See Dun. Dig. 7426.

Does not amend by implication, G. S. 1923, §3186, subd. 2. Op. Atty. Gen., Dec. 21, 1929.

This section has application to a situation where the county is operating under a town system in caring for its poor. Op. Atty. Gen., Feb. 19, 1932.

Fact that St. Cloud is within two counties does not take case of pauper removing from one of the counties to a place in city within other county from under §3161-2 for purpose of determining residence. Op. Atty. Gen., Jan. 31, 1933.

Attorney General's opinion of Aug. 10, 1931, that this act is exclusive method of determining controversy involving determination of residence for pauper purposes, is reversed. Op. Atty. Gen., Nov. 28, 1933.

Municipal officials cannot order WPA employees removed to place of settlement until after application for poor relief has been made. Op. Atty. Gen. (339o-3), Jan. 9, 1936.

Person may continue to establish residence in a town after determination of settlement in another municipality. Op. Atty. Gen. (339o-2), Mar. 6, 1937.

3161-1. Judge of district court to decide dispute between counties or political subdivisions as to settlement of poor person.—Whenever a dispute shall arise between political subdivisions within a county or between two or more counties or between a county and a political subdivision of another county or political subdivisions of different counties as to the place of settlement of any poor person, any such county or political subdivision may serve upon the other or others a notice that it will on a day certain, not less than five days after the service of such notice, apply to a judge of the district court of the district in which the county or political subdivision serving such notice lies for a determination of the settlement of such poor person. Such judge shall at the time fixed and without a jury hear the evidence adduced by the parties to such proceeding, and shall forthwith make and file his order determining the place of settlement of such poor person. (As amended Apr. 22, 1939, c. 398, §2.)

Editorial note.—The matter contained in original section 3161-1 is repealed by Act Apr. 22, 1939, c. 398, §2, and the text above set out is given the number 3161-1.

County of Kanabec v. C., 189M161, 248NW710; note under §3161.

Op. Atty. Gen., May 24; note under §3161.

Op. Atty. Gen., Jan. 31, 1933; note under §3161-1.

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. 179M251, 228NW929.

Determination of judge of district court as to settlement of poor persons in proceedings involving residents, held res judicata. Op. Atty. Gen., May 22, 1930.

It is not necessary for a pauper to make an application for poor relief or for a county to grant such relief in order to have proceedings instituted for a determination of the settlement of such pauper by the court. Op. Atty. Gen., Feb. 19, 1932.

It is not necessary for poor person to make an application for poor relief or for municipality to grant such poor relief in order to have a proceeding instituted for a determination of settlement. Op. Atty. Gen., Jan. 11, 1934.

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. Op. Atty. Gen. (339o-1), Jan. 16, 1935.

Where persons applying for relief were found by court to have legal settlement in another county and family was moved to such other county, but returned to the first county, they cannot again be removed unless they apply for relief. Op. Atty. Gen. (339o-3), Jan. 30, 1937.

After place of settlement has been determined by court under §3161-2 he may be removed to his place of settlement as provided by §3173, but if he is not removed within a reasonable time, and becomes self-supporting, for want of more funds, he may not be removed until he again makes application for relief. Op. Atty. Gen. (339o-2), Dec. 15, 1937.

After place of settlement has been determined under §3161-2, proper procedure to remove person is that provided by §3173. Op. Atty. Gen. (339o-2), May 12, 1938.

Pauper is not entitled to notice of proceeding and is bound by order. Id.

3161-2. Same—May provide for removal of paupers.—The court, in its order determining said settlement, shall provide for the removal of said poor persons to their place of settlement as determined by said order; provided the court may, upon a proper showing by the political subdivision having the legal re-

sponsibility to support said poor persons, allow said political subdivision to care for said poor persons in another political subdivision, in which event said poor persons shall retain their legal settlement in the political subdivision found as determined by the order of the court until 30 days after it serves written notice upon the political subdivision where said poor persons are residing that it has ceased to support said persons and the political subdivision where said poor persons are residing shall have the right upon 10 days written notice to said poor persons within said 30 day period to remove them to the political subdivision as determined by said order of the court. (As amended Apr. 22, 1939, c. 398, §3.)

Editorial note.—This is a new section introduced by Act Apr. 22, 1939, c. 398, §3, and given the number 3161-2. The matter contained in original number 3161-2 is given the number 3161-1 by the same act.

3161-3. Appeal from order of justice of the peace, etc. [Repealed.]

Repealed Apr. 22, 1939, c. 398, §4.

In a controversy between political subdivisions as to place of settlement, poor person may not be removed from subdivision where he is residing pending an appeal to the district court or the supreme court. Op. Atty. Gen. (339o-3), Oct. 18, 1935.

3161-3. Same—County of residence of poor person charged with support of.

Editorial note.—This section, formerly 3161-4, is renumbered 3161-3 by Act Apr. 22, 1939, c. 398, §5.

179M251, 228NW929.

County giving relief to a person having settlement in another state has no right of recovery in the other state or any of its political subdivisions. Op. Atty. Gen. (339j), Oct. 7, 1937.

3161-4. Same—County of residence of poor person charged with support of. [1927 Stat.] Renumbered 3161-3 [1939 Supp.]

Renumbered 3161-3. Laws 1939, c. 398, §5.

3161-4. Same—Costs of proceedings.

This section, formerly §3161-5, is renumbered 3161-4 by Act Apr. 22, 1939, c. 398, §6.

Prevailing county in pauper settlement cases is entitled to clerk costs. Op. Atty. Gen. (144b-15), Apr. 12, 1938.

3161-5. Same—Costs of proceedings. [1927 Stats.] Renumbered 3161-4 [1939 Supp.]

Editorial note.—This section is renumbered 3161-4 by Act Apr. 22, 1939, c. 398, §6.

3162. Removal of poor person.

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. Op. Atty. Gen., 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. Op. Atty. Gen., Nov. 13, 1931.

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

Duties of township without funds and whose warrants are not acceptable, stated. Op. Atty. Gen., Oct. 16, 1933.

This section was not repealed by Laws 1925, c. 378, (§§3161-1 to 3161-5). Op. Atty. Gen., Nov. 28, 1933.

State has no authority to attempt to deport poor persons to state from which they came unless that state recognizes its obligation and is willing to look after the indigent persons, and such persons are willing to return to such other state. Op. Atty. Gen. (335b), Dec. 13, 1934.

Application for relief from a federal agency does not authorize removal of recipient of such relief. Op. Atty. Gen. (339o-3), Feb. 27, 1935.

One who has wilfully absented himself from this state for more than 30 days has lost his settlement in this state, and no other state has authority to remove him to this state. Op. Atty. Gen. (339o-3), Dec. 18, 1935.

Application for old age assistance is not application for poor relief. Op. Atty. Gen. (521t-5), May 11, 1936.

Application for old age assistance is not equivalent to application for poor relief as regards settlement under poor law. Op. Atty. Gen. (521t-2), May 22, 1936.

Where pauper moves from a township to unorganized territory in same county, application for determining settlement should be made to district court. Op. Atty. Gen. (339o-2), Nov. 12, 1936.

Where applicant for poor relief has moved into a city from other state and has resided there less than one year, primary obligation to look after pauper is upon municipality where he lives, and he cannot be removed therefrom without his voluntary consent. Op. Atty. Gen. (339o-3), Nov. 2, 1937.

Aid to dependent children act, and poor laws with respect to removal of family to legal settlement are not in conflict, and county should request approval of state agency for removal of children qualified and receiving aid in all cases of removal of parents by counties under poor laws, and state agency should give approval in all such cases. Op. Atty. Gen. (840a-6), Sept. 15, 1938.

3163. Bringing poor person into state.

Removal of poor person from one municipality to another in the state is not a crime. Op. Atty. Gen. (339o-3), July 13, 1936.

3164. Change of system.

Act Mar. 26, 1929, c. 88, legalizes payments under special laws theretofore made.

Laws 1931, c. 328, authorizes cities of the fourth class operating under home rule charter to levy tax for 1931 and 1932 for relief of the poor.

City of Moorhead v. T., 184M509, 239NW217; note under §2161.

County board may adopt resolution for submission of question at general election and county auditor should insert notice thereof in regular notice of election which he will prepare to be posted in each election district at least 15 days before such general election as provided in §353 and he should see that notices are properly posted in three of the most public places in each election district as provided by §10933(14) and also require clerks to make out and return proper affidavits of posting immediately after the notices are posted. Op. Atty. Gen. (125a-37), Aug. 15, 1934.

A petition has been held sufficient if signed by one-fourth of number of voters who participated at last general election, but language of statute is broad enough to require one-fourth of all the legal voters of the county. Op. Atty. Gen. (125a-37), Aug. 13, 1936.

Signatures to petition need not be verified. Id.

Where majority of electors have voted in favor of changing system, county board has no power to postpone taking effect. Op. Atty. Gen. (107b-15), Sept. 11, 1936.

County board has no power to postpone taking effect of vote of electors changing system. Op. Atty. Gen. (125a-37), Sept. 18, 1936.

Change of system can only be made in compliance with this section. Op. Atty. Gen. (339o-5), Aug. 9, 1937.

On change from township to county system of poor relief, money in poor fund of village may be transferred to general revenue fund of village by resolution. Op. Atty. Gen. (476b-11), Aug. 12, 1937.

County system may be changed to town system of relief by vote of electors at general election, but not at primary election. Op. Atty. Gen. (339p), Apr. 14, 1938.

Ballot should be printed on India tint paper. Op. Atty. Gen. (339p), July 5, 1938.

Majority of voters voting on question of change is sufficient. Op. Atty. Gen. (28a-2), Oct. 11, 1938.

Question of changing system of poor relief should be submitted on India tint ballot. Id.

Tax levy made by municipality prior to change should not be spread by county auditor, but county should levy additional taxes for poor relief. Op. Atty. Gen. (339p), 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. Op. Atty. Gen. (339p), Dec. 8, 1938.

3164-1. Definitions.—As used in this act, unless the subject-matter or context requires otherwise:

(a) The term "political subdivision" shall include any subdivision of the state or any municipal corporation or public quasi-corporation, however organized.

(b) The words "support or relief of the poor" shall have the same meaning as the words are given by Chapter 15, Mason's Minnesota Statutes, 1927, and the words "poor persons" shall mean such person for whom a legal liability is imposed under that chapter.

(c) The term "work relief" shall mean support or relief in wages or other compensation, in cash or in kind, paid for work under the following conditions: (1) That the recipients of work relief and the amounts given are both determined on the basis of actual need and certified for such work relief by the officials charged with administering the relief of the poor; (2) that the funds for such relief are made available only from those specifically appropriated or contributed for support or relief of the poor; (3) that the funds are used to finance projects for which the political subdivision can legally incur expense and which could not otherwise be undertaken at the time or in the immediate future.

(d) The words "direct relief" shall mean relief to individuals or families incidental to the care of

the poor, such as food, clothing, shelter, medical care and supplies, and other necessities of life; provided that nothing in this law shall be interpreted as enlarging the responsibility for relief as now imposed by the laws of Minnesota. (Act Mar. 27, 1933, c. 120, §1.)

Minnesota Public Relief Fund. Laws 1939, c. 436.

County board may appropriate money for purpose of paying rental of sewing machine in carrying on a WPA project in cooperation with federal government. Op. Atty. Gen. (107b-15), Dec. 9, 1937.

3164-2. Municipalities may borrow funds for poor relief. — Each political subdivision of the state charged by law with responsibility for the support or relief of poor persons having a legal settlement therein is hereby granted authority to borrow funds and pledge the credit of such political subdivision to meet the expense thereof and to make such loans either from the State of Minnesota, the federal government, or from private sources when necessary for the support or relief of said persons; provided, however, that this act shall not be construed as increasing the limit of debt, if any, prescribed by the special law or home-rule charter or general law under which any political subdivision is organized. (Act Mar. 27, 1933, c. 120, §2.)

Duties of township without funds and whose warrants are not acceptable, stated. Op. Atty. Gen., Oct. 16, 1933.

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. Op. Atty. Gen. (3391-4), Oct. 2, 1934.

Where farmers are dependent for a living on their crops and will be unable to harvest them unless assistance is provided, county board has authority to borrow money and issue bonds without vote of electors to provide twine and repairs to harvesting machinery, where such bonds are sold to the state. (Op. Atty. Gen. (125a-37), July 12, 1935.

Counties operating under town system may levy taxes for poor relief purposes in case of emergency, and borrow funds for poor relief purposes. Op. Atty. Gen. (125a-37), Apr. 14, 1936.

County operating under town system may issue bonds in case of emergency to raise funds for poor relief. Op. Atty. Gen. (107b-2), July 29, 1936.

Bonds may be issued to take up outstanding warrants issued to meet expenses of caring for poor through "direct relief, etc." Op. Atty. Gen. (107b-2), Dec. 23, 1937.

3164-3. Bonds may be issued.—Bonds or other evidence of indebtedness may be issued pursuant to the authority granted and for the purposes specified herein by following the regular statutory or charter procedure applicable to such political subdivision, provided, however, that any political subdivision now required by statute or by charter to submit the question of the issuance of bonds or other evidences of indebtedness to a referendum vote, is hereby authorized to issue and sell such public welfare bonds or other evidence of indebtedness without submitting the question of such issue to a referendum vote, by following the procedure hereinafter outlined.

Before any such bonds or other evidence or indebtedness may be issued hereunder by a political subdivision which is restricted by statute or by charter provision from issuing bonds and pledging the credit thereof without submitting the proposal to make such issue to a referendum vote of the electors of such political subdivision, a resolution shall first be adopted by a two-thirds vote of all the members of the official body or bodies authorized to make loans within the political subdivision, declaring an emergency to exist making it necessary to borrow in the specified amount without submitting the question of issuance of bonds or other evidence of indebtedness to a vote of the electors of said political subdivision. The action of the governing body shall be by resolution, irrespective of any requirement of any home-rule charter, general or special law requiring such action to be by ordinance. This resolution shall then be submitted to the Governor of the State, together with all facts deemed necessary to support such emergency action, including the general financial condition of the political subdivision, the need for the funds, and funds which may be available, public or private, and such other information as may be required. If after investigation the Governor finds that the amounts requested are within the reasonable needs of the political subdivision and that no other funds are available to meet the same or that it is not possible or practicable, in view of the other governmental needs of the political subdivision to secure the necessary funds from other sources or by regular methods of borrowing, he shall certify that an emergency exists sufficient to warrant the issuance of such bonds or other evidence of indebtedness subject to the requested exemption. The Governor may reduce but shall not increase the amount requested in such resolution. Upon such certification, the said governing body or bodies may then proceed to issue and sell such bonds or other evidence of indebtedness pursuant to the resolution aforesaid and in the manner prescribed by Section 1943, Mason's Minnesota Statutes, 1927, and they shall be valid legal obligations of the political subdivision without the referendum vote of the electors. (Act Mar. 27, 1933, c. 120, §3.)

Where farmers are dependent for a living on their crops and will be unable to harvest them unless assistance is provided, county board has authority to borrow money and issue bonds without vote of electors to provide twine and repairs to harvesting machinery, where such bonds are sold to the state. Op. Atty. Gen. (125a-37), July 12, 1935.

County may sell warrants or certificates of indebtedness issued against poor fund. Op. Atty. Gen. (107a-13), 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. Op. Atty. Gen. (107b-22), Dec. 7, 1936.

Bonds issued under §3164-3 may be sold in manner provided by §1944-1. Op. Atty. Gen. (37a-11), May 19, 1938.

3164-4. To be expended for poor relief only.—All moneys borrowed hereunder shall be expended only for the support or relief of the poor, through direct relief, work relief, placement service, or other service contributing to the support or relief of the poor, including the expense of administration and supervision. (Act Mar. 27, 1933, c. 120, §4.)

3164-5. Serial bonds may be issued—tax levy.—Upon authorization and approval of the issuance of bonds as in this act provided, the governing body or other proper bodies of any such political subdivision may proceed to issue and sell its bonds or other evidence of indebtedness covering such loans, in the manner prescribed by Section 1943, Mason's Minnesota Statutes, 1927. Such bonds or evidences of indebtedness shall be issued to mature serially, the first installment of which shall become due in not more than three years and the last of which shall become due and payable in not more than ten years from the date of their issue.

The bonds or other evidence of indebtedness issued pursuant to this act shall be subject to the provisions of Chapter 131, Laws 1927, or of such other laws of the State as govern the particular political subdivision in making such loans, in regard to the levy of a tax for interest and principal and for the payment thereof. No provision of any act passed during the present session of the Legislature, limiting the tax which may be levied for poor relief purposes shall in any way limit the tax to be levied for the payment of the principal or interest of bonds issued pursuant to the provisions of this act. (Act Mar. 27, 1933, c. 120, §5.)

3164-6. Inconsistent acts repealed.—All laws or parts of laws inconsistent herewith are hereby suspended during the operation of this act; provided, however, that this action shall not be construed as repealing or suspending any other law authorizing municipalities coming within the provisions of this act to issue bonds for poor relief purposes. (Act Mar. 27, 1933, c. 120, §6.)

3164-7. Acts validated.—All bonds heretofore issued by any of the subdivisions of the character embraced in the provisions of this statute, and all proceedings heretofore taken for the issuance of such bonds as hereby authorized, are hereby and in all respects ratified, validated and confirmed, and such bonds are hereby declared to be valid and legally binding obligations of the issuing subdivisions of this State. (Act Mar. 27, 1933, c. 120, §7.)

3164-8. Effective date.—This act shall be in force and effect until April 1, 1941. (Act Mar. 27, 1933, c. 120, §8; Mar. 15, 1935, c. 48; Mar. 25, 1937, c. 105, §1; Mar. 13, 1939, c. 108.)

3164-9. Tax levy for poor relief in certain counties.—Each city of the first class responsible by statute or by charter provision for administering poor relief therein, and each county containing a city of the first class, which county is responsible by statute for administering poor relief therein either alone or jointly with any such city of the first class and whether administering such relief through a poor commission or a board of public welfare, is hereby authorized to levy a tax at a rate of not to exceed three (3) mills for each dollar of the assessed valuation of real estate and personal property therein in excess of and in addition to any levy which might otherwise be made by such city or such county to provide funds for poor relief. (Act Apr. 13, 1933, c. 239, §1.)

3164-10. Levies to be subject to same laws as other levies.—Any such additional levy shall be subject to the same limitations and restrictions as to authorization as are required in case of levies for other purposes in such city or such county, and shall be authorized and levied by the same authorities and in the same manner as other levies for poor relief. (Act Apr. 13, 1933, c. 239, §2.)

3164-11. Funds to be expended by Board of Public Welfare.—The funds provided by any such additional levy shall be appropriated and made available for the use of the board of public welfare or poor relief commission or other body, by whatever name known, authorized and empowered with the duty and responsibility of administering and providing for the care of the poor and needy in such city or such county. (Act Apr. 13, 1933, c. 239, §3.)

3164-12. Effective till April 1, 1935, only.—This Act shall be in force and effect until April 1, 1935, only. (Act Apr. 13, 1933, c. 239, §4.)

3164-13 to 3164-15. [Repealed.]

Repealed Apr. 21, 1937, c. 332, §5, except as to expenditures made during 1937.

3164-16. County board may contract with hospitals for care of poor. [Repealed.]

Repealed Apr. 29, 1935, c. 359, §4.

Though certain counties may contract with certain hospitals for care of indigent persons, ordinarily counties may not pay for care of indigent persons sent to hospitals other than state hospitals by a township. Op. Atty. Gen. (1001d), July 12, 1934.

Repealed. Laws 1935, c. 359, §4. §§1 to 3 authorize county boards to hospitalize indigent of certain counties.

This act is supplementary to §§4577 to 4587 and this section is not mandatory upon county board relative to entering into contract with hospital in county. Op. Atty. Gen. (1001d), Jan. 24, 1935.

A county operating under the town system of poor relief has no authority to pay expenses of indigent person sent to a hospital other than the Minnesota General Hospital except those counties coming within provisions of Laws 1933 c. 393. Op. Atty. Gen. (1001d), Apr. 25, 1935.

3164-17. Application to be made to judge of probate. [Repealed.]

Repealed Apr. 29, 1935, c. 359, §4.

It is not lawful for judge of probate to act under this section when county board has not entered into a contract with county hospital, but board may ratify act of probate court and pay for services received. Op. Atty. Gen. (1001d), Jan. 24, 1935.

3164-18. County to pay costs. [Repealed.]

Repealed Apr. 29, 1935, c. 359, §4.

Cost of care, treatment and hospitalization of an indigent person is imposed upon county of legal residence of such person, and state has no authority to reimburse county for half of expenses when patients are placed in Class "A" hospitals other than Minnesota general hospital. Op. Atty. Gen., Dec. 19, 1933.

Preliminary medical examination should be paid by county of legal residence of indigent person. Op. Atty. Gen. (1001d), May 21, 1934.

Expenses of hospitalization must be borne by county in which indigent person has his "legal residence" as distinguished from "legal settlement" for poor relief purposes. Op. Atty. Gen. (1001b), Apr. 4, 1935.

3164-19. County Board to provide hospitalization for indigent persons.—The county board of any county in this State is hereby authorized to provide for the hospitalization in hospitals within the county or elsewhere within the State, of indigent residents of such county who are afflicted with a malady, deformity, or ailment of a nature which can probably be remedied by hospitalization and who are unable, financially, to secure and pay for such hospitalization or, in the case of a minor, whose parent, guardian, trustee or other person having lawful custody of his person, as the case may be, is unable to secure or provide such hospitalization. (Act Apr. 29, 1935, c. 359, §1.)

A person may be entitled to hospitalization even though not a poor person entitled to poor relief. Op. Atty. Gen. (1001b), Dec. 14, 1935.

This act is intended as supplementary to §§4577 to 4587, and county board may elect whether to send indigent resident to University hospital or any other hospital. Op. Atty. Gen. (339g-2), Jan. 8, 1936.

County board may enter into contract with local hospitals for care of county patients. Op. Atty. Gen. (707b-2), Apr. 8, 1936.

This act is supplementary to §§4577 to 4587, and county may elect to take advantage of this act or send an indigent patient to hospitals referred to in act or to the Minnesota General Hospital, and this act is, therefore, as applicable to counties operating under township system of poor relief as to other counties. Op. Atty. Gen. (125a-27), June 12, 1936.

County may pay local hospitalization for medical and surgical treatment. Op. Atty. Gen. (107b-15), Aug. 7, 1936.

This act seems to have been enacted for a purpose of giving county option of sending indigent persons to Minnesota General Hospital or other specified hospitals, and intended it to be supplementary to §§4577 to 4587, and same rules that govern with reference to admission to Minnesota General Hospital are applicable with reference *to right of person to be admitted to other hospitals.* Op. Atty. Gen. (1001h), Mar. 5, 1937.

Right of admission is governed by this act, and not by poor relief statute, and county may send patient to University Hospital, and other hospitals, whether under county or township system of poor relief. Op. Atty. Gen. (1001c), Mar. 9, 1937.

County welfare board does not have responsibility or authority for hospitalizaiton at University Hospital. Op. Atty. Gen. (1001c), July 20, 1937.

County welfare board has jurisdiction to enter into contract for hospitalization of indigent persons under poor relief laws but not for hospitalization at Minnesota General Hospital or a hospital coming within Laws 1935, c. 359. Op. Atty. Gen. (104b-7), Nov. 22, 1937.

Town system of poor relief was not abolished by establishment of county welfare board, and primary obligation to care for poor rests upon various municipalities, but county may extend necessary aid when municipality is unable to provide it, or refuses to provide it, and although responsibility for care of persons in need of hospitalization is upon county board, that board may designate county welfare board to act as its agent, except as to matters requiring exercise of judgment and discretion of county board. Op. Atty. Gen. (125a-27), Jan. 26, 1938.

County commissioners of county operating under township system may pay part of expense of maintaining a sick poor person at a local hospital without first securing an agreement that its charges will be commensurate with those of the University Hospital, but they might be open to criticism as being extravagant and wasteful. Op. Atty. Gen. (339G-2), May 3, 1939.

3164-20. Application to be filed.—Whenever the existence of a case described in section 1 of this act shall come to the notice of the sheriff, town clerk, health officer, public health nurse, peace officer, public official, or physician or surgeon it shall be his duty to, and any other person may, file with the county auditor of the county of the legal residence of such indigent person requiring care an application for the

hospitalization of such indigent person. Such application shall be made in such form as the county board of such county may prescribe, and shall contain the name, age, residence, and physical condition of the person sought to be hospitalized and shall contain also a full statement of his financial situation and of the persons, if any, legally charged with his care and support, and such application shall be verified. The county board shall make a careful investigation of the matter in such manner as it shall deem advisable and expedient, and it shall be the duty of any public official of any county, city, village, or town of the residents of the person sought to be hospitalized to supply the county board on a request therefor all the information within his knowledge relative to the financial condition of the person sought to be hospitalized and of all persons, if any there be, who are legally liable for the support of such person. If after such investigation the county board shall be satisfied that the person on whose behalf the application is made is not financially able to provide himself with such hospitalization or in case of a minor, his parents, guardians, trustee, or other person having legal custody over him or legally responsible for his support and maintenance is not financially able to provide such hospitalization, then said county board shall direct the county physician or some other physician, to make an examination of the person on whose behalf such application was made. Such physician shall make and file with the county board a verified report in writing setting forth the nature and history of the case and such other information as will likely aid in the medical and surgical treatment of the disease, malady, deformity, or ailment affecting such person, and shall state in such report his opinion whether or not the condition of such person can probably be remedied at a hospital. Such report shall be made in duplicate, one copy of which shall be filed with the county auditor and the other shall be transmitted to the hospital at which such afflicted person is hospitalized; such report shall also give any information the examining physician shall have or acquire relative to the financial ability of the afflicted person to pay for the hospitalization and treatment of his disease, malady, deformity, or ailment, together with any other information such physician may deem helpful to the county board or the physician attending him.

If upon filing of such report and a full investigation of the application the county board shall be satisfied that the case is one which could be remedied by hospital treatment and that such afflicted person is financially unable to secure or provide the same for himself, and that the persons legally charged with the support and maintenance of such person, if any there be, are financially unable to provide such hospitalization, the county board may grant or approve said application. If the county board is not so satisfied, it may take additional testimony or make such further investigation as it shall deem proper and shall reject any application if it finds that the facts do not merit the expenditure of public money for the relief of such afflicted person. Upon the approving and granting such application and the relief therein prayed for the chairman of such county board shall arrange for the hospitalization of such afflicted person. If the county board shall find that the applicant or the person legally responsible for his support and maintenance is not able to pay in full but is able to pay in part for such hospitalization at such hospital the county board may approve such application of such afflicted person on such terms of division of hospital charges and costs as it may deem equitable and just. The county board shall provide for taking such afflicted person to the hospital. Provided, however, that when a physician certifies that an emergency exists in any case, and that he believes that the person suffering is unable to pay for hospitalization, such person shall be admitted to any such hospital upon the order of the chairman of the county board or upon the order of the county commissioner of the district in which such alleged indigent person resides; and thereafter an investigation shall be made in the manner hereinbefore provided. (Act Apr. 29, 1935, c. 359, §2.)

Financial ability of relatives of applicant to care for him is not a bar to his treatment at hospital, except as specifically limited by this section. Op. Atty. Gen. (1001-b), Dec. 14, 1935.

3164-21. Costs.—The cost of hospitalization of such indigent persons exclusive of medical and surgical care and treatment shall not exceed in amount the full rates fixed and charged by the Minnesota general hospital under the provisions of Laws 1921, Chapter 411 [§§4577 to 4586], and acts amendatory thereof, for the hospitalization of such indigent patients. The cost of the hospitalization of indigent persons under the provisions of this act shall be paid by the county of the legal residence of such indigent persons at such times as may be provided for in such contract. (Act Apr. 29, 1935, c. 359, §3.)

Financial responsibility of taking care of hospitalization cases belongs to county whether under town or county system of poor relief. Op. Atty. Gen. (1001b), Dec. 14, 1935.

Local hospitalization is governed by rate of charges made at Minnesota General Hospital. Op. Atty. Gen. (125a-27), Jan. 15, 1936.

There is no provision authorizing state to pay same proportion of cost for care of indigent persons as state would bear if patients were sent to University Hospital. Op. Atty. Gen. (707b-3), Apr. 8, 1936.

County board may enter into arrangement with local hospitals to pay for medical and surgical treatment in addition to cost of hospitalization. Op. Atty. Gen. (1001c), May 23, 1936.

Cost of hospitalization to be paid by county of legal residence rather than by county in which person has settlement. Op. Atty. Gen. (125a-27), Nov. 3, 1938.

State agency is not limited to a consideration of the facts in a particular case as they existed at time of consideration of case by county agency, and may make an ex-party investigation. Op. Atty. Gen. (521b-2), Nov. 4, 1938.

3164-22. Law repealed.—Laws 1933, Chapter 393 [§§3164-16 to 3164-18], is hereby repealed. (Acts Apr. 29, 1935, c. 359, §4.)

STATE RELIEF ACTS

Laws 1935, c. 51; Laws 1935-36, Ex. Ses., c. 101; Laws 1937, Ex. Ses., c. 89.

ACTS RELATING TO PARTICULAR COUNTIES

Act Mar. 17, 1933, c. 91 (repealing Act Feb. 11, 1933, c. 20), authorizes counties containing 21 congressional townships, with assessed valuation of not less than $3,200,000, including moneys and credits, and which has changed to county system of poor relief, to issue bonds not to exceed $25,000.

COUNTY SYSTEM

3165. County board supervisors of the poor—overseer of poor may grant relief—county poor relief agent—poorhouses.—In counties having the county system, the members of the county board shall be supervisors of the poor; provided that in counties where the board has employed and appointed an overseer of poor, the county board may by resolution confer full authority for granting temporary relief to the poor on the overseer of the poor or such other person as may be appointed by them, and in such cases the overseer or such other person so appointed shall be the only authorized agent of the county to incur expenses for relief of the poor. In case a person other than the overseer of the poor is appointed for said purpose, he shall be designated as the county poor relief agent and shall hold his office during the pleasure of the county board and his compensation shall be fixed by the board annually. The board may establish and maintain a poorhouse for the reception and support of poor persons chargeable on the county, and also, if it shall deem best, a poor farm or work house, or both, for the employment of the poor therein. If, in the opinion of the board the number of poor persons does not warrant the purchase or lease of a poorhouse, it may provide for their support in any other way which it may deem proper. The

expense of providing the necessary land and buildings shall be defrayed by a special tax, to be assessed, levied, and collected like other county taxes. (R. L. '05, §1492; G. S. '13, §3075; Laws 1933, c. 198; Ex. Ses., Dec. 23, 1933, c. 10, §1.)

Sec. 2 of Act Apr. 10, 1933, and Sec. 2 of Act Dec. 23, 1933, cited, provides that the act shall take effect from its passage.

Act Apr. 10, 1933, c. 186, authorizes county board to use condemned buildings on poor farm for housing of poor during present emergency not to exceed a period of two years after passage of the act

City of Moorhead v. T., 184M509, 239NW217; note under §3161.

Op. Atty. Gen. (107b-1), Aug. 11, 1934; note under §4401-13.

Where city quarantines a hotel, the county is liable for the support of poor guests of the hotel. Op. Atty. Gen., Feb. 11, 1929.

County may enter into a contract for the care and support of its poor. Op. Atty. Gen., Dec. 22, 1931.

Expenses of county highway engineer outside of county on trip necessary to cooperate with state and federal governments in carrying out relief programs may be paid by the county, if such trip were first authorized by the county board, and the engineer was designated its agent in the matter. Op. Atty. Gen. (125a-31), Jan. 24, 1935.

County operating under county system of poor relief may purchase wood lots for purpose of furnishing employment to needy persons in clearing the land and in growing sugar beets thereon if county deems it necessary and for best interest of the county to do so in carrying on its poor relief. Op. Atty Gen. (107b-15), Feb. 5, 1935.

Where county does not have sufficient room in courthouse, county board may buy land and a building next door without a vote of the people or a call for bids, it having sufficient money on hand to make the purchase. Op. Atty. Gen. (125a-41), May 9, 1935.

County board may abolish poor farm and lease or sell it, but there must be a compliance with §§638, 641, 663. Op. Atty. Gen. (125a-36), Feb. 18, 1936.

County board may in its discretion pay office expenses of local federal rehabilitation officer lending money to farmers who are in financial straits. Op. Atty. Gen. (107b-1), Apr. 27, 1936.

County may hire rock crushing outfit for purpose of furnishing work to needy persons and may sell line derived from such operation at cost. Op. Atty. Gen. (107b-15), Dec. 4, 1936.

County board may appropriate money for purpose of paying rental of sewing machine in carrying on a WPA project in cooperation with federal government. Op. Atty. Gen. (107b-15), Dec. 9, 1936.

County board may furnish relief on a county work project in lieu of direct relief to persons physically able to work. Op. Atty. Gen. (125a-37), Dec. 21, 1936.

State relief agency has right to compel county to produce evidence of change to township system, or to require county to handle its relief through county welfare board in county which has legally adopted township system. Op. Atty. Gen. (339a-5), Nov. 4, 1937.

County home and poor farm should be maintained and operated by county welfare board in counties operating under county system. Op. Atty. Gen. (125a-64), Nov. 5, 1937.

County welfare board and not board of county commissioners should administer county home and poor farm in counties operating under county system. Op. Atty. Gen. (339k), August 1, 1939.

3167. Overseer of poor may be appointed in certain counties.—When a poorhouse is established, the County Board shall appoint, for the term of one year, and may at pleasure remove, an overseer of the poor, who shall hold office until his successor qualifies, and whose compensation shall be fixed by the board annually. In a county, or counties, where no poorhouse is established, the County Board may appoint for the term of one year, and may at its pleasure remove, an overseer of the poor, who shall hold office until his successor qualifies, and his compensation shall be fixed by the Board annually. Before entering upon his office, the overseer, in either case, shall give bond to the county in such sum as the Board may direct, to be approved by it, and conditioned for the faithful performance of his duties; and the board may require an additional bond whenever such bond is deemed insufficient. (R. L. '05, §1494; G. S. '13, §3077; Feb. 9, 1933, c. 19.)

Where county enters into contract for the care and support of its poor and is not maintaining a poor house, it is not necessary to appoint an overseer. Op. Atty. Gen., Dec. 22, 1931.

Failure of poor overseer to furnish bond does not render his work illegal, but is ground for his removal. Op. Atty. Gen., Feb. 28, 1933.

County operating under town system of caring for poor may not hire an assistant to relieve administrator. Op. Atty. Gen., June 5, 1933.

Neither county commissioners nor county attorney are entitled to mileage in connection with investigation of poor relief and mother pension cases. Op. Atty. Gen. (359a-14), Mar. 12, 1935.

3168. Powers and duties of overseer.

County operating under county system of poor relief may purchase wood lots for purpose of furnishing employment to needy persons in clearing the land and in growing sugar beets thereon if county deems it necessary and for best interest of the county to do so in carrying on its poor relief. Op. Atty. Gen. (107b-15), Feb. 5, 1935.

County may hire rock crushing outfit for purpose of furnishing work to needy persons and may sell line derived from such operation at cost. Op. Atty. Gen. (107b-15), Dec. 4, 1936.

3170. Commitment by member.

County board in counties having county system and having within its limits city of 3rd class may employ relief agent. Laws 1933, c. 6.

Overseer of poor is compelled to furnish aid upon order of county commissioner. Op. Atty. Gen., Feb. 28, 1933.

3171. Temporary relief.

175M39, 220NW156.

A county operating under the county system of caring for the poor may not purchase provisions at wholesale and dole the same out to such persons as may be entitled to temporary relief. Op. Atty. Gen., Mar. 20, 1931.

Neither §3157 nor §3171 impose limitations on liability of county to town for poor relief expended by town under §3195. Op. Atty. Gen., May 2, 1932.

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

Counties have no authority to purchase supplies by wholesale and deliver same to poor. Op. Atty. Gen., Oct. 16, 1933.

Section is limited to counties having a poor house and an overseer of the poor and to cases in which only temporary and limited relief is required. Op. Atty. Gen. (339i-1), Aug. 16, 1935.

County may furnish relief to one who is not legally settled in county. Op. Atty. Gen. (339o-3), Oct. 15, 1937.

3171-1. Relief agent may be employed in certain counties.—In any county having the county system and having within its limits any city or cities of the third class, the County Board may employ a relief agent to assist any member of the Board whose district is composed solely of a city of the third class, in the performance of the duties of such Board member, prescribed by Sections 3170 and 3171, Mason's Minnesota Statutes 1927. (Act Jan. 17, 1933, c. 6, §1.)

3171-2. Duties—reports.—In the performance of such duties any relief agent so employed shall receive such compensation as shall be fixed from time to time by the County Board. He shall act under the general supervision and direction of the member of whose district he shall be assigned by the County Board, subject to such regulations and orders as the Board shall adopt. He shall make his report in writing to the member whom he is employed to assist. (Act Jan. 17, 1933, c. 6, §2.)

3171-3. Term.—The term of employment of the relief agent authorized by this act shall be fixed by the County Board. (Act Jan. 17, 1933, c. 6, §3.)

3172. Conveyance of poor persons.

Matter of authority of sheriff to forcibly remove a poor person from a house to county poor house is a county matter and attorney general will not pass thereon on application of city attorney. Op. Atty. Gen. (339o-3), Feb 6, 1935.

3173. Settlement in another county.

County of Kanabec v. C., 189M161, 248NW710; note under §3161.

Relief given to a widow with several small children dependent upon her is proper basis for reimbursement under this section, though such woman owns property from which she derives no income. Op. Atty. Gen., Feb. 11, 1930.

One receiving workmen's compensation of $13.33 per week is not a pauper and cannot be required to remove

from the county, though he has been paid some temporary assistance, which has been paid back. Op. Atty. Gen., July 17, 1931.

Where a poor person has a settlement in one county and moves into another and four months later the county of his new residence renders necessary emergency medical treatment, such county may recover the cost from the county of the poor person's settlement, and such claim will not outlaw until six years. Op. Atty. Gen., Sept. 26, 1931.

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. Op. Atty. Gen., Nov. 13, 1931.

Poor family may not be ordered removed from county prior to making application for relief. Op. Atty. Gen., June 1, 1932.

Authority of municipality to cause removal of pauper does not occur until application for relief has been made. Op. Atty. Gen., June 13, 1932.

Order of chairman of board is sufficient authority to sheriff to convey pauper to his place of settlement even though he resists. Op. Atty. Gen., Aug. 3, 1932.

Local authorities have no power to remove paupers against their will to another state. Op. Atty. Gen., June 17, 1933.

Adjoining township into which paupers have moved, and applied for aid, may convey such poor person back to township of settlement. Op. Atty. Gen., Oct. 16, 1933.

In order for township to be able to move persons from township, they must have settlement in another county or in a town, city or village of another county. Op. Atty. Gen., Dec. 22, 1933.

Where poor persons requested aid and were removed from township, whether they could be again removed on their return 7 months later at which time they requested no aid would depend upon facts and circumstances. Id.

Taking of wounded person to a general hospital did not amount to an application for aid to constitute patient a pauper. Op. Atty. Gen., Jan. 9, 1934.

A poor person is free to move wherever he chooses and right of deportation or removal to his place of settlement does not arise until he makes application for poor relief. Op. Atty. Gen., Jan. 11, 1934.

A pauper is free to move wherever he chooses, and right of removal to place of settlement does not arise until he makes application for relief. Op. Atty. Gen. (339e-2), Apr. 16, 1935.

Poor person receiving assistance cannot be removed to place of settlement where he has never applied for it. Op. Atty. Gen. (339o-3), May 21, 1935.

Application for relief filed with county relief office in counties operating under town system may be considered as application for relief within meaning of section warranting removal to place of settlement. Op. Atty. Gen. (400k), May 21, 1935.

In a controversy between political sudvisions as to place of settlement, poor person may not be removed from subdivision where he is residing pending an appeal to the district court or the supreme court. Op. Atty. Gen. (339o-3), Oct. 18, 1935.

Municipal officials cannot order WPA employees removed to place of settlement until after application for poor relief has been made. Op. Atty. Gen. (339o-3), Jan. 9, 1936.

One living upon a freehold estate, whether legal or equitable, cannot be removed to county of his settlement. Op. Atty. Gen. (339o-2), Feb. 8, 1936.

There is no provision of law for removing a pauper from the state. Op. Atty. Gen. (339o-5), Feb. 21, 1936.

Pauper cannot be forcibly removed to another state even with consent of other jurisdiction. Op. Atty. Gen. (339o-3), Jan. 29, 1937.

Where persons applying for relief were found by court to have legal settlement in another county and family was moved to such other county, but returned to the first county, they cannot again be removed unless they apply for relief. Op. Atty. Gen. (339o-3), Jan. 30, 1937.

A poor person cannot be removed from county unless he has made application to county board for relief, and he may not be removed until there has been a determination of his place of settlement. Op. Atty. Gen. (339o-4), Apr. 7, 1937.

Poor person not having settlement in state cannot be removed to another state, and a poor person cannot be removed from his freehold estate whether the same be legal or equitable. Op. Atty. Gen. (339o-2), June 12, 1937.

A family moving back immediately after being removed from county to place of settlement may not again be removed until application for relief is made. Op. Atty. Gen (339o-3), July 7, 1937.

Where resident of another state is brought into county for hospitalization, and county in other state pays for expenses for a time, and then disclaims further responsibility, there is no statutory method for removing such person to state of his settlement, and no statutory authority for paying transportation to such other, even if he voluntarily departs, but such expenses have been frequently paid and propriety thereof has not been seriously questioned where other state signifies willingness to assume responsibility for future care. Op. Atty. Gen. (339o-3), Oct. 15, 1937.

After place of settlement has been determined by court under §3161-2 person may be removed to his place of settlement as provided by §3173, but if he is not removed within a reasonable time, and becomes self-supporting, for want of more funds, he may not be removed until he again makes application for relief. Op. Atty. Gen. (339o-2), Dec. 15, 1937.

After place of settlement has been determined under §3161-2, proper procedure to remove person is that provided by §3173. Op. Atty. Gen. (339o-2), May 12, 1938.

Poor family acquired legal residence where warrant for removal was handed to sheriff at end of 10 months but he failed to execute it within the year. Op. Atty. Gen. (339o-2), Jan. 18, 1939.

Poor persons may be forcibly removed to another place in the state, but cannot be removed against their will to another state. Op. Atty. Gen. (339e-2), Feb. 9, 1939.

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 even though that state is willing to receive them. Op. Atty. Gen. (339e-5), Feb. 28, 1939.

3174. Board to appoint physician.

It is mandatory for the county board to appoint a county physician. Op. Atty. Gen., Jan. 19, 1932.

County board may not appoint osteopath as county physician. Op. Atty. Gen. (104b-7), Mar. 8, 1935.

County health officer receiving no remuneration of any kind is not a county officer and he may receive compensation from county for operations upon poor relief patients and for hospitalization for them in hospital owned by him. Op. Atty. Gen. (707b-6), Apr. 16, 1935.

County physician is a county officer and hospital in which he owned an interest is not entitled to contract with county or charge of services. Id.

County is liable for reasonable value of services rendered by a hospital to an indigent person in an emergency requiring prompt and immediate attention. Op. Atty. Gen. (339g-2), May 15, 1935.

County compelled to pay for emergency operation upon pauper married woman, could recover reimbursement from father though he had no notice of necessity for operation. Op. Atty. Gen. (339g-3), June 14, 1935.

County board may employ physician for poor without letting work upon bids, and may change compensation *from time to time, but cannot contract for a definite* term at a definite salary. Op. Atty. Gen. (104b-7), Nov. 29, 1935.

County physicians are to be appointed by county board and not by county welfare board. Op. Atty. Gen. (104b-7), Oct. 12, 1937.

If more than one physician is appointed, order of appointment should prescribe district in which each physician is to act. Id.

County physician is to be appointed by county board and not by county welfare board. Op. Atty. Gen. (104b-7), Nov. 22, 1937.

This section was not repealed by implication by Laws 1937, Ex. Sess., c. 89, §11. Op. Atty. Gen. (104b-7), Dec. 31, 1937.

Welfare board may retain osteopaths for osteopathic services to relief clients, but treatments given and services rendered must be in strict accordance with laws defining duties and authority of an osteopath. Op. Atty. Gen. (125a-64), Apr. 11, 1938.

Doctor performing emergency operation has no claim whatever against welfare board and consequently no right of appeal from any action board may take on his claim. Op. Atty. Gen. (6-p), *June 15, 1939.*

3175. Minors, how provided for.

The mother of two dependent children born of a bigamous marriage may receive a county allowance to enable her to care for these children in her home. Op. Atty. Gen., Sept. 26, 1931.

3176. Burial at expense of county.

County board may allow a reasonable amount for services of a minister. Op. Atty. Gen., Apr. 6, 1929.

A county with county system for care of the poor paying burial expenses of a pauper not resident in the county may not recover funeral expenses from relatives. Op. Atty. Gen., Dec. 18, 1931.

Expense of burial of a pauper is imposed on county in which death occurs. Op. Atty. Gen. (339c-1), Apr. 26, 1934.

County may not pay expenses incident to searching for bodies of persons accidentally drowned. Op. Atty. Gen. (107b-1), Nov. 14, 1934.

Where a person committed to some state institution, like a state asylum for insane or other state institution, dies in such institution, place of settlement of indigent person at time he was committed to institution is liable for expenses incident to his burial. Op. Atty. Gen. (339c-1), Nov. 23, 1934.

Settlement for poor relief purposes cannot be acquired by resident in a transient camp and when persons residing in such camp have a legal settlement for poor relief purposes in some other municipality of state, county in which transient camp is located is not liable either for medical aid furnished or burial expenses in case of death, but county in which one having no settlement in the state dies is liable for burial expenses. Op. Atty. Gen. (339o-6), June 8, 1935.

Where pauper from another state dies and county pays burial expenses, there is no remedy whereby county may collect from other state if it refuses to recognize claim. Op. Atty. Gen. (390c-1), Aug. 19, 1935.

There is no authority for recovery by a county from relatives of a poor person of funeral expenses expended by county. Op. Atty. Gen. (339c), March 30, 1939.

Statute does not authorize county or town to contribute some fixed sum, such as $100, to cost of a funeral ordered by some relative, but if relatives wish music and flowers and more elaborate features, such relatives should contract as a private matter. Op. Atty. Gen. (339a), April 12, 1939.

County furnishing burial pursuant to §3176 may not sue to recover burial expenses under §9657, nor file petition for appointment of a special administrator for that purpose. Op. Atty. Gen. (339c-1), June 22, 1929.

3177. Tax for support of poor.

County operating under county system of poor relief is not required to use the Minnesota General Hospital for its indigent sick but may contract with private hospital to take care of such patients, paying therefor from the poor relief fund. Op. Atty. Gen., Apr. 12, 1933.

County was not required to use Minnesota General Hospital for care of persons entitled to poor relief but could contract with any private hospital. Op. Atty. Gen., Apr. 12, 1933.

Money for poor relief and widow's pensions may not be raised under levy for "old age pension levy." Op. Atty. Gen., June 22, 1933.

There is no maximum limit upon amount of tax which may be levied for old age pensions, widow's pensions and poor relief. Id.

Agreement may be entered into between counties operating under township system for relief and federal and state relief administration as to amount of contribution by counties, and county may levy taxes to provide therefor. Op. Atty. Gen. (339l-1), June 25, 1935.

County operating under town system may levy taxes for poor relief and may issue bonds in cases of emergency to raise funds for poor relief purposes. Op. Atty. Gen. (519j), July 5, 1935.

In a county under township system of poor relief, county may provide for poor of insolvent township. Op. Atty. Gen. (107b-15), Aug. 29, 1935.

County board of county operating under town system may pay incidental expenses in connection with caring for poor. Op. Atty. Gen. (107b-15), Nov. 1, 1935.

Counties operating under town system may levy taxes for poor relief purposes in case of emergency, and borrow funds for poor relief purposes. Op. Atty. Gen. (125a-37), Apr. 14, 1936.

County under town system of poor relief may levy taxes pursuant to its obligations under §3195-1 and §974-17 and §974-16, and administer aid received from state and federal government through the county welfare board, but does not have authority to make levies to defray cost of general poor relief. Op. Atty. Gen. (519j), March 8, 1939.

3177-1. Tax levy for social security measures.—duties of county commissioners—penalties for failure to perform duties.—The board of county commissioners of each county shall annually levy taxes and fix a rate sufficient to produce the full amount required for old age assistance, aid to dependent children, and any other social security measures wherein there is now or may hereafter be county participation, sufficient to produce the full amount necessary for each such item, including administrative expenses, for the ensuing year, within the time fixed by law in addition to all other tax levies and tax rates, however fixed or determined, and any commissioner, or commissioners, who shall fail to comply herewith shall be guilty of a gross misdemeanor and shall be immediately removed from office by the governor of this state. (Apr. 19, 1937, c. 304, §1.)

The title of Act Apr. 19, 1937, cited, is as follows: "An act fixing the duties of county commissioners in certain cases," etc.

3177-2. Supplemental aid to old age assistance in distressed counties; what constitutes distress.—Any county in the State of Minnesota with a tax delinquency as shown by the annual report of the State Tax Commission in excess of forty per cent for all real and personal property tax levies for all units of government for the year 1933, payable in 1934 and delinquent January 1, 1935, or which may hereafter have such delinquency, or in which the average return of tax levied for all units during the year 1934, payable in 1935, was in excess of one hundred and ten mills, or in which such tax levy may hereafter be in excess of one hundred and ten mills, shall be known as a distress county. (Apr. 19, 1937, c. 305, §1; July 15, 1937, Sp. Ses., c. 55, §1.)

Act Mar. 28, 1939, c. 93, makes provision for counties having assessed valuation, exclusive of monies and credits, of less than "$3,000,000.00," 54 to 58 congressional townships, and population of 12,000 to 14,000, which failed to levy sufficient taxes for 1938 for old age assistance under the above act.

If annual reports of state tax commission show that 1933 taxes collectible in 1934 were delinquent in January 1, 1935, in amount of 41.72% and that percentage of delinquency on 1934 taxes as of January 1, 1936, was 42.57%, county is a distressed county entitled to supplemental aid, even though it does not have a tax delinquency in excess of 40% or an average mill rate in excess of 110 mills at present time in connection with taxes levied for year 1935. Op. Atty. Gen. (521b-1), Aug. 14, 1937.

3177-3. Same; fund; distribution.—Out of moneys hereafter appropriated by the State for old age assistance there shall be set aside a sum of money into a separate fund to be known as the Supplemental Reimbursement Fund in an amount which, after deducting the amounts of money actually collected in each county for old age assistance, shall be sufficient to grant to each county supplemental aid in such amount as may be necessary to pay old age assistance in such county to the extent that pensions shall be uniform throughout the state, having regard for varying costs of living and conditions in various parts of the State, provided, however, that such sum of money so set aside shall not exceed the sum of $250,000 annually. (Apr. 19, 1937, c. 305, §2; July 15, 1937, Sp. Ses., c. 55, §2.)

Supplemental aid is to be based only on amount of actual pension payments, and cannot include county administrative costs or burial benefits. Op. Atty. Gen. (521w), Sept. 12, 1939.

3177-4. Same; certification of distress; payment.—Whenever any distressed county shall, through its county auditor and by resolution of the county board, certify to the State Agency that within said county there was levied an amount of money, which, if collected, would have been sufficient to pay old age assistance therein, and shall further certify that said county comes within the definition herein provided for, and shall further certify to the percentage of delinquency existing in said county, as the same has been determined or may be reasonably anticipated, and shall further certify the amount of money it has in its old age assistance fund and the amount of delinquency that will exist in said fund in so far as the same may be anticipated, and shall further certify the number of persons receiving old age assistance and the average payment for old age assistance being made, and shall certify the amount of money which in its judgment will constitute a delinquency due to delinquency in tax payments, the State Agency may pay to such county such sum or sums of money out of the funds hereinbefore provided for as supplemental old age assistance aid to such county. (Apr. 19, 1937, c. 305, §3; July 15, 1937, Sp. Ses., c. 55, §3.)

Act July 16, 1937, Sp. Ses., c. 73, provides that counties having a tax delinquency of 50%, and has borrowed from the gas tax fund, which loan has been repaid, may apply to the state agency for old age assistance for 1937.

Counties having valuation of less than $3,000,000 and 54 to 58 townships and 12,000 to 14,000 population, are excused for past failure to comply with Laws 1937, Ex. Sess., c. 55, §3. Laws 1939, c. 93.

Act Apr. 14, 1939, c. 260, applicable only to Koochiching County excuses the county from certification of tax levy. It is probably unconstitutional as local and special.

Bond issue by county for funds used in old age assistance did not constitute a tax levy. Op. Atty. Gen. (521b-1), Aug. 14, 1937.

Act applies to old age assistance payments made by counties in year 1937 based upon taxes collected by counties in that year, and to subsequent years. Op. Atty. Gen. (521w), Oct. 25, 1937.

A county which levied $11,000 for old age assistance when $13,000 was actually required for that purpose could not certify, notwithstanding it acted in good faith and had no knowledge at time of levy as to what its old age assistance requirements would be. Op. Atty. Gen. (521b-1), Feb. 7, 1939.

3177-5. Same; certification as to levy of tax excused in certain cases.—Any county in this state having a tax delinquency of 60 per cent or more and also having an assessed valuation, exclusive of monies and credits, not exceeding $3,500,000.00, according to the latest annual report of the Minnesota State Tax Commission, who failed to levy sufficient taxes and fix a sufficient tax rate for old age assistance for the year 1937 pursuant to Special Session Laws 1935-1936, Chapter 95, Section 24 [§3199-34], shall not be required to certify to the State Agency that such county levied an amount of money, for the year 1937, which, if collected would have been sufficient to pay old age assistance therein for the year 1937 as provided in Section 3 herein; but any such county shall otherwise fully comply with the provisions of Section 3; but nothing herein contained shall be construed to exempt any such county from fully complying with all the provisions of Section 3 herein for any subsequent years. (July 15, 1937, Sp. Ses., c. 55, §4.)

3177-6. Same; certification as to tax levy unnecessary in certain counties.—Any distressed county in which 50 per cent or more of the area therein is within a federal or state forest area shall not be required to certify to the State Agency that within such county there was levied an amount of money, which, if collected, would have been sufficient to pay old age assistance therein, but such county shall otherwise fully comply with the provisions of Section 3 herein. (July 15, 1937, Sp. Ses., c. 55, §5.)

Counties having valuation of less than $3,250,000 and more than 95 townships and population of 14,000 to 16,000 who did not levy taxes sufficient for old age assistance, are not required to certify that sufficient was levied. Laws 1939, c. 260.

3177-7. Certain distressed counties not required to certify as to tax levy.—Any distressed county having not less than 81 nor more than 85 full or fractional congressional townships and having a population of not less than 18,000 nor more than 30,000 inhabitants, according to the last Federal Census, shall not be required to certify to the state agency that within such county, for the year 1938, there was levied an amount of money, which, if collected, would have been sufficient to pay old age assistance therein, but such county shall otherwise fully comply with the provisions of Section 3 herein. (July 15, 1937, Sp. Ses., c. 55, §6, added Apr. 21, 1939, c. 389.)

3183. County boards to contract for care of persons other than paupers.

Act Mar. 26, 1929, c. 89, repeals Special Laws 1883, c. 316, as amended by Special Laws 1891, c. 361.

This section does not authorize a contract for the care of the poor. Op. Atty. Gen., Dec. 22, 1931.

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

County has no authority to accept deeds of property from applicants for old age assistance and agree to increase allowance, or to keep property until death and give surplus to heir or divisee of applicant. Op. Atty. Gen. (521p-3), Aug. 5, 1936.

One granted assistance may contract with public institution and pay for his care and subsistence direct, but grant to such recipient is reimbursable to county from state funds only. Op. Atty. Gen. (521t-4), July 30, 1937.

3183-1. Old age pensions established.—There is hereby established in each county in this state a system of old age pensions. Provided that whenever this act shall have been in force for more than one year in any county, the county board shall upon a petition signed by at least 25 per cent of the voters therein, according to the last general election, adopt a resolution submitting the question of continuing such old age pension in said county to the voters at the next general election thereafter; if a majority of the voters voting upon such proposition shall vote in favor thereof, said old age pension shall be continued in effect in said county, but if a majority of the voters voting upon such proposition shall vote against continuing such old age pension in said county, then, and in that event the county board will thereupon adopt a resolution discontinuing such old age pension within said county. (Act Mar. 1, 1929, c. 47, §1; Apr. 9, 1931, c. 138, §1; Apr. 19, 1933, c. 348, §1.)

Sections 3183-1, 3183-2, 3183-3, 3183-4, 3183-7, 3183-8, 3183-9, 3183-10, 3183-18, 3183-19, 3183-20, 3183-21 were amended by Laws 1935, c. 357, but that act was repealed by Laws Ex. Sess. 1935-36, c. 95, §32 [§3199-42, post], and was declared unconstitutional by an opinion of the attorney general. This would seem to leave the sections above enumerated as they existed prior to such amendment.

This act, embraced in §§3183-1 to 3183-22, is suspended during the continuance in effect of Act Jan. 27, 1936, Sp. Ses., 1935-36, c. 95, post, §§3199-11 to 3199-47, but the latter act provides that this act shall be revived in the event that the Federal Social Security Act [Mason's U. S. Code Anno., tit. 42, c. 7] is repealed or held unconstitutional by the supreme court of the United States. See §3199-42, post.

Before proposition may be lawfully submitted to the voters, a resolution must be adopted by a majority vote of the county board, and appropriate reference to this should be made in the posted notice of election provided by §353. Op. Atty. Gen., Sept. 22, 1930.

Resolution submitting proposition of old age pensions to voters is upon resolution adopted by county board, and not by poor and hospital commission. Op. Atty. Gen., Sept. 13, 1932.

County board may rescind its resolution to submit proposition of establishing a system of old age pensions to voters. Op. Atty. Gen., Sept. 15, 1932.

Laws 1933, c. 348, does not repeal §3183-18. Op. Atty. Gen., Aug. 30, 1933.

County commissioners are not entitled to extra compensation either by way of per diem or for mileage while engaged in federal government relief measure, but are entitled to compensation for services performed in carrying out old age pension law. Op. Atty. Gen. (335c-1), Apr. 5, 1934.

County board has complete jurisdiction over applicants for old age pension and granting or refusing pension does not depend upon governing boards of municipalities in which applicants reside. Op. Atty. Gen. (335c-1), Aug. 13, 1934.

This act is unconstitutional because of material change in bill after passage by legislature in enrollment and before approval by the governor as enrolled. Op. Atty. Gen. (82r), May 8, 1935.

Duty of county board to pay pensions is mandatory, and board has no authority to defer payments until after collection of money levied for that purpose. Op. Atty. Gen. (335c-1), July 11, 1935.

3183-2. Who entitled to pension.—Any person who shall comply with these provisions, shall be entitled to a pension, while continuing to reside in the county in which such pension is granted. The amount of such pension shall be fixed with due regard to the conditions in each case, but in no case shall it be an amount, which, when added to the income of the applicant, including income from property, as computed under the terms of this act, shall exceed a total of one dollar per day. (Act Mar. 1, 1929, c. 47, §2; Mar. 18, 1931, c. 72, §1; Apr. 9, 1931, c. 138, §2; Apr. 19, 1933, c. 348, §2.)

Operative effect suspended. See notes under §3183-1.

Time for which person receives old age pension is not to be excluded in determining settlement for poor relief. Op. Atty. Gen. (339o-2), Jan. 10, 1935.

3183-2a. Effective January 1, 1934.—This Act shall take effect and be in force from and after January 1, 1934. (Act Apr. 19, 1933, c. 348, §3.)

See notes under §3183-1.

3183-3. Who may receive.—An old age pension may be granted only to an applicant who:

(1) Has attained the age of seventy years or upwards.

(2) Has been a citizen of the United States for at least fifteen years before making application for a pension.

(3) Has resided in the state and county in which he makes application:

(a) Continuously for at least fifteen years immediately preceding the date of application, but continuous residence in the state and county shall not be deemed to have been interrupted by periods of absence therefrom if the total of such periods does not exceed three years, or,

(b) Forty years, at least five of which have immediately preceded the application;

(c) Provided, that absence in the service of the state of Minnesota or of the United States shall not be deemed to interrupt residence in the state or county if domicile be not acquired outside the state or county.

(4) Is not at the date of making application an inmate of any prison, jail, workhouse, infirmary, insane asylum, or any other public correctional institution;

(5) During the period of ten years immediately preceding such date has not been imprisoned for a felony;

(6) If a husband, has not without just cause, failed to support his wife and children under the age of fifteen years for six months or more during the fiteen years preceding the date of application;

(7) Has not, within one year preceding such application, been a habitual tramp or beggar;

(8) Has no child or other responsible person under the law of this state liable for his support and able to support him. (Act Mar. 1, 1929, c. 47, §3.)

Operative effect suspended. See notes under §3183-1.

Residence was lost when applicant moved to another county and voted therein. Op. Atty. Gen. (335c-1), Apr. 3, 1934.

The granting of pension to qualified persons is absolutely compulsory, but it is within the discretion and judgment of county board to determine whether a particular applicant is entitled to the pension and amount thereof as a matter of fact. Op. Atty. Gen. (335c-1), Aug. 22, 1934.

Residence of applicant absent from county is a question of fact for county board to determine. Op. Atty. Gen. (335c-1), Dec. 1, 1934.

(3).

Residence of applicant is a question of fact. Op. Atty. Gen., Jan. 19, 1934.

Old age pension terminates upon removal from county with no intention of returning, but residence in one county is not changed by temporary residence in another county. Op. Atty. Gen. (335c-1), July 13, 1934.

(3) (a).

Paragraph (a) applies to applicant who has resided continuously in state and county for at least 15 years immediately preceding date of application, and paragraph (b) applies to an applicant who has not resided as set forth in paragraph (a) but who has resided in state for 40 years, at least 5 of which, immediately preceding application, have been in county in which application is made. Op. Atty. Gen., Dec. 22, 1933.

(3) (b).

Residence requirement is met where a person has resided in the state for 40 years or more and in the county in which he makes application for less than 15 years, but for more than five years immediately preceding the application. Op. Atty. Gen. (335c-1), Aug. 22, 1934.

If a person otherwise eligible for old age pension has resided in state for 40 years or more and in county in which he makes application for less than 15 years but for more than 5 years immediately preceding such application, he comes within residence requirements. Op. Atty. Gen. (339c-1), Nov. 23, 1934.

(8).

Applicant is entitled to pension if he has children if they are not financially able to support him. Op. Atty. Gen., May 20, 1933.

3183-4. Restrictions.—No old age pension shall be granted or paid to a person:

(1) While or during the time he is an inmate of and receives the necessities of life from any charitable institution maintained by the state or any of the political subdivisions of the state, or of a private charitable, benevolent or fraternal institution, or home for the aged;

(2) If the value of his property or the value of the combined property of husband and wife, living together, exceeds three thousand dollars;

(3) Who has deprived himself, directly or indirectly, of any property for the purpose of qualifying for old age relief. (Act Mar. 1, 1929, c. 47, §4.)

Operative effect suspended. See notes under §3183-1.

Fact that applicant is receiving relief from the federal government does not necessarily prevent granting of pension. Op. Atty. Gen. (335c-1), Aug. 22, 1934.

3183-5. Computation of income.—The annual income of any property which is not so utilized as to produce a reasonable income, shall be computed at five per cent of its value. (Act Mar. 1, 1929, c. 47, §5.)

This section and sections 3183-14 and 3183-18½ were repealed by Act Apr. 29, 1935, c. 357, §15. The repealing act, however, was repealed by Laws Ex. Sess. 1935-36, c. 95, §32 [§3199-42, post]. As to whether the repealing act revived the sections repealed is to be determined by a construction of §3199-42 read in the light of §10930 of Mason's 1927 Statutes.

In any event the operative effect of §§3183-5, 3183-14, 3183-18½ is suspended by such §3199-42 while the state wide old age pension law remains in force. If they are not repealed they again become operative in the event that the federal Social Security Act is repealed or held unconstitutional by the supreme court of the United States.

3183-6. Estate to pay pension in certain cases.—On the death of a person pensioned, or on the death of the survivor of a married couple, both of whom were so pensioned, the total amount paid as pension, together with simple interest at three per cent annually shall be allowed and deducted from the estate of such person or persons, by the court having jurisdiction to probate the estate. The amount so recovered shall be paid in to the treasuries of the county, town, village or city, in the proportion in which they respectively contributed toward the total of the pensions received by the deceased or by the married couple of which the deceased was the survivor. (Act Mar. 1, 1929, c. 47, §6.)

See notes under §3183-1.

This section has been suspended by provisions of new old age assistance tax, particularly by §3199-42. Op. Atty. Gen. (521g-1), Mar. 15, 1937.

Estate of a deceased recipient is liable for total amount paid as old age assistance under the provisions of both the old and the new old age pension law. Id.

3183-7. County board may require property to be deeded to county.—(1) If the board of county commissioners deems it necessary, it may require as a condition to the grant of a pension certificate, that all or any part of the property of an applicant for a pension be transferred to the county. Such property shall be managed by the board of county commissioners, which shall pay the net income to the person or persons entitled thereto. The board shall have power to sell, lease or transfer such property or defend and prosecute all suits concerning it and to pay all just claims against it and do all other things necessary for the protection, preservation, and management of the property, provided that the property acquired by the county under the provisions hereof shall be sold, leased or transferred only in the manner provided by Section 638, General Statutes 1923.

(2) If in the event that the pension is discontinued during the lifetime of the pensioner the property thus transferred to the board of county commissioners exceeds the total amount paid as pensions with simple interest at three per cent annually, the remainder of such property shall be returned to the pensioner; and in the event of his death such remainder shall be considered as the property of the pensioner for proper probate proceedings. The board of county commissioners shall execute and deliver all necessary instruments to give effect to this subsection.

(3) The county attorney at the request of the board of county commissioners shall take the necessary proceedings and represent and advise the board in any matters arising under this section. (Act Mar. 1, 1929, c. 47, §7; Apr. 9, 1931, c. 138, §3.)

Operative effect suspended. See notes under §3183-1.

Deed of property to county constitutes acquiring property taxes for public use and section is constitutional. Op. Atty. Gen., Aug. 2, 1933.

"Person or persons" means "applicant or applicants." Op. Atty. Gen., Mar. 22, 1934.

In event of death of a pensioner, who deeded his property to the county, remainder thereof should be considered as property of pensioner for probate proceedings, and remainder of property should be returned to pensioner if pension is voted out of county. Id.

Where a married man applies for a pension and appears to be entitled to it and his wife with whom he lives is owner of a house in which they live, board may not require that wife deed house to county as a condition precedent to obtaining pension for husband. Op. Atty. Gen. (335c-1), May 21, 1934.

Real estate acquired by county by deed under old age pension act is exempt from real estate tax as long as property belongs to the county. Op. Atty. Gen. (414f), June 20, 1935.

County may not require deed of property in name of wife of applicant, but may consider fact that applicant had access to a house to live in. Op. Atty. Gen. (335c-1), Aug. 13, 1935.

County board should not reconvey property deeded to county by recipient of pension under §3183-7, and payment of pension made before effective date of Old Age Assistance Act did not remain a lien upon the property until redeemed under that act, and lands acquired by county pursuant to §3183-7 are exempt from taxation while title thereto is in county, in view of §3199-42. Op. Atty. Gen. (521p-3), Sept. 14, 1936.

3183-8. Applications.—An applicant for a pension shall file his application in writing with the county auditor of the county in which he resides in such manner and form as shall be prescribed by the county attorney. All statements in the application shall be sworn to or affirmed by the applicant, setting forth that all facts are true in every material point. Upon the filing of such an application, the board of county commissioners shall make an order fixing a time and place for the hearing thereon, which hearing shall be not sooner than thirty days after the making of such order. The county auditor shall forthwith upon the making of such order mail a copy of the same and of the application to the clerk or recording officer of the city, town or village of which the applicant is a resident; a like copy of such order shall be mailed to the applicant. (Laws 1929, c. 47, §8; Mar. 18, 1931, c. 72, §2; Apr. 9, 1931, c. 138, §4.)

Guardian may make application for old age pension for incompetent. Op. Atty. Gen., Sept. 7, 1933.

Operative effect suspended. See notes under §3183-1.

County commissioners cannot require an applicant to first make application to governing bodies of township, cities and villages. Op. Atty. Gen. (335c-1), May 21, 1934.

3183-9. County board to direct investigations.—The board of county commissioners shall promptly make or cause to be made such investigation as it may deem necessary. The board of county commissioners shall decide upon the application, and fix the amount of the pension, if any, and such decisions shall be final. Provided, however, that in a county having a board of public welfare as authorized by Chapter 371, Laws of 1929, the board of county commissioners may delegate to such board of public welfare, subject to the supervision of the board of county commissioners, such investigation, decisions upon the applications and fixing of the amounts of the pensions, if any. Provided, that in any county having a Poor Commission authorized to administer poor relief with all the powers of the county board in counties having the county system of administering such poor relief, the said Poor Commission shall make or cause to be made by competent authority, such investigations, decisions upon applications for pension, and the fixing of the amounts of pension, if any, to be awarded hereunder; all subject to the final approval of said Poor Commission by resolution and order duly entered in its records, before any such pension shall be paid by the County Auditor. In any such county where such poor relief is administered by and under the supervision of said Poor Commission, it shall be the duty of said Poor Commission and its secretary or clerk, to carry out the provisions of this act with the same powers, duties and obligations as are herein vested in the Board of County Commissioners and the County Auditor respectively, and for the purpose said Poor Commission shall have authority to employ such additional assistance as shall be found necessary. Provided further that in any county having a poor commission, it shall be the duty of the poor commission to designate the deputy clerks of court at such places where regular terms of court are held in said county as clerks for the purpose of accepting applications for such pension. It shall be the duty of such clerks of court to aid and assist the applicant in making out his application for such pension. Provided, further, that in a county having an official investigator appointed as provided in Section 8676, General Statutes 1923, the board of county commissioners may delegate such investigation to such official investigator subject to the supervision of the board of county commissioners. An applicant whose application for pension has been rejected, may not again apply for a pension until the expiration of twelve months from the date of his previous application. (Laws 1929, c. 47, §9; Mar. 18, 1931, c. 72, §3; Apr. 9, 1931, c. 138, §5.)

Operative effect suspended. See notes under §3183-1.

County commissioners cannot appoint any person that they see fit to act as investigator under old age pension law. Op. Atty. Gen., Dec. 11, 1933.

County attorney has no right or power to appoint an investigator. Id.

Filing of applications for old age pensions must be in conformity with this section. Op. Atty. Gen., Dec. 18, 1933.

Powers, duties and obligations to annually appropriate a sum of money sufficient to carry out old age pension act, and hence make levy for sufficient taxes therefor, are transferred from county board of commissioners in any county having a poor commission to the poor commission. Op. Atty. Gen., Feb. 14, 1934.

County commissioners are not entitled to compensation for service in hearing and disposing of claims for old age pensions, and payment of traveling expenses is determined in accordance with law under which particular county is operating. Op. Atty. Gen., Feb. 21, 1934.

In counties operating under town system, municipalities are required to reimburse counties for amount allowed residents of various municipalities irrespective of approval thereof by municipalities. Op. Atty. Gen. (335c-1), Sept. 13, 1935.

3183-10. County board to issue certificates.—(1) The board of county commissioners shall issue to each applicant to whom a pension is allowed, a certificate stating the date upon which pension payments shall commence and the amount of each installment, which may be monthly or quarterly, as the board of county commissioners may decide.

(2) Each pensioner shall file such reports with the board of county commissioners as the said board of county commissioners may from time to time require. If it appears at any time that the applicant's circumstances have changed, the board of county commissioners may revoke or modify any pension certificate issued. Any pension paid in excess of the amount due shall be returned to the county and may be recoverable as a debt due the county. (Laws 1929, c. 47, §10; Apr. 9, 1931, c. 138, §6.)

Operative effect suspended. See notes under §3183-1.

County commissioners may modify amount of pension at any time. Op. Atty. Gen. (335c-1), May 21, 1934.

3183-11. Funeral expenses.—On the death of pensioner such reasonable funeral expenses for burial shall be paid to such person as the board of county commissioners may decide; provided that these expenses do not exceed one hundred dollars, and provided further that the estate of the deceased is insufficient to pay these expenses. (Laws 1929, c. 47, §11; Apr. 9, 1931, c. 138, §7.)

Operative effect suspended. See notes under §3183-1.

3183-12. Not to receive other aid.—(1) During the continuance of the pension no pensioner shall receive any other relief from the state or from any political subdivision thereof, except for medical and surgical assistance.

(2) If the pensioner is, on the testimony of at least three reputable witnesses, found incapable of taking care of himself or his money, the board of county commissioners may direct the payment of the installments of the pension to any responsible person or corporation for his benefit or may suspend payment for such period as the board of county commissioners shall deem advisable. (Laws 1929, c. 47, §12; Apr. 9, 1931, c. 138, §8.)

Operative effect suspended. See notes under §3183-1.

A person receiving old age pension might also receive relief from federal government. Op. Atty. Gen. (335c-1), Aug. 22, 1934.

3183-13. Pensions exempt from tax or process.—All pensions shall be exempt from any tax levy by the state or by any subdivision thereof, and exempt

from levy and sale, garnishment, attachment, or any other process whatsoever, and shall be inalienable in any form. (Act Mar. 1, 1929, c. 47, §13.)

Operative effect suspended. See notes under §3183-1.

3183-14. Revocation of certificate.—If at any time the board of county commissioners has reason to believe that a pension certificate has been improperly obtained, the board of county commissioners shall cause special inquiry to be made and may suspend payment of any installment pending the inquiry. If on inquiry it appears that the certificate was improperly obtained, it shall be cancelled, but if it appears that the certificate was properly obtained, the suspended installments shall be payable in due course. (Laws 1929, c. 47, §14; Apr. 9, 1931, c. 138, §9.)

As to operative effect of this section see note under §3183-5.

3183-15. False statements a misdemeanor.—Any person who by means of a wilfully false statement or representation, or by impersonation, or other fraudulent device, obtains, or attempts to obtain, or aids or abets any person to obtain:

(1) A pension certificate to which he is not entitled;

(2) A larger pension than that to which he is justly entitled;

(3) Payment of any forfeited installment grant;

(4) Or aids or abets in buying or in any way disposing of the property of the pensioner without the consent of the district judge;

Shall be guilty of a misdemeanor. (Act Mar. 1, 1929, c. 47, §15.)

Operative effect suspended. See notes under §3183-1.

3183-16. Violation a misdemeanor.—(1) Any person who violates any provision for which no penalty is specifically provided shall be guilty of a misdemeanor.

(2) Where a pensioner is convicted of an offense under this section the board of county commissioners may cancel the certificate. (Laws 1929, c. 47, §16; Apr. 9, 1931, c. 138, §10.)

Operative effect suspended. See notes under §3183-1.

3183-17. Pension shall cease when.—If a pensioner is convicted of any misdemeanor, felony, or other offense punishable by imprisonment for one month or longer, payments shall not be made during the period of imprisonment. (Act Mar. 1, 1929, c. 47, §17.)

Operative effect suspended. See notes under §3183-1.

3183-18. County board to provide funds.—(1) The county board of each county shall annually appropriate a sum of money sufficient to carry out the provisions of this act. Upon the orders of the board of county commissioners, the county auditor shall draw his warrant on the proper fund in accordance with said order of said board and the county treasurer shall pay out the amounts ordered to be paid as pensions, under the provisions of this act.

(2) Each city, town and village, shall reimburse the county for all amounts of money paid in old age pension to its residents, except that such reimbursements shall not be required for persons who have not been residents thereof for at least five years. The county auditor shall make a report to the county board at its annual meeting showing in detail the amounts which under this subsection are chargeable to each city, town and village, and the county board at such meeting shall determine the amount to be raised and paid by each such city, town and village, to reimburse the county. The county auditor shall charge the amount so determined to such city, town or village, and shall certify the same to the city, town or village clerk. Each city, town or village shall annually levy a tax sufficient to meet such charges, which shall be collected as are other taxes, and paid into the county treasurer. Provided, the foregoing provisions of this subdivision shall not apply in counties operating under a county system of caring for the poor. In any county where the commission system of caring for the poor is in operation, all sums paid as pensions under the law shall be paid out of the revenue fund of said county. (Act Mar. 1, 1929, c. 47, §18; Mar. 18, 1931, c. 72, §4; Apr. 9, 1931, c. 138, §11.)

See Act Apr. 17, 1937, c. 245.

Act Apr. 17, 1937, c. 245, authorizes levy of tax to effect reimbursement not later than Nov. 10, 1938.

As to operative effect of this section see notes under §3183-1.

Ramsey County which operates under county system has no valid claim against village for old age pensions paid. Op. Atty. Gen., Apr. 19, 1933.

The commission system is not applicable to Ramsey county, and city of North St. Paul is legally obliged to pay county of Ramsey any amount expended by it for old age pensions to residents of such city. Op. Atty. Gen., June 4, 1933.

This section is not repealed by Laws 1933, c. 348. Op. Atty. Gen., Aug. 30, 1933.

County auditor cannot deduct sum due from townships, cities or villages from moneys due to them under §3195. Op. Atty. Gen. (335c-1), Apr. 25, 1935.

In counties operating under town system, municipalities are required to reimburse counties for amount allowed residents of various municipalities irrespective of approval thereof by municipalities. Op. Atty. Gen. (335c-1), Sept. 13, 1935.

County may institute mandamus to compel city, town or village to levy sufficient tax. Op. Atty. Gen. (335c-1), Feb. 3, 1936.

It is obligation of city to make additional levy to reimburse county for money paid by county as pension under Old Age Pension Law to residents of city and county operating under township system, but additional levy may only cover discounts on taxes legally granted and deficiencies arising due to forfeiture of land to state for nonpayment of taxes. Op. Atty. Gen. (521w), Aug. 27, 1936.

Where, prior to separation, town and village had separate old age pension funds, it was proper under this act for town and village to separately make settlement to county, for old age pension paid by county under this act, but the new old age pension law does not require towns and villages to reimburse a county for assistance paid. Op. Atty. Gen. (521z), May 19, 1937.

(1).

It is mandatory upon all counties to adopt a system of old age pension commencing Jan. 1, 1934, and it is duty of county board of each county to appropriate sufficient sum of money. Op. Atty. Gen., Dec. 18, 1933.

County board has no authority to defer payment of old age pensions until after collection of money levied for that purpose. Op. Atty. Gen., Jan. 19, 1934.

There is no exact method which each and every county board must follow to provide funds for the payment of pension, and the county may make a direct levy for old age pension or merely increase levy for the poor fund or the general fund and later transfer a certain amount to the pension fund. Op. Atty. Gen. (335c-1), July 9, 1934.

It is the duty of the county board of each county to annually appropriate a sum sufficient to carry out provisions of act. Op. Atty. Gen. (335c-1), Aug. 22, 1934.

(2).

In counties having a commission system of taking care of its poor the county must pay the old age pensions without reimbursement on the part of the various municipal subdivisions of such county. Op. Atty. Gen., Apr. 19, 1933.

Where a person entitled to a pension from county has not lived for 5 years in place of his residence but has been resident for more than 5 years in some other city, town or village of the county, county cannot ask such city, town or village for reimbursement. Op. Atty. Gen., Dec. 30, 1933.

Municipality operating under town system is not entitled to reimbursement from county of 75% of moneys paid out for old age pensions in excess of one mill of taxable value of property in such municipality. Op. Atty. Gen., Jan. 13, 1934.

County is not entitled to reimbursement from municipality unless applicant has lived for at least five years in such municipality immediately preceding application. Op. Atty. Gen., Jan. 18, 1934.

County is not entitled to reimbursement from municipality unless applicant has lived for a least 5 years in such municipality immediately preceding filing of application. Op. Atty. Gen., Mar. 19, 1934.

"Village" includes villages duly separated from their respective townships for election and assessment purposes, and not villages which are part of township. Op. Atty. Gen. (335c-1), Jan. 24, 1936.

3183-18½. Transfer of county funds.—Any county may transfer surplus funds from any county fund except the sinking fund or ditch fund to the general fund or to a special old age pension fund in order to provide moneys necessary to pay pensions awarded under Laws 1929, Chapter 47 [§§3183-1 to 3183-21].

The money so transferred shall be used for no other purpose, but any portion thereof no longer needed for such purpose may be transferred back to the fund from which taken When necessary by reason of failure to levy sufficient taxes for payment of said old age pensions in the county, the county board may authorize the payment of said pensions and the county auditor may carry any such payments as an overdraft on the old age pension fund of said county until sufficient tax funds shall be provided for said old age pension payments. (Act Feb. 5, 1931, c. 8.)

As to operative effect of this section see note under §3183-5.

Money received by industrial commission from Spellman Fund pursuant to provisions of this law belongs to the state and is a preferred claim against depositary. Op. Atty. Gen., Apr. 8, 1933.

In any county operating under a poor commission system and in which there has been no appropriation for old age pensions and not sufficient money available in revenue fund, the poor commission in cooperation with county board must make arrangements for payment of such pensions and county auditor may carry out such payments as overdraft on old age pension fund. Op. Atty. Gen., Feb. 14, 1934.

County board has no authority to defer payment of old age pensions until after collection of money levied for that purpose. Op. Atty. Gen., Jan. 19, 1934.

3183-19. County Auditor to make report.—Within thirty days after the close of each calendar year, the county auditor of each county shall make a report for the preceding year to the board of county commissioners stating:

(1) The amount paid for pensions and to whom and in what amount paid;

(2) The total number of applications for pensions and the name of each applicant;

(3) The number granted, the number denied, the number cancelled during that year, the name of each applicant and such other information as the board of county commissioners may deem advisable. (Act Mar. 1, 1929, c. 47, §19.)

As to operative effect of this section see notes under §3183-1.

3183-20. County board shall make rules.—The Board of County Commissioners shall from time to time prescribe and promulgate rules and regulations to efficiently carry out the provisions of this act and shall publish such information as it may deem advisable to acquaint aged persons and the public generally with the old age pension plan of this state. (Laws 1929, c. 47, §20; Mar. 18, 1931, c. 72, §5; Apr. 9, 1931, c. 138, §12.)

As to operative effect of this section see notes under §3183-1.

3183-21. Proceedings validated.—In every case where any district court or district judge has heretofore made and entered an order for the payment of a pension under the terms of Chapter 47, Laws of 1929 [§§3183-1 to 3183-20], the same shall be and hereby is in all respects validated and confirmed and shall continue as a valid order for a pension under the terms of said act and the Board of County Commissioners or Poor Commission of the county in which such order has been so entered shall continue to pay the pension granted in accordance with the terms of said order, subject to the limitations and provisions of Chapter 47, Laws of 1929, and until modified or revoked by said county board of Poor Commission as provided by said Chapter 47, Laws of 1929 as by this act amended. (Laws 1929, c. 47, §20a, added Apr. 9, 1931, c. 138, §13.)

As to operative effect of this section, see notes under §3183-1.

3183-22. Maximum expenditures for old age pensions in certain counties.—In all counties of this state now or hereafter having property of the assessed valuation of not less than $325,000,000.00 exclusive of moneys and credits and having a bonded indebtedness not exceeding $5,000,000.00, inclusive of bonds issued to defray the cost of permanently improving state trunk highways, which bonds the State of Minnesota has heretofore agreed to pay, the maximum amount which may be expended in any one year for old age pensions shall not exceed such a sum as may be produced by a tax levy of seven-tenths of a mill on each dollar of the taxable value of the property of such counties—, provided, however, that for the year of 1934, a sum not exceeding a tax levy of nine-tenths of a mill on each dollar of the taxable value of the property of such counties, may be so extended. (Act Apr. 17, 1933, c. 308, §1; Dec. 27, 1933, Ex. Ses., c. 23.)

As to suspension of effect of this section, see notes under §3183-1.

Municipality operating under town system is not entitled to damages from county for 75% of moneys paid out for old age pensions in excess of one mill. Op. Atty. Gen. (125a-34), June 11, 1935.

There is no limit on amounts which county may spend. Op. Atty. Gen. (107b-15), Dec. 31, 1934.

3183-23 to 3183-28. [Repealed.]

The above sections taken from Laws 1935, c. 357, are repealed by Act Jan. 27, 1936, Sp. Ses., c. 95, §32, post, §3199-42.

TOWN SYSTEM

3184. Town board and councils to be superintendents—Relief.

Laws 1937, c. 201, validates expenditures.

Op. Atty. Gen. (107b-1), Aug. 11, 1934; note under §4401-13.

Farmer owning a number of animals and sufficient equipment to operate farm and half interest in crops held not a "poor person," though property was mortgaged, and town was not liable for hospital bill. Evangelischer D. Verein v. T., 191M132, 253NW97. See Dun. Dig. 7427.

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. Op. Atty. Gen., July 28, 1931.

County would not be justified in refusing payment to town because bills had not been presented to town board of audit in advance of their allowance. Op. Atty. Gen., May 2, 1932.

County was liable to town for relief expended by town without certificates provided for by this section being made and filed by some member of town board. Op. Atty. Gen., May 2, 1932.

There is no machinery provided by law for compelling town board to extend relief to particular person when it refuses to do so. Op. Atty. Gen., May 17, 1932.

Where town and village are one assessment district and village has not levied any separate tax for support of poor, members of town board are superintendents of poor with duty to support poor residing in village. Op. Atty. Gen., Jan. 25, 1933.

County under town system may not treat resident for tuberculosis at expense of county outside of sanatorium. Op. Atty. Gen., Mar. 8, 1933.

County operating under town system of caring for poor may not hire an assistant to relieve administrator. Op. Atty. Gen., June 5, 1933.

It is for county board, and not attorney general, to determine whether county funds should be used to pay a secretary to assist federal and state government in poor relief, though county is under town system. Op. Atty. Gen. (125a-13), May 23, 1934.

Expense of federal district reemployment administrator for telephone toll was a proper charge against city of third class if city is operating under town system and its residents were furnished relief work. Op. Atty. Gen. (59a-22), Sept. 20, 1934.

A city may cooperate with the SERA and may audit and allow all claims of merchants based on orders on town funds issued by relief workers. Op. Atty. Gen. (59a-34), Dec. 11, 1934.

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, and an attack of the flu, succeeded by acute bronchitis, complicated by a developing articular rheumatism with swollen and painful joints, often resulting in heart complications and requiring watchful attendance of a physician, constitutes an emergency case. Op. Atty. Gen. (339g-1), Jan. 30, 1935.

Town board may not agree to furnish support of a pauper residing in another state for an indefinite period of time. Op. Atty. Gen. (339o-5), Mar. 5, 1935.

County need not reimburse town for purchase of insulin for poor relief purposes, except that county board would have authority to reimburse for a portion of the cost of insulin if expenditure of town exceeded one mill on taxable property. Op. Atty. Gen. (107b-15), Mar. 8, 1935.

A county operating under the town system of poor relief has no authority to pay expenses of indigent person sent to a hospital other than the Minnesota General Hospital, except those counties coming within provisions

of Laws 1933, c. 393. Op. Atty. Gen. (1001d), Apr. 25, 1935.

County under town, village and city system of poor relief has no authority to establish a county relief office and to hire a person to supervise administering of relief such as investigators, etc. Op. Atty. Gen. (107b-15), Aug. 7, 1935.

County board of county operating under township system may administer poor relief for county allocated by state to counties under Laws 1935-36, Sp. Sess., c. 101, § 12, and county board may employ necessary help and employ agencies for the purpose. Op. Atty. Gen. (125a-37), Mar. 24, 1936.

Board of supervisors of a town may not hire and pay a relief investigator, but if town comes under county-state agency, it may pay its share of expense of maintaining a central relief office. Op. Atty. Gen. (437a-7), Apr. 17, 1936.

Mayor, or any other member of city council of Glenwood, may bind city for poor relief in case of emergency without any action taken by council as a whole. Op. Atty. Gen. (339g), Jan. 9, 1937.

Separation of village from township as affecting liability for hospitalization of injured persons. Op. Atty. Gen. (339o-5), Mar. 4, 1937.

County board in a county operating under town system may incur such incidental expenses of national reemployment offices and WPA offices and reemployment offices as it finds necessary in order to render relief to needy and destitute persons in cooperation with state and federal agencies. Op. Atty. Gen. (1001c), Mar. 9, 1937.

Village after incorporation as a separate election and assessment district is liable for care of poor having settlement therein. Op. Atty. Gen. (339o-5), Nov. 22, 1937.

Although primary obligation to care for poor rests upon various towns, cities, and villages in counties operating under township system, county welfare board may in proper cases extend necessary aid when municipality is unable to, or refuses to provide such aid, but municipality is not required to reimburse the county welfare board. Op. Atty. Gen. (125a-64), May 19, 1938.

In counties under town system town board and village council have authority to provide such hospitalization as they may deem necessary, right of counties under §3184-19 being supplemental. Op. Atty. Gen. (424a-9), March 20, 1939.

3186. Relief and transportation.—Each board and council shall have the following powers and duties:

1. It may appoint a practicing physician to be physician of the poor, who shall hold office during its pleasure, and receive such compensation as it may from time to time determine. When directed by a member of the board or council, such physician shall attend upon and prescribe for any sick poor person entitled to support or relief from the town, city or village.

2. Whenever any person not having a legal settlement therein shall be taken sick, lame or otherwise disabled, or for any other cause shall be in need of relief as a poor person, and shall make application for relief to any such board or council of such municipality, its chairman, mayor or president shall warn him to depart; and if he is unable or refuses to do so within a reasonable time and is likely to become a public charge, such chairman, mayor or president may, in writing require any constable or marshal of the town, city or village to convey him to the place of his settlement, if he have a settlement in this state. If such person is so sick or infirm as to render it unsafe or inhuman to remove him, and is in need of immediate support or relief, the board or council shall provide such assistance as it deems necessary, and if he dies, shall give him decent burial. The expense so incurred shall be paid by the town, city or village, and shall thereupon become a charge against the county. Upon payment thereof, the county may recover the same from the county, town, city or village of such person's settlement, if he have any within this state. Within five days after such person becomes a public charge, the board or council shall notify the county auditor, and thereupon the county board may take him in charge, or relieve him in such manner as it may seem fit.

3. When any minor becomes chargeable upon any town, city or village for support, the board or council, or a member thereof, shall apply to the county board to secure his admission to the state public school, or secure him a home with some respectable householder, if one can be found who will take him.

4. No poor person removed or departing from any political subdivision to the political subdivision wherein he has a legal poor settlement, as provided for in subdivision 2 hereof, shall return or be returned to the political subdivision from which he has been removed or departed for a period of at least 90 days after such removal or departure. Any person who shall voluntarily return and applies for support or relief within said ninety day period, and any official of any county, city or township who shall remove any poor person in violation of the order of any court of this state determining said poor person's settlement shall be guilty of a misdemeanor. (As amended Mar. 17, 1939, c. 68.)

Authorizes a town to convey a pauper, not having a settlement therein, to the place of his settlement only if he has one in this state. Litchfield v. M., 182M150, 233 NW804. See Dun. Dig. 7431.

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. Op. Atty. Gen., Mar. 14, 1929.

Subd. 2 of this section is not amended by implication by Laws 1925, c. 378, §1 [§§3161-1 to 3161-5]; the latter act only providing method for determination of settlement. Op. Atty. Gen., Dec. 21, 1929.

This section, though not expressly repealed, is largely superseded by the juvenile court act, and in any event it does not contemplate expenditures by the county, but the placement of children in homes for support. Op. Atty. Gen., Jan. 13, 1930.

The liability for the care of a pauper who has no legal settlement in the state rests upon the county in which the town where the pauper becomes a public charge is located. Op. Atty. Gen., Mar. 17, 1931.

A town board has no authority to purchase land for use by paupers, nor to expend public funds or incur public indebtedness for that purpose. Op. Atty. Gen., May 25, 1931.

A poor person cannot be ordered out of the county unless he has made application for relief. Op. Atty. Gen., 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. Op. Atty. Gen., Mar. 16, 1932.

Where county is under township 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. Op. Atty. Gen., Mar. 16, 1932.

Where family has not resided in state for one year, duty of supporting them devolves upon town, city or village in which they happen to be when they become public charges. Op. Atty. Gen., Aug. 28, 1933.

If poor person has no settlement within the state, the ultimate liability rests upon the county without right of recovery. Op. Atty. Gen. (339o), Apr. 12, 1934.

A pauper is free to move wherever he chooses, and right of removal to place of settlement does not arise until he makes application for relief. Op. Atty. Gen. (339e-2), Apr. 16, 1935.

Poor person may not be removed to place of settlement unless he has made application for relief, and having been removed to his place of settlement he cannot be again removed on his return unless he makes another application for relief. Op. Atty. Gen. (390a-15), May 16, 1935.

Application for relief filed with county relief office in counties operating under town system may be considered as application for relief within meaning of section warranting removal to place of settlement. Op. Atty. Gen. (400k), May 21, 1935.

Claim for reimbursement for care of transient pauper can be made by town against county under subdivision two. Op. Atty. Gen. (339o-6), Oct. 17, 1935.

In a controversy between political subdivisions as to place of settlement, poor person may not be removed from subdivision where he is residing pending an appeal to the district court or the supreme court. Op. Atty. Gen. (339o-3), Oct. 18, 1935.

City assisting poor person not having any settlement in the state may recover from county. Op. Atty. Gen. (339o-5), Oct. 23, 1935.

Municipal officials cannot order WPA employees removed to place of settlement until after application for poor relief has been made. Op. Atty. Gen. (339o-3), Jan. 9, 1936.

Authority to remove does not arise until indigent person makes application for relief to officials of municipality. Op. Atty. Gen. (339o-3), Jan. 10, 1936.

Whether or not relief furnished by way of work relief on federal, state or local projects is poor relief depends upon kind and form of such relief and also whether funds used are local, state or federal. Id.

City in county operating under township system is entitled to reimbursement from county for funds paid for

relief of person not having poor settlement within state. Op. Atty. Gen. (339o-5), Feb. 28, 1936.

Person may not be removed to place of settlement until application for relief has been made. Op. Atty. Gen. (339o-3), July 13, 1936.

Person may not be removed to place of settlement while self-supporting nor until after application for relief is made. Op. Atty. Gen. (339o), Aug. 7, 1936.

Municipality is entitled to reimbursement from county for money necessarily spent in giving poor relief to transients. Op. Atty. Gen. (339o-5), Aug. 8, 1936.

Person having no settlement within state may not be removed to another state against his will. Op. Atty. Gen. (339j), Dec. 10, 1936.

Pauper cannot be forcibly removed to another state even with consent of other jurisdiction. Op. Atty. Gen. (339o-3), Jan. 29, 1937.

Moving of family from county of residence for one day would not interrupt settlement in county ejecting family where family moved back to such county next day. Op. Atty. Gen. (339o-3), Mar. 12, 1937.

Liability for support of person who has no settlement in state rests upon municipality in which he resides, with right of recovery from county. Op. Atty. Gen. (339q), Apr. 2, 1937.

Where transient in box car was injured in one county or municipality, but was not discovered until box car reached another county, where medical attention was furnished, county or municipality furnishing medical service could not recover from county where injury occurred, injured person being a nonresident transient. Op. Atty. Gen. (339o-6), Aug. 11, 1937.

Right of removal or deportation to place of settlement does not arise until person makes application for relief to properly constituted local relief authorities, and no right of removal exists unless person has settlement for poor relief purposes in a particular municipality within state. Op. Atty. Gen. (339o-3), Aug. 23, 1937.

If a body is claimed for burial or cremation by a fraternal organization, or persons claiming friendship with the deceased, or an interest in it, official in charge of body has authority to deliver it to such organization or persons for burial or cremation. Op. Atty. Gen. (103f), Mar. 2, 1938.

Pauper may not be removed from a county while receiving relief from other county. Op. Atty. Gen. (339o-5), Apr. 18, 1938.

Application to county relief office for full relief does not warrant removal in county operating under township system. Id.

Family receiving aid through work on WPA projects may not be removed in absence of application for relief to city. Op. Atty. Gen. (59a-34), Apr. 26, 1938.

Poor persons may be forcibly removed to another place in the state, but cannot be removed against their will to another state. Op. Atty. Gen. (339e-2), Feb. 9, 1939.

As respects poor person living in state less than one year, county in which he has longest resided is liable for poor relief. Op. Atty. Gen. (339g-1), Feb. 17, 1939.

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 even though that state is willing to receive them. Op. Atty. Gen. (339e-5), Feb. 28, 1939.

(2).

Authority of municipality to cause removal of pauper does not occur until application for relief has been made. Op. Atty. Gen., June 13, 1932.

It is only when a person has a settlement in this state that public officers are authorized to direct an applicant's removal from municipality. Op. Atty. Gen. (339o-2), May 3, 1934.

Where person applying for relief has no settlement within the state, local authorities have power to remove him against his will to another state or to another county or municipality. Op. Atty. Gen. (339o), Dec. 18, 1934.

Pauper may be removed to place of settlement within reasonable time after application has been made for poor relief. Op. Atty. Gen. (339o-3), Apr. 14, 1938.

Pauper from another state cannot be deported against his wishes even though other state is willing to receive him. Op. Atty. Gen. (339e), Apr. 29, 1938.

Person cannot be removed from his freehold estate, whether same be legal or equitable. Op. Atty. Gen. (339o-3), June 20, 1938.

If family was absent from state for a period of more than one year with intention to abandon its residence in the state, its settlement in any particular township was lost, but primary obligation for care of family rested upon municipality where they were actually living at time relief was required. Op. Atty. Gen. (339o-1), June 21, 1938.

Township and county in which a nonresident pauper was injured in an automobile accident, and not county in which hospital was located, were liable for hospital and medical attention. Op. Atty. Gen. (339j), June 28, 1938.

Where a transient pauper is injured on township line, it is immaterial which township is liable for his doctor and hospital bills, since they can file a joint claim if necessary against county. Op. Atty. Gen. (339g-2), July 22, 1939.

(3).

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

3187. Poorhouse.

County under town system of poor relief may levy taxes pursuant to its obligations under §3195-1 and §974-17 and §974-16, and administer aid received from state and federal government through the county welfare board, but does not have authority to make levies to defray cost of general poor relief. Op. Atty. Gen. (519j), March 8, 1939.

Section does not necessarily require that towns, cities or villages will be charged with full cost of operation of poor house. Id.

3188. Taxes, how levied.

Duties of township without funds and whose warrants are not acceptable, stated. Op. Atty. Gen., Oct. 16, 1933.

In county operating under township 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 distributed through county must next be used, and 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% of relief money extended by township from additional poor relief levy, nor may county use any part of state money for any other than relief purposes. Op. Atty. Gen. (339i-3), May 5, 1939.

3190. Change from county system.

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

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 relief administration. Op. Atty. Gen. (339p), Feb. 15, 1935.

Where change from county to town system is voted tax for the year levied by county for poor relief purposes, to extent of 80% thereof, must be paid over to the towns and municipalities, and cannot be used by county to pay overdrawals from county poor fund in previous years. Op. Atty. Gen. (339o-5), Mar. 30, 1935.

3194. Duty of auditor—Poor fund.

This section applies alone to the fund mentioned in §3193 arising on change from county to town system and does not prevent transfer of funds received from other sources as provided by §1053. Op. Atty. Gen., Mar. 24, 1930.

3195. Counties to pay portion, etc.

Litchfield v. M., 182M150, 233NW804; note under §3186.

Op. Atty. Gen., Apr. 4, 1932; note under §994.

Op. Atty. Gen., Feb. 8, 1934; note under §3190.

This section is unconstitutional. Village of Robbinsdale v. C., 199M203, 271NW491. See Dun. Dig. 7427.

Village may file claim against county and include therein separate charges for several years, it not being necessary to file a claim each year. Op. Atty. Gen., June 16, 1930.

Village cannot recover from county for cash paid to a pauper. Id.

If village has not been separated from town, then the valuation of all property in the township, including the property in the village, is to be taken into consideration for determining the taxable value of the property of the township. Op. Atty. Gen., Mar. 10, 1931.

Town board may file its application with county auditor at any time. Op. Atty. Gen., Mar. 10, 1931.

County board is authorized to inquire into the necessity for the relief granted by a town and the expense incurred in determining whether or not the statement received from the township clerk is correct, but the determination of the town board is conclusive. Op. Atty. Gen., Mar. 10, 1931.

The terms of this section are mandatory. Op. Atty. Gen., Mar. 10, 1931.

Expense incurred by town in caring for a nonresident pauper should be made under §3186(2). Op. Atty. Gen., Mar. 17, 1931.

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. Op. Atty. Gen., July 28, 1931.

Mason's Stat., §3177, is still in effect in counties having town system, and such counties may levy in excess of the five mill limitation for poor purposes, and this levy may include moneys for the payment of mothers' pensions. Op. Atty. Gen., Oct. 30, 1931.

Amount to be expended by town for "a decent burial" of a pauper is a matter that rests largely within the

discretion of the municipality chargeable with the burial. Op. Atty. Gen., Jan. 19, 1932.

County board has no authority to reduce the amount to be allowed to any township, though in the opinion of the board the township has expended an amount grossly in excess of what is necessary. Op. Atty. Gen., Jan. 19, 1932.

The place of burial of a pauper is a matter that rests within the discretion of the municipality whose duty it is to provide a "decent burial." Op. Atty. Gen., Jan. 19, 1932.

Failure to set forth each claim separately in minutes of town meeting did not affect liability of county if claims filed with town were properly verified. Op. Atty. Gen., May 2, 1932.

Poor relief claims paid by township should be paid by county, though printed form of endorsement was filled in but not signed by clerk or member of town board of audit. Op. Atty. Gen., May 2, 1932.

County would not be justified in refusing payment to town because bills had not been presented to town board of audit in advance of their allowance. Op. Atty. Gen., May 2, 1932.

Neither §3157 nor §3171 impose limitations on liability of county to town for poor relief expended by town. Op. Atty. Gen., May 2, 1932.

Towns, cities, etc., may require recipients of poor relief to work out their allotment on road projects and still claim reimbursement from county of 75% of amount in excess of one mill levy extended for relief purposes. Op. Atty. Gen., Sept. 26, 1933.

Municipality operating under town system is not entitled to reimbursement from county of 75% of moneys paid out for old age pensions in excess of one mill of taxable value of property in such municipality. Op. Atty. Gen., Jan. 13, 1934.

Where a tubercular person is placed in a sanatorium at the request of the municipality of his settlement, municipality is acting under its legal poor obligation and is entitled to a refund from the county under §3195, but if the municipality is proceeding under §5351 and expends money thereunder, it is entitled to a refund of ½ of its expenditures from the county, but the half assumed by the municipality cannot be included as poor relief for purpose of securing a further reimbursement under §3195. Op. Atty. Gen. (339f-3), June 15, 1934.

Premiums on insurance on poor person paid by a city cannot be included in determining amount city is entitled to receive from county under this section, but this does not prevent city claiming contribution for money actually spent for poor relief. Op. Atty. Gen. (339n), Aug. 9, 1934.

In arriving at taxable value of property in municipality, money and credits should be included. Id.

A municipality should file its claim for reimbursement annually, but failure to so file does not constitute waiver of right to contribution from county. Id.

Villages and cities may be reimbursed for expenditures in excess of one mill in accordance with this section where made through state and federal relief agencies. Op. Atty. Gen. (125a-37), Sept. 27, 1934.

County need not reimburse town for purchase of insulin for poor relief purposes, except that county board would have authority to reimburse for a portion of the cost of insulin if expenditure of town exceeded one mill on taxable property. Op. Atty. Gen. (107b-15), Mar. 8, 1935.

Auditor cannot deduct sum due from townships, cities or villages under §3183-18(2) from moneys due to them under this section. Op. Atty. Gen. (335c-1), Apr. 25, 1935.

In view of Laws 1935, c. 51, §5, a township or village is authorized to enter into an agreement with federal, state and county relief agencies which would permit expenditures of amount in excess of one mill on taxable value of property, and county may thereby become liable for 75% of such excess to the municipality. Op. Atty. Gen. (125b-23), May 14, 1935.

Whether municipality can include in poor bill a part of salary of a city and school nurse is a question of fact. Op. Atty. Gen. (125a-34), June 11, 1935.

Municipality is not entitled to reimbursement for salary paid to city engineer who is employed by the year when such engineer supervises emergency relief administration projects. Id.

Municipality operating under town system is not entitled to damages from county for 75% of moneys paid out for old age pensions in excess of one mill. Id.

Agreement may be entered into between counties operating under township system for relief and federal and state relief administration as to amount of contribution by counties, and county may levy taxes to provide therefor. Op. Atty. Gen. (339i-1), June 25, 1935.

County may pay mileage and incidental expenses in connection with maintenance of county national reemployment office, even though county is under township system of poor relief. Op. Atty. Gen. (125a-31), Aug. 1, 1935.

City furnishing electric energy for lighting of homes of poor persons is entitled to reimbursement from county. Op. Atty. Gen. (339m), Aug. 1, 1935.

County under town, village and city system of poor relief has no authority to establish a county relief office and to hire a person to supervise administering of relief such as investigators, etc. Op. Atty. Gen. (107b-15), Aug. 7, 1935.

In a county under township system of poor relief, county may provide for poor of insolvent township. Op. Atty. Gen. (107b-15), Aug. 29, 1935.

County board of county operating under town system may pay incidental expenses in connection with caring for poor. Op. Atty. Gen. (107b-15), Nov. 1, 1935.

Municipality is entitled to reimbursement for money over one mill expended for poor relief, though poor persons were required to work out amount of relief on local work projects, if the primary purpose was poor relief and not conferring of special benefits upon municipality sponsoring works project. Op. Atty. Gen. (125a-37), Nov. 19, 1935.

A county may levy tax or issue bonds for poor purposes though operating under the town system of poor relief, but cannot issue registered warrant unless there are moneys in treasury sufficient to pay the same or a tax is in actual process of collection pursuant to a tax levy for that purpose. Op. Atty. Gen. (107a-10), Dec. 9, 1935.

City in county operating under township systems is entitled to reimbursement from county for funds paid for relief of person not having poor settlement within state. Op. Atty. Gen. (339o-5), Feb. 28, 1936.

Municipal authorities charged with care of poor must determine whether a particular administrative expense is necessary or proper item of poor relief as affecting right to reimbursement from county. Op. Atty. Gen. (339m), Mar. 31, 1936.

City of Cloquet may consider an automobile a necessary expenditure for superintendent of poor, for which reimbursement may be had from county. Id.

Counties operating under town system may levy taxes for poor relief purposes in case of emergency, and borrow funds for poor relief purposes. Op. Atty. Gen. (125a-37), Apr. 14, 1936.

Townships are entitled to reimbursement. Op. Atty. Gen. (107b-15), May 11, 1936.

Section is not unconstitutional as respects reimbursement to towns, cities and villages in counties having no cities of first and second class. Op. Atty. Gen. (125a-37), July 10, 1936.

Counties not having cities of the first or second class are governed by this section, though it has been held unconstitutional as applied to Hennepin County. Op. Atty. Gen. (107b-15), July 17, 1936.

Where township in county operating under town system expends in care and maintenance of tubercular persons in discharge of its legal obligations of providing medical attention to its proper residents, it is impairable to reimbursement of 75 per cent as provided in §3195, but if township is proceeding pursuant to §5351, township is entitled to reimbursement of one-half of its expenditures, but the half of the expenditure assumed by township cannot be included as poor relief for purpose of securing further reimbursement under §3195. Op. Atty. Gen. (400k), Aug. 1, 1936.

County board may not use the state relief fund to reimburse townships. Id.

In view of Laws 1937, c. 286, case of Village of Robbinsdale v. County of Hennepin, 199M203, 271NW491, has no effect as respects a county having no city of the first or second class. Op. Atty. Gen. (339m), May 20, 1937.

In view of Laws 1937, c. 286, county may reimburse townships and villages for poor relief expenditures made in year 1936 in excess of one mill tax levy, notwithstanding Village of Robbinsdale v. County of Hennepin, 199 M203, 271NW491. Op. Atty. Gen. (339m), June 4, 1937.

Laws 1937, c. 286, is broad enough to authorize reimbursement payments for year 1936. Op. Atty. Gen. (339-m), June 14, 1937.

Laws 1937, c. 286, has remedied invalid application of this section with respect to counties covered by it. Op. Atty. Gen. (339o-5), July 29, 1937.

3195-1. Liability of counties for care of poor by towns.—In all counties of this state wherein the poor are cared for under the town system, if the expense incurred by any town, village or city, however organized, for the care of the poor therein, in any calendar year, exceeds an amount in excess of one mill of the taxable value of property in such town, village or city for that year, the county in which said town, village or city is situated, shall be liable for seventy-five per cent of the amount in excess of such one mill on the taxable value of property in such town, city or village. (Apr. 19, 1937, c. 286, §1.)

In view of this act, county may reimburse townships and villages for poor relief expenditures made in year 1936 in excess of one mill tax levy, notwithstanding Village of Robbinsdale v. County of Hennepin, 271NW491, holding §3195 unconstitutional insofar as it applied to Hennepin County. Op. Atty. Gen. (339m), June 4, 1937.

Act applies to expenditures made by municipality for poor relief purposes during years 1936 and 1937. Op. Atty. Gen. (339o-5), Oct. 8, 1937.

Pennington County, if operating under town system of poor relief, is legally bound to reimburse poor expenditures by various townships, and act is broad enough

to cover expenditures made by municipality prior to enactment. Op. Atty. Gen. (339o-5), Jan. 10, 1938.

County under town system of poor relief may levy taxes pursuant to its obligations under §3195-1 and §974-17 and §974-16, and administer aid received from state and federal government through the county welfare board, but does not have authority to make levies to defray cost of general poor relief. Op. Atty. Gen. (519j), March 8, 1939.

In county operating under township 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 distributed through county must next be used, and 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% of relief money extended by township from additional poor relief levy, nor may county use any part of state money for any other than relief purposes. Op. Atty. Gen. (339i-3), 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. Op. Atty. Gen. (124a-37), July 17, 1939.

County must reimburse cities or towns to extent of 75% of excess spent by them for poor relief over and above one mill tax rate, except in Hennepin County. Op. Atty. Gen. (339m), July 25, 1939.

County under town system must make reimbursement up to 75%. Id.

3195-2. Same—county board to make estimate—tax levy.—The County Board, at its first meeting in January of each year, shall estimate the amount which it shall deem necessary for such purpose, and shall include in the tax levy a sufficient amount of taxes to pay the expense of such poor relief, and same shall be extended against all property with such county. (Apr. 19, 1937, c. 286, §2.)

3195-3. Same—municipal authorities to certify levies.—In all said towns, cities and villages, the chairman and clerk of the town, in case of towns, or the president and clerk of the village council, in case of villages, or the mayor and clerk of the city, in case of cities, as the case may be, shall certify to the county auditor, a statement showing when, for what purpose, the amount and to whom expense was incurred by such town, village or city, in the care of each named poor person. The county auditor shall lay such statement before the county board at its meeting next following the receipt thereof. If such statement is deemed by the county board to be correct, the amount so certified shall be a claim against the county to the extent of the liability of the county as stated in Section 1 hereof, and shall be allowed and paid by the county to the treasurer of such town, village or city, who shall credit the sum so paid to the poor fund of the town, city or village. (Apr. 19, 1937, c. 286, §3.)

3195-4. Same—application of act.—This act shall not apply to any county in this state now or hereafter having a city of the first class, in which city is located ninety per cent or more in value of the taxable property of the county. (Apr. 19, 1937, c. 286, §4.)

As to county coming within its terms, act remedied unconstitutionality declared in §3195. Op. Atty. Gen. (339o-5), July 29, 1937.

Act is not invalid as special legislation. Op. Atty. Gen. (339o-5), Oct. 11, 1937.

COUNTIES EXCEEDING 75,000

3196. Board of poor commissioners, how constituted.

In counties not having a board of poor commissioners or board of public welfare, county commissioners are "county agencies" responsible for administration of old age assistance. Op. Atty. Gen. (521b-1), Mar. 24, 1936.

3199. Tax levy for poor relief.—On or before October 1, in each year, such board shall determine by resolution the amount of tax to be levied for the ensuing year for the support of the poor, as well as all forms of public and social assistance as defined and required by Laws 1937, Chapter 343 [974-11 to 974-21], to be administered by this board, the maintenance of the poor-house and other places provided for the reception of the poor, and the erection of any buildings or improvements, and the adoption of such resolution shall constitute a levy on the property taxable in the county of the amount named therein; but the amount so levied for all purposes, except for the erection or repair of buildings, shall not exceed an amount equal to five mills on each dollar of assessed valuation. On or before October 5, thereafter, the board shall file a certified copy of such resolution with the county auditor who shall enter the amount upon the tax lists, after said levy shall have been submitted to the board of county commissioners of said county for its approval but not exceeding the amount approved by said county board after any reduction. Such tax, when collected, shall be credited to the county welfare fund. Provided, in each of the years 1939 and 1940 the amount of such levy for all such purposes, except for the erection or repair of buildings, may exceed three mills but shall not exceed eight mills. And provided further, if at any time during the years 1939 and 1940 such board shall determine that the amount previously levied will be inadequate to meet the minimum requirements of any activity for the balance of the year, it shall present such information to the board of county commissioners. Whereupon the said county board may authorize the expenditure of additional sums in specific itemized amounts and when so authorized such board may expend such additional amounts, and all acts or parts of acts prohibiting or placing a penalty on such expenditures shall be of no effect in such cases. Immediately upon authorizing such additional expenditures, the board of county commissioners shall provide for the financing of such expenditures and for such purposes it shall first transfer any amounts remaining unencumbered in any county fund levied for specific items, which in the judgment of the County Board can be diverted therefrom without serious detriment to the efficiency of county government or to the public health and safety; second, if the amounts so available for transfer shall be less than the contemplated deficit, the County Board shall levy a tax to finance the remaining deficiency of not to exceed two mills on each dollar of assessed valuation, to be spread by the county auditor for the ensuing year, which levy may be in addition to any authorized tax levy for the county welfare fund for such ensuing year; third, if the amounts transferred and the amount calculated to be received from the maximum deficiency tax levy hereby authorized shall not be sufficient to finance such contemplated deficit, then any remaining deficiency may, upon resolution adopted by a five-sevenths vote of the County Board, be financed by the issuance and sale of county welfare deficiency bonds, said bonds to be issued and sold subject to the provisions of Laws of 1927, Chapter 131 as amended [1938-3 to 1938-13], except that a vote of the people shall not be required and the last maturity of said bonds shall not be later than five years from the date of issue. ('07, c. 222, §4; G. S. '13, §3108; Apr. 25, 1931, c. 355; Apr. 20, 1933, c. 334; Jan. 18, 1936, Ex. Ses., c. 50; Apr. 14, 1937, c. 229, §1; Apr. 8, 1939, c. 161.)

Laws 1931, c. 60, amends Laws 1917, c. 187, §§1-4, relating to poor and hospital commissioners in counties having not less than 80 congressional townships, and assessed valuation of from $20,000,000 to $50,000,000.

Whether secretary of Itasca County Poor and Hospital Commission who is an ex-service man may be removed "except for incompetency and misconduct shown after a hearing on stated charges" depends upon details of work performed by him, and he cannot be removed without a hearing unless it can be said that he is a private secretary or deputy of the board, or unless he occupies a strictly confidential relation to such board. Op. Atty. Gen. (85e) Feb. 26, 1935.

COUNTIES WITH 400,000 POPULATION OR OVER

3199-3. Same—Tax levy.

Act Mar. 2, 1933, c. 43, as amended by Act Mar. 31, 1933, c. 131, and Act Apr. 20, 1933, c. 338, authorizes counties having population of 200,000 to 240,000, and assessed valuation of less than $350,000,000, and having a now existing overdraft on the poor fund, to issue bonds to raise money for such fund. It is omitted as local and temporary.

STATE WIDE SYSTEM OF OLD AGE ASSISTANCE

3199-11. System established—Declaration of policy.—The care and relief of aged persons who are in need and whose physical or other conditions or disabilities seem to render permanent their inability to provide properly for themselves is hereby declared to be a special matter of state concern and a necessity in promoting public health and welfare. To provide such care and assistance a state wide system of old age assistance is hereby established. Jan. 27, 1936. Ex. Ses., c. 95, §1.)

See note under §3183-1.

Appropriation to carry out provisions of Laws Ex. Sess., 1935, c. 95. Act Jan. 30, 1937, c. 4.

Act Apr. 26, 1937, c. 489, makes an appropriation.

Act Apr. 13, 1939, c. 238, makes an appropriation, provides for issuance of certificates of indebtedness, and provides for tax levy for 1940, 1941, 1942, and 1943.

3199-12. Definitions.—When used in this act the term:

(a) "Old age assistance" or "assistance" shall mean money payments for aged persons, made hereunder.

(b) "Applicant" shall mean any person who has applied for old age assistance.

(c) "Recipient" shall mean any person who has been granted old age assistance.

(d) "County agency" or "county agencies" shall mean the board of county commissioners, or such other board as may be hereinafter authorized to administer this act in any county; provided, however, in any county having a poor commission authorized to administer poor relief with all the powers of the county board in counties having the county system of administering such poor relief, and where such poor relief is adminstered by and under the supervision of said poor commission, the term "county agency" shall mean said poor commission and said poor commission shall have all the powers, rights and duties vested in the board of county commissioners and the county auditor, respectively, and for these purposes said poor commission shall have authority to employ such additional assistance as shall be found necessary.

(e) "State agency" shall mean the state board of control. (Jan. 27, 1936, Ex. Ses., c. 95, §2.)

(d).

In counties not having a board of poor commissioners or board of public welfare, county commissioners are "county agencies" responsible for administration of old age assistance. Op. Atty. Gen. (521b-1), Mar. 24, 1936.

3199-13. State agency—duties.—The state agency shall:

(a) Supervise the administration of old age assistance by the county agencies under this act.

(b) Make and publish uniform rules and regulations, not inconsistent with law, for carrying out and enforcing the provisions of this act in an efficient, economical and impartial manner, and to the end that the old age assistace system may be administered uniformly throughout the state, having regard for varying costs of living in different parts of the state, and in all things to carry out the spirit and purpose of this act. Such rules and regulations shall require the approval of the attorney general as to form and legality and shall be made and published once in a legal newspaper of general circulation published at the city of St. Paul in this state. From and after the date of such publication, such rules and regulations shall be in full force and effect. An affidavit of such publication, setting forth the rule or regulation in full and the dates of such publication thereof, shall be made by the publisher of such newspaper or by the manager or agent of such publisher, and shall be kept on file in the office of the state agency with the original of such rule or regulation. Such rules and regulations shall be furnished immediately to all county agencies and shall be binding on such county agencies.

(c) Prescribe the form of, print, and supply to the county agencies, blanks for applications, reports, affidavits and such other forms as it may deem necessary or advisable, and establish a uniform system of accounting.

(d) Cooperate with the Federal Social Security Board, created by Title 7 of the Social Security Act, Public No. 271, enacted by the 74th Congress of the United States and approved August 14, 1935 [Mason's U. S. Code Anno., title 42, Ch. 7], in any reasonable manner as may be necessary to qualify for federal aid for assistance including the making of such reports in such form and containing such information as the Federal Social Security Board may from time to time require, and comply with such provisions as such board may from time to time find necessary to assure the correctness and verifications of such reports.

(e) Within 60 days after June 30, 1936, and within 60 days after the close of each fiscal year thereafter, prepare and print for said fiscal year a report which shall include a full account of the operation of this act, the expenditure of all funds under this act, adequate and complete statistics divided by counties, concerning all old age assistance within the state, and such other information as it may deem advisable.

(f) Prepare and release a summary statement monthly showing by counties the amount paid under this act, the total number of persons assisted, and the total administrative cost of the state agency.

(g) Furnish information to acquaint aged persons and the public generally with the old age assistance plan of this state. (Jan. 27, 1936, Ex. Ses., c. 95, §3.)

State relief agency is not required to submit budgets to Department of Administration and Finance. Op. Atty. Gen. (980c-32), July 2, 1936.

Expense incurred by county agency in obtaining appointment as special administrator to act as guardian for incapacitated recipient is proper administrative expense. Op. Atty. Gen. (521j-4), July 22, 1936.

It is within province of state agency to set standards to govern county agency in payment of funeral expenses. Op. Atty. Gen. (521j-2), June 7, 1937.

(b).

A rule that assistant could only be paid for month in which granted, but in no case for a period prior to filing of formal application, provided, that state agency may upon review or appeal require payment of assistant to begin from filing of preliminary application form, or from date of filing of formal application, or from date of registration of applicants for assistants, but in no case prior to March 1, 1936, was valid and approved. Op. Atty. Gen. (521d), Oct. 23, 1936.

Rule of state board of control requiring notice and fair hearing before state agency on appeal by applicant approved by attorney general. Op. Atty. Gen. (521a), Nov. 29, 1937.

3199-14. County agencies—duties.—(a) The county agencies shall administer the old age assistance system in their respective counties under the supervision of the state agency, and shall make such reports, prepare such statistics, and keep such records and accounts in relation to old age assistance as the state agency may require.

(b) In a county having a board of public welfare as authorized by Laws 1929, Chapter 371, the board of county commissioners may delegate to such board of public welfare, subject to the supervision of the board of county commissioners, the investigation of applications and recipients, decisions upon applications and the fixing of the amount of old age assistance, if any.

(c) In any county having a poor commission, it shall be the duty of the poor commission to designate the deputy clerks of court at such places where regular terms of court are held in said county as clerks for the purpose of accepting applications for such old age assistance. It shall be the duty of such clerks of court to aid and assist the applicant in making out his application for such old age assistance.

(d) In a county having an official investigator appointed as provided in Mason's Minnesota Statutes of 1927, Section 8676, the board of county commissioners may delegate such investigation to such official investigator subject to the supervision of the board of county commissioners.

(e) The county agency may appoint some person or other agency to investigate applications and recipients and assist applicants in making out of applications, always, however, subject to the supervision of the county agency; provided, that decisions upon applications and fixing of amount of old age assistance

shall be made by the county agency. (Jan. 27, 1936, Ex. Ses., c. 95, §4.)

In counties not having a board of poor commissioners or board of public welfare, county commissioners are "county agencies" responsible for administration of old age assistance. Op. Atty. Gen. (521b-1), Mar. 24, 1936.

Board of county commissioners' proceedings relative to old age assistance should be recorded in record of commissioner's proceedings and published in same manner as other business of county board. Op. Atty. Gen. (521b-1), May 14, 1936.

(a).

State agency may require county to determine total amount of payments paid to a recipient under old pension law. Op. Atty. Gen. (521b-1), June 9, 1936.

(e).

County agency need not employ an investigator. Op. Atty. Gen. (521b-1), Apr. 8, 1936.

3199-15. Qualifications of pensioners—amount of pension—Other assistance.—(a) Any resident of this state who shall comply with the provisions of this act shall be eligible for old age assistance while continuing to reside in this state. Temporary absences from the state may be allowed a recipient by permission from the county agency in accordance with the regulations of the state agency, and may be continued where the recipient can receive from a relative, or otherwise, a substantial amount of gratis service or subsistence not available in the state.

(b) The amount and the manner of payment of old age assistance shall be fixed with due regard to the conditions in each case ~~and~~ shall be an amount which, when added to the net income of the applicant, including subsistence or service reasonably available to him, does not exceed a maximum of $30.00 per month, subject, however, to the following:

(1) The annual income of any property which is not so utilized as to produce reasonable returns shall be deemed to be the net income which would be available if the property were suitably used. Due consideration shall be given to the current or prevailing conditions affecting the use of such property.

(2) Irregular or casual earnings, and gifts, when such do not exceed $100 in any calendar year, may be excluded in calculating income.

(c) While a recipient is receiving old age assistance, he shall not receive any other relief from the state or from any political subdivision thereof, ~~except for medical, dental, surgical or hospital assistance, or nursing care.~~ (Jan. 27, 1936, Ex. Ses., c. 95, §5.)

Indians are not excluded from act. Op. Atty. Gen. (512-a), Apr. 17, 1936.

Medical and dental care furnished to recipient of old age assistance is a charge against poor fund of township or village in county operating under township system of poor relief and not a charge against county old age assistance funds. Op. Atty. Gen. (521b), June 16, 1936.

Application for assistance by person having $300 or more in liquid assets and property not exceeding $500 net value must be determined by administrative agency in accordance with facts of each case. Op. Atty. Gen. (521p-1), July 5, 1936.

An old age assistance grant may properly include items for medical, dental, surgical or hospital assistance or nursing care. Op. Atty. Gen. (521v), Aug. 1, 1936.

Medical and dental care may be granted to a recipient who is not receiving a maximum amount of assistance. Id.

Residents of poor farm leased to private party are eligible for assistance if county has no control of farm. Op. Atty. Gen. (521t-4), May 7, 1937.

One receiving old age assistance may also receive poor relief in form of medical, dental, surgical, hospital or nursing care. Op. Atty. Gen. (521v), May 18, 1937.

(a).

Absence from state by recipient of old age assistance for a period over one year under successive permissions of county agency does not affect settlement, in absence of intent to abandon residence in state. Op. Atty. Gen. (521t-2), March 13, 1939.

(b).

County agency may fix value on subsistence paid to applicant from child if such payment has not entailed undue hardship on child and deducts such value from allowance, but if support by child is an undue hardship or child refuses to further support applicant, no deduction from assistance may be made. Op. Atty. Gen. (521a), Apr. 6, 1936.

Medical care consisting of trained nurse necessary at all times and other expenses, furnished by children and relatives, is not necessarily income of the aged person which would prevent granting of old age assistance together with medical care. Op. Atty. Gen. (521r), May 16, 1936.

Whether an applicant, who has entered into an enforceable contract whereby he is to receive care and maintenance for remainder of his life, can be granted in both questions of fact for administrative agency. Op. Atty. Gen. (521d), Feb. 25, 1937.

"With due regard to the conditions in each case" allows assistance to a recipient if he does not have sufficient income to take care of both the needs of his legal dependent and his own personal needs. Op. Atty. Gen. (521i-2), May 5, 1937.

It is duty of state agency to make uniform rules and regulations, which would include a method of determining net income. Op. Atty. Gen. (521a), March 4, 1939.

Amount attributed to support of dependents is to be deducted from applicant's net income. Op. Atty. Gen. (521a), March 25, 1939.

A recipient having benefit of payments of money from children has reasonably available to him services and sustenance to extent of those payments, though made to an institution and not to the recipient, but if such payments are made because of an emergency due to illness they are not to be considered "reasonably available" if they unreasonably reduce standard of living of children. Op. Atty. Gen. (521a), Sept. 15, 1939.

(b)(2).

It is within discretion of county agency under supervision of state agency to allow or disallow exclusion of $100, and their judgment will be sustained, except when it is so arbitrary and frivolous as to constitute abuse of discretion. Op. Atty. Gen. (521m), July 13, 1939.

(c).

Old age assistance recipients are not poor persons and are not entitled to medical and hospital aid provided by municipality for such persons, unless old age assistance given, plus necessary medical and hospital aid, exceeds $30 per month, but question of who are poor persons is one of fact in each case for county agency and state agency to determine. Op. Atty. Gen. (521v), June 15, 1937.

Recipient receiving less than $30 per month, if in need of medical, dental, surgical or hospital assistance or nursing care, amount of which when added to amount of grant of assistance exceeds sum of $30 per month, may be regarded to be poor person within poor laws and such care may be furnished to him in addition to amount of available assistance under act. Op. Atty. Gen. (521v), Sept. 14, 1937.

Doctor performing emergency operation has no claim whatever against welfare board and consequently no right of appeal from any action board may take on his claim. Op. Atty. Gen. (6-p), June 15, 1939.

3199-16. Same—age—citizenship—residence—institutional care.—Old age assistance may be granted to an applicant who:

(a) Has attained the age of 65 years;

(b) Is a United States citizen, or has resided continuously in the United States for over 25 years;

(c) Has been a resident of the state for five years or more within the nine years immediately preceding application, at least one year of which shall have been continuous and immediately precede such application; provided, that whenever a person has been a resident of the state at least two years continuously and immediately preceding application, but has not resided therein five years within the above mentioned nine-year period, there may be added to the years of actual residence within said nine-year period a credit for years of actual residence in the state preceding said nine-year period on the following basis:

(1) 40 per cent of actual residence in the six years immediately preceding the above mentioned nine-years; and

(2) 20 per cent of actual residence in the five years immediately preceding the above mentioned six years; and

(3) Ten per cent of actual residence in the ten years immediately preceding the above mentioned five years; and

(4) Five per cent of actual residence in any time preceding the above mentioned ten years; and

(d) Is not, because of physical or mental condition, in need of continued institutional care, and such care is reasonably available to him. (Jan. 27, 1936, Ex. Ses., c. 95, §6.)

"Residence" in §3199-19 refers to county settlements and not to general residence provisions of §3199-16, and an inmate of poor house need not go out on his own for a year before he shall be considered to have residence one year continuously in county of his settlement. Op. Atty. Gen. (521t-2), Apr. 2, 1936.

One who resided in United States for 25 years and then moved into Canada and then homesteaded and then returned to the United States is eligible for assistance,

though he is not a citizen of the United States. Op. Atty. Gen. (521t-2), Apr. 14, 1936.

County may grant assistance to a person in another state for purpose of obtaining nurse and care from a niece who resides there. Op. Atty. Gen. (521t-5), Oct. 19, 1936.

Payment of assistance cannot be made by county board to aliens unless they have resided continuously in the U. S. for over 25 years and meet all other requirements provided in this act. Op. Atty. Gen. (3m), Feb. 17, 1938.

Married woman whose husband lives in another state may establish residence entitling her to aid. Op. Atty. Gen. (521t-2), April 5, 1939.

(c).

Absence from state as disqualification involved question of fact. Op. Atty. Gen. (521t-2), Apr. 28, 1936.

An old person cared for in a mission in another state at expense of township within state is eligible for assistance, if not eligible for assistance in foreign state. Op. Atty. Gen. (521t-4), Oct. 30, 1936.

Aged person under guardianship was eligible for pension though guardian was having her stay with her daughter in an enjoining state. Op. Atty. Gen. (521t-2), Dec. 2, 1936.

Laws 1939, c. 398, defines "settlement" for purpose of poor relief only and does not in any manner impose limitations upon eligibility of an applicant for old age assistance. Op. Atty. Gen. (521t-2), Sept. 20, 1939.

"Residence" depends solely upon actual residence of individual applicant and is distinct from common law concept of domicile, and a married woman is capable of acquiring a residence even though domicile of her husband may be without the state. Id.

(d).

A ward of state board of control out of institution on parole has not legal capacity to make application in his own behalf. Op. Atty. Gen. (521t-4), Jan. 5, 1937.

3199-17. Absence in state or federal service.—For all purposes of this act absence in the service of the State of Minnesota or the United States shall not be deemed to interrupt residence in the state if domicile be not acquired outside of the state. (Jan. 27, 1936, Ex. Ses., c. 95, §7.)

3199-18. Disqualification of pensioners.—No old age assistance shall be paid to a person:

(a) While or during the time he is an inmate of, and receives gratuitously all the necessities of life from any public charitable, custodial or correctional institution maintained by the United States, or any state or any of the political subdivisions of the state; provided, in the case of temporary medical or surgical care in a hospital or infirmary, part or all of any old age assistance may be paid at the discretion of the county agency subject to rules and regulations made by the state agency;

(b) If the net value of his property or the net value of the combined property of husband and wife exceeds $5,000; provided, however, that household goods and furniture in use in the home, wearing apparel and a lot in a burial ground may be owned in addition to the property limitation provided in the [sic] subsection. (Jan. 27, 1936, Ex. Ses., c. 95, §8; Apr. 20, 1939, c. 315, §2.)

(c) Who has after the passage of this act or within two years prior thereto deprived himself, directly or indirectly, of any property for the purpose of qualifying for old age assistance;

(d) Whose spouse, living with said person, has made an assignment or transfer, directly or indirectly, of any property for the purpose of qualifying either person for old age assistance under this act. (Jan. 27, 1936, Ex. Ses., c. 95, §8.)

Sec. 3 of Act Apr. 20, 1939, c. 315, cited, provides that the amendment of subd. (b) shall take effect Jan. 1, 1940.

This section does not prohibit inmate of an institution from applying for assistance, but only prohibits payment to a person while an inmate. Op. Atty. Gen. (521t-2), Apr. 2, 1936.

Aged persons do not take themselves out of application of act by entering into contract for maintenance with private home for the aged. Op. Atty. Gen. (521t-4), Apr. 29, 1936.

Application for assistance by person having $300 or more in liquid assets and property not exceeding $500 net value must be determined by administrative agency in accordance with facts of each case. Op. Atty. Gen. (521p-1), July 3, 1936.

Proposed leases by counties of county homes to private individuals will not prevent recipient of assistance from living in the leased homes, if all supervision and control of the home is surrendered by the county, and provided assistance payments are made direct to recipients, who will make their own arrangements with the lessees of those homes, and assistance may also be paid to old persons living in houses provided by the federal resettlement administration, title to which is expected to be conveyed to the county, provided the poor persons receive the aid direct and make their own arrangements with respect to food, cook and caretaker. Op. Atty. Gen. (521t-4), Mar. 29, 1937.

Where county leases its county home to a private individual for farming purposes, old age assistance recipients may live therein after lease is executed without coming in conflict with federal government requirement that they shall not be inmates of a public institution. Op. Atty. Gen. (521t-4), Apr. 21, 1937.

Residents of poor farm leased to private party are eligible for assistance if county has no control of farm. Op. Atty. Gen. (521t-4), May 7, 1937.

One granted assistance may contract with public institution and pay for his care and subsistence direct, but grant to such recipient is reimbursable to county from state funds only. Op. Atty. Gen. (521t-4), July 30, 1937.

County poor farm may be so leased to a private person as to eliminate its public institution character so that applicant for old age assistance may reside therein. Op. Atty. Gen. (125a-36), Oct. 13, 1937.

(a).

Inmates of city or county poorhouse may move out and make application for old age assistance, and matter of permitting them to reenter by paying for their care is a matter within discretion of officials. Op. Atty. Gen. (521t-4), May 28, 1936.

Person being cared for in a home for the aged, all expenses being paid by a city, is disqualified for assistance, but may qualify self by leaving home for purpose of qualifying, but assistance will be discontinued if person returns to home. Op. Atty. Gen. (521t-4), Oct. 20, 1936.

(c).

Assignment of income bearing property by applicant to son, though all property was less than $3,500, would not bar assistance unless the assignment was made for purpose of qualifying old age assistance, though the assignment would bar assistance if made for that purpose. Op. Atty. Gen. (521m), Apr. 21, 1936.

Old age assistance should not be denied because applicant prior to passage of act conveyed his property to city, town or village as a condition for granting of poor relief. Op. Atty. Gen. (521b-1), June 9, 1937.

Act of recipient in selling one piece of property and purchasing another to use as his home was not ground for refusing to continue assistance. Op. Atty. Gen. (521p-3), Dec. 10, 1937.

3199-19. Legal settlement—Application to county agency—Verification—Hearing appeal.—(a) For the purposes of this act every person who has resided one year continuously in any county shall have a legal settlement therein, and such legal settlement shall not be deemed lost or terminated until a new settlement shall have been acquired in another county of this state or acquired in another state. The time during which a person has been an inmate of a hospital, poor house, jail, prison or other public institution shall be excluded in determining the time of residence hereunder.

(b) An applicant for old age assistance shall file his application in writing with the county agency of the county in which he has a legal settlement, in such manner and form as shall be prescribed by the state agency. Provided, however, that as to a person otherwise qualified who has no legal settlement in any county of the state, his legal settlement for the purpose of making application hereunder shall be deemed to be the county in which he has longest resided during the year immediately preceding the filing of such application.

(c) All statements in the application shall be sworn to or affirmed by the applicant, setting forth that all facts are true in every material point. Upon the filing of such application, the county agency shall make an order fixing a time and place for the hearing thereon. The county agency shall forthwith upon the making of such order mail a copy of the same to the applicant. Any applicant or recipient shall have the right to produce any evidence that he desires and be represented by a friend or counsel.

(d) Whenever an application is rejected or denied by a county agency upon the sole ground that the same was not filed in the county of applicant's legal settlement, an appeal may be taken to the state agency in the same manner as other appeals, and the state agency shall thereupon determine the question of legal settlement and refer the application to the county

agency of the proper county for further action. (Jan. 27, 1936, Ex. Ses., c. 95, §9.)

The word "resided" means physical presence in a county coupled with an intent to make a home there. Seidel, 204M357, 283NW742. See Dun. Dig. 7430.

Applicant held an inmate of a hospital. Id. See Dun. Dig. 7430.

"Residence" in §3199-19 refers to county settlements and not to general residence provisions of §3199-16, and an inmate of poor house need not go out on his own for a year before he shall be considered to have resided one year continuously in county of his settlement. Op. Atty. Gen. (521t-2), Apr. 2, 1936.

Application for old age assistance is not equivalent to application for poor relief as regards settlement under poor law. Op. Atty. Gen. (521t-2), May 22, 1936.

County originally granting assistance continues to pay regardless of any change of residence within state. Op. Atty. Gen. (521t-1), May 15, 1936.

Time during which person receives poor relief from municipality not to be excluded in determining settlement for old age assistance purposes. Op. Atty. Gen. (521t-3), July 17, 1936.

Fact that husband received old age assistance from one county does not prevent him and his family from establishing a legal settlement for poor relief purposes in another county. Op. Atty. Gen. (521t-2), Aug. 4, 1936.

County may grant assistance to a person in another state for purpose of obtaining nurse and care from a niece who resides there. Op. Atty. Gen. (521t-5), Oct. 19, 1936.

Time for settlement accrues in favor of an applicant for assistance during time application is pending and after decision by county commissioners. Op. Atty. Gen. (521t-2), Jan. 26, 1937.

Determination of legal settlement for assistance purposes is a matter of fact to be determined by county agency in first instance, and not by the attorney general. Op. Atty. Gen. (521t-2), June 3, 1937.

(a).

Where applicant has resided for one year in one county prior to moving his residence to another county, where he has not resided for one year continuously, legal settlement for old age assistance is in first county. Op. Atty. Gen. (521t-2), May 7, 1936.

Legal settlement can be acquired in another county while person is receiving pension under old pension law in another county. Op. Atty. Gen. (521b-1), May 23, 1936.

Application for old age assistance is to be made in county wherein applicant has resided for one year, and it is immaterial whether or not he has acquired settlement there for poor purposes. Op. Atty. Gen. (521t-2), June 17, 1936.

Person while receiving poor relief from a county or municipality may acquire legal settlement in another county for old age assistance purposes. Op. Atty. Gen. (521a-1), June 26, 1936.

It is not permissible after pension has been granted and recipient has been absent and residing in another county for over a year for county agency to discontinue assistance on ground that recipient has established a new residence. Op. Atty. Gen. (521t-5), Apr. 22, 1937.

Provisions relating to residence and legal settlement for old age assistance purpose do not abrogate common law rule that settlement of a married woman is where her husband resides. Op. Atty. Gen. (521t-2), Aug. 14, 1937.

Where applicant had filed on a homestead in Clearwater County and was in process of establishing his claim to said homestead and it was his intention to maintain a legal settlement in Clearwater County so that he could prove up on this homestead, but he in fact had resided in Becker County for twelve months prior to filing his application, he had legal settlement in Becker County for old age assistance purposes. Op. Atty. Gen. (521t-2), Nov. 29, 1937.

(b).

Applicant is to file application with county agency in county in which he considers he has a legal settlement, and it is duty of county agency to determine legal settlement. Op. Atty. Gen. (521t-2), Feb. 23, 1937.

3199-20. Investigations—determination—renewal of application.—The county agency shall promptly make or cause to be made such investigation as it may deem necessary; the object of such investigation shall be to ascertain the facts supporting the application made under this act and such other information as may be required by the rules of the state agency. Upon the completion of such investigation, the county agency shall promptly decide upon the application, and fix the amount of old age assistance, if any, and issue to each applicant to whom old age assistance is allowed, a certificate stating the date upon which old age assistance payments shall commence and the amount of each installment, which shall be paid monthly. An applicant whose application for old age assistance has been rejected by the county agency or to whom old age assistance was denied on appeal, as hereinafter provided, may not again apply for old age assistance until the expiration of 12 months from the date of his previous application, unless said refusal was on the sole ground that applicant had not complied with the residence requirements. (Jan. 27, 1936, Ex. Ses., c. 95, §10.)

Residence of an applicant is a question of fact for county agency of county where application is pending to determine. Op. Atty. Gen. (521b-1), June 10, 1936.

Application for assistance by person having $300 or more in liquid assets and property not exceeding $500 net value must be determined by administrative agency in accordance with facts of each case. Op. Atty. Gen. (521p-1), July 3, 1936.

3199-21. Appeal to state agency—notice—new hearing by county agency—review—appeal to district court—review of rules and regulations—appeal to supreme court—Taxpayer's objections.—(a) Any applicant or recipient aggrieved by any order or determination by the county agency may appeal from such order or determination to the state agency. Before making such appeal to the state agency the applicant or recipient shall give written notice to the county agency that he is not satisfied with the decision made. The county agency shall, within 30 days thereafter, grant a new hearing. The county agency may adhere to the decision already made, or may modify its order. If the applicant or recipient is then dissatisfied he may, within 30 days after receiving notice of such order, appeal to the state agency as herein provided. The state agency shall upon receipt of such an appeal notify the county agency and review the case, giving the applicant or recipient an opportunity for a fair hearing before such state agency. The state agency may also, upon its own motion, review any decision made by the county agency. The state agency may make such additional investigation as it may deem necessary, and shall make such decision as to the granting of assistance and the amount and nature of assistance to be granted the applicant or recipient as in its opinion is justified and in conformity with the provisions of this act. All decisions of the state agency shall be binding upon the county involved and the applicant or recipient and shall be complied with by the county agency unless modified or reversed on appeal as hereinafter provided.

(b) If a decision or determination by the state agency is not, in the opinion of the county agency or applicant or recipient, in conformity with this act, either may within 30 days after such decision appeal from the decision or determination of the state agency to the district court of the county in which the application was filed, by serving a copy of a written notice of such appeal upon the state agency and adverse party and filing the original of such written notice, together with proof of service, with the clerk of the district court of the said county. Such appeal may be brought on for hearing by either party by mailing ten days' written notice stating the time and place of such hearing. Upon serving of such notice, the state agency shall, if demanded, furnish the county agency and applicant or recipient a summary of the issues involved, a copy of all supporting papers, a transcript of any testimony and a copy of its decision. The court shall summarily, upon 10 days' written notice, try and determine the said appeal upon the record of the state agency as certified to it and in said determination shall be limited to the issue as to whether the order of the state agency is fraudulent, arbitrary or unreasonable. No new or additional evidence shall be taken on such appeal or introduced by any party to such hearing on appeal in the district court, unless such new or additional evidence, in the opinion of the court, is necessary to a more equitable disposition of the appeal. If the court shall find the order of the state agency fraudulent, arbitrary or unreasonable, the court shall make an order declaring the order of the State Agency null and void, giving its reasons therefor, and shall order the State Agency to take further action in said matter not inconsistent with the determination of the court.

During the pendency of said appeal, if the state agency has awarded old age assistance to a recipient, said old age assistance shall be paid to him pending the determination of said appeal. If said appeal shall be from the order of the state agency raising or lowering the amount paid to a recipient, and if the order of the state agency shall not be sustained, then the recipient shall receive the amount, if any, theretofore fixed by the county agency. (As amended Apr. 26, 1937, c. 482, §1.)

(c) The county agency may question the validity of any rule or regulation of the state agency, and the district court where said county agency is located shall have power to determine the validity of any such rule or regulation by original proceedings in said court. Either the state agency or the county agency may appeal from such decision to the supreme court of the State of Minnesota in the same manner as other appeals in civil actions.

(d) Any taxpayer of the State of Minnesota, resident therein, may appear at any time before the county agency of the county wherein he resides, and protest the granting or continuance of any individual old age assistance, or any portion thereof, with the same right to appeal to the state agency as granted an applicant or recipient. (Jan. 27, 1936, Ex. Ses., c. 95, §11.)

Sec. 2 of Act Apr. 26, 1937, cited, provides that the Act shall take effect from its passage.

(a).

State agency may on its own motion review decision of county agency refusing to pay funeral expenses. Op. Atty. Gen. (521j-2), Sept. 25, 1936.

(b).

Pending appeal by county agency to district court amount of assistance to be paid by county agency is amount determined by state agency. Op. Atty. Gen. (521c), July 27, 1937.

Doctor performing emergency operation has no claim whatever against welfare board and consequently no right of appeal from any action board may take on his claim. Op. Atty. Gen. (6-p), June 15, 1939.

3199-22. Attorney general and county attorney to act for state and county agencies respectively.—The attorney general shall be the attorney for the state agency in all matters pertaining to this act. The county attorney of each county shall be the attorney for the county agency in all matters pertaining to this act. (Jan. 27, 1936, Ex. Ses., c. 95, §12.)

It is duty of county attorney to institute guardianship proceedings for recipient of assistance who is incapable of taking care of himself or his money whenever county agency deems such proceedings necessary. Op. Atty. Gen. (521j-4), Mar. 2, 1938.

3199-23. Subpoenas—administration of oaths.—The county agency and the state agency shall have the power to issue subpoenas for the witnesses and compel their attendance and the production of papers and writing; and officers and employees designated by the county agency or the state agency may administer oaths and examine witnesses under oath in connection with any application or proceeding under this act. (Jan. 27, 1936, Ex. Ses., c. 95, §13.)

Legislature did not intend to confer authority on county agency to secure notarial commissions to be paid for as an expense of administration. Op. Atty. Gen. (521j-1), Nov. 22, 1937.

3199-24. Death of recipient—funeral expenses—claim against estate.—On the death of a recipient, the county agency may pay an amount for reasonable funeral expenses, not exceeding $100. No funeral expenses shall be paid if the estate of the deceased is sufficient to pay such expenses, or if the children, or spouse, who were legally responsible for the support of the deceased during his lifetime, are able to pay such expenses. In determining the sufficiency of such estate due regard shall be had for the nature and marketability of the assets of the estate. The county agency may grant funeral expenses where the sale would cause undue loss to the estate. Any amount paid by the county as funeral expenses shall be a prior claim against the estate, as provided in Laws 1935, Chapter 72, Section 108 [§8992-108], and any amount recovered shall be paid to the treasury of the county which paid said expenses and be deposited in the county old age assistance fund, and 50 per cent thereof shall be paid to the state agency. (Jan. 27, 1936, Ex. Ses., c. 95, §14.)

Payment of funeral expenses is discretionary with county agency. Op. Atty. Gen. (521j-2), July 20, 1936.

Matter of county bearing burden of burying persons who have been recipients of old age assistance is discretionary with county agency, and the state agency is authorized to reimburse the counties that have paid such expenses in accordance with provisions of act. Op. Atty. Gen. (521j-2), July 21, 1936.

State agency may on its own motion review decision of county agency refusing to pay funeral expenses. Op. Atty. Gen. (521j-2), Sept. 25, 1936.

Warrants issued and delivered to recipients, but not cashed prior to recipient's death, become part of estate of deceased and pass to his heirs as other property. Op. Atty. Gen. (521g-3), Mar. 25, 1937.

County may pay $100 towards funeral expenses, total expense of which exceeds said sum and where excess is paid by friends or relatives not liable for any such expenses, providing that total cost has been determined by county agency to be "reasonable funeral expenses." Op. Atty. Gen. (521j-2), June 7, 1937.

It is within province of state agency to set standards to govern county agency in payment of funeral expenses. Id.

Whether fact that an old age recipient dies leaving a homstead as his sole property prevents allowance of funeral expenses is a question of fact in each case. Op. Atty. Gen. (521j-2), Dec. 14, 1937.

County is not entitled to reimbursement for funeral expenses in case of a recipient whose certificate was revoked or cancelled while he was an inmate of a state sanatorium. Op. Atty. Gen. (521j-2), July 7, 1938.

It is entirely discretionary with county board to reimburse city for funeral expenses furnished as poor relief. Op. Atty. Gen. (521j-2), Aug. 1, 1938.

County may legally pay funeral expenses of poor person who conveyed all of his property to city. Op. Atty. Gen. (521j-2), Feb. 28, 1939.

3199-25. Same—claim against estate—limitations.—On the death of any person who receives any old age assistance under this or any previous old age assistance law of this state, or on the death of the survivor of a married couple, either or both of whom receives such old age assistance, the total amount paid as old age assistance to either or both, without interest, shall be allowed as a claim against the estate of such person or persons by the court having jurisdiction to probate the estate. If the value of the estate of any such person or persons has been enhanced as a result of the failure on the part of a recipient to make a full disclosure of the amount or value of his property, or the amount or value of the combined property of a married couple, in any old age assistance proceeding, the claim shall be allowed by the probate court as a preferred claim and shall have preference to the extent of such enhancement over all other claims, excepting only claims for expenses of administration, funeral expenses and expenses of last sickness. If the value of any such estate, exclusive of household goods, wearing apparel and a burial lot, is more than the value of the property of such person, as disclosed by the applicant in any old age assistance proceeding, it shall be prima facie evidence that the value of such estate was enhanced by the payment of old age assistance to the extent of the excess, but not exceeding the total amount of old age assistance paid to such person or persons. The statute of limitations which limits the county agency or the state agency, or both, to recover only for assistance granted within six years shall not apply to any claim made under this act for reimbursement for any assistance granted hereunder. (Jan. 27, 1936, Ex. Ses., c. 95, §15; Apr. 14, 1939, c. 242, §1.)

Where homestead is disposed of by will which does not otherwise provide and in all cases where homestead descends to spouse or children or issue of deceased children, homestead of deceased recipient of old age assistance is not subject to claims of county or state agencies. Op. Atty. Gen. (521p-3), Apr. 6, 1936.

Claim of county for money paid as assistance against state of deceased recipient is same as claim of common creditor and is not preferred. Op. Atty. Gen. (521g), Apr. 15, 1936.

County agency cannot transfer remainder of any property previously deeded to county under old age pension law to state agency or to person who transferred same to county. Op. Atty. Gen. (521b-1), June 9, 1936.

County has no authority to accept deeds of property from applicants for old age assistance and agree to increase allowance, or to keep property until death and give surplus to heir or devisee of applicant. Op. Atty. Gen. (521p-3), Aug. 5, 1936.

County agency is proper party to file claim. Op. Atty. Gen. (521g-1), Jan. 6, 1937.

Estate of a deceased recipient is liable for total amount paid as old age assistance under the provisions of both the old and the new old age pension law. Op. Atty. Gen. (521g-1), Mar. 15, 1937.

Claim against estate of deceased recipient should be filed in the name of county agency and not in name of county for total amount paid as old age assistance without itemizing proportionate contributions and sources. Id.

Claims should be executed by someone acting for county welfare board. Op. Atty. Gen. (521b-1), Oct. 11, 1937.

Homestead of deceased recipient is exempt in hands of adult children. Op. Atty. Gen. (521p-3), May 11, 1938.

Homestead of old age assistance recipient is exempt after his death, though he leaves only adult children. Op. Atty. Gen. (521p-3), July 28, 1938.

County welfare boards are not authorized to accept title to real estate in name of county through probate court proceedings, but there is no objection to keeping probate of estate open for purpose of making reasonable disposal of real estate. Op. Atty. Gen. (521g-1), Nov. 15, 1938.

Where there are no children and nearest heirs at law are cousins, homestead is subject to payment of claim for old age assistance. Op. Atty. Gen. (521p-3), March 1, 1939.

Homestead is subject to payment of claim for old age assistance furnished to decedent where he left no spouse or children or issue of deceased children. Op. Atty. Gen. (521G), April 5, 1939.

Applicant is eligible for old age assistance when it is determined that spouse and children are reasonably unable to contribute to necessary care and support without due hardship, and it is unnecessary to go further and consider brothers, sisters, or grandchildren. Op. Atty. Gen. (521R), May 25, 1939.

Since statute of limitations will not apply, agency should go back to commencement of old age assistance payments in making claims against homesteads, but claims will not affect homestead if recipient dies leaving a spouse or children. Op. Atty. Gen. (521j-3), August 25, 1939.

County attorney is not entitled to compensation for his services. Op. Atty. Gen. (121a), August 31, 1939.

3199-25a. Same—Inconsistent acts repealed.—All acts or parts af acts inconsistent herewith are hereby modified and amended so as to conform hereto. (Act Apr. 14, 1939, c. 242, §2.)

3199-26. Liability of recipient or his child or spouse—Sale of land outside state—Lien on property within state—Certificate of county agency—Filing lien—Priority.—If at any time during the continuance of any assistance granted under this act the state agency or the county agency finds that any child or the spouse of any recipient is reasonably able to contribute to the necessary care and support of such recipient without undue hardship to himself or his immediate family, and such person so able to contribute to the care and support of such recipient fails or refuses to contribute according to his ability to the care and support of such recipient, then, after notice to such person or persons, there shall exist a cause of action against said person or persons for such amount of assistance furnished under this act subsequent to such notice, or such part thereof as such person or persons are reasonably able to pay. Said action may be ordered by the state agency, or county agency, and shall be brought in the name of the county by the county attorney of the county in which such assistance was granted and shall be brought against said person or persons for the recovery of such amount of assistance granted after such notice, as hereinbefore provided, together with a cost and disbursements of such action.

(1) The county agency shall require a recipient, as a prerequisite to receiving old age assistance, to sell all his real property situate without the state, having due regard to the nature and marketability of the property, and to use the proceeds for his support.

(2) No person shall be paid old age assistance without first giving the state a lien on all his property situate within the state as hereinafter provided.

(3) The total amount of old age assistance paid a recipient including burial expenses, but without interest, shall be a lien in favor of the state upon all real property belonging to such recipient.

(4) No old age assistance shall be given under this act until a certificate stating the name and residence of the recipient, the amount of assistance granted, the date when such assistance became effective, the name of the county granting the assistance and such other information as the state agency shall require shall have been prepared by the county agency granting assistance on a form provided therefor by the state agency. Such certificate, or a copy thereof, shall be filed by the county agency of the county granting assistance with the register of deeds of each county in this state where there is real property belonging to the recipient.

(5) Thereupon the lien hereby imposed shall arise. It shall attach to all real property then owned by the recipient or thereafter acquired, including joint tenancy interests, and shall have effect in all counties in which such certificate shall have been filed, and shall be for such amount as may be paid the recipient as old age assistance, and shall continue until the liability for such amount is satisfied. Such lien shall take priority over all other liens subsequently acquired, except that such lien shall not take priority over the claims of children of the recipient for money actually expended by them in permanently improving the homestead of the recipient or in payment of the taxes or encumbrances thereon.

In case of the death of the recipient the debt secured by such lien shall be a claim against his estate and after expenses of administration, funeral expenses, expenses of last illness, and debts having preference by the laws of the United States, and taxes shall have priority over all other debts.

(6) The several registers of deeds shall keep a record of every certificate so filed, showing its date, the time of filing, the name and residence of the recipient, the name of the county granting assistance to him and any releases or satisfaction of the lien. No fee shall be charged for the filing of such certificate, or the entry of the abstract thereof, except in counties where the register of deeds is compensated otherwise than by salary, and in such counties a fee of 25c shall be paid to the register of deeds by the county filing the certificate.

(7) The county agency shall file a copy of the certificate provided for in section 4 [§3199-14] hereof with the probate court of the county of the recipient's residence, and the probate court shall keep the same among its permanent records.

(8) Such liens, after filing, shall be enforced in the manner provided by law for the enforcement of mechanic's liens upon real property, provided, no such lien, and no claim under Section 3199-25, the 1938 Supplement to Mason's Minnesota Statutes of 1927, shall be enforced against the homestead of the lienor while occupied by his surviving spouse, or minor children.

(9) Whenever the county agency of the county granting assistance to a recipient is satisfied that the collection of the amount paid him as old age assistance will not be jeopardized or that the release of the lien against his property in whole, or in part, is necessary for the maintenance or support of the recipient, his spouse, minor or incapacitated children, it may, with the approval of the state agency, release such lien with respect to all or part of the real property of the recipient, and such release, or a certified copy thereof, shall be filed with the register of deeds of each county where the lien certificate is filed.

(10) The recipient, his heirs, personal representatives, or assigns, may discharge such lien at any time by paying the amount thereof to the treasurer of the proper county who, with the approval of the county agency, shall execute a satisfaction thereof and file the same with the register of deeds of each county where the lien certificate is filed.

(11) Any recipient who has heretofore transferred or who hereafter transfers, or disposes of his prop-

erty in order to avoid the application of this section shall be disqualified from receiving old age assistance. (Jan. 27, 1936, Ex. Ses., c. 95, §16; Apr. 20, 1939, c. 315, §1.)

Sec. 3 of Act Apr. 20, 1939, c. 315, cited, provides that the amendment shall take effect Jan. 1, 1940.

County agency may fix value on subsistence paid to applicant from child if such payment has not entailed undue hardship on child and deducts such value from allowance, but if support by child is an undue hardship or child refuses to further support applicant, no deduction from assistance may be made. Op. Atty. Gen. (521r), Apr. 6, 1936.

Medical care consisting of trained nurse necessary at all times and other expenses, furnished by children and relatives, is not necessarily income of the aged person which would prevent granting of old age assistance together with medical care. Op. Atty. Gen. (521r), May 16, 1936.

Children or spouse of recipient of aid can pay after notice without being sued. Op. Atty. Gen. (521r), July 11, 1936.

County attorney is not entitled to compensation for his services. Op. Atty. Gen. (121a), August 31, 1939.

3199-27. Reimbursement of United States out of amounts collected.—Whenever any amount shall be recovered from any source for assistance furnished under the provisions of this act, there shall be paid to the United States the amount which shall be due under the terms of the Social Security Act and the balance thereof shall be paid into the treasuries of the state, county, town, village, borough or city in the proportion in which they respectively contributed toward the total assistance paid. (Jan. 27, 1936, Ex. Ses., c. 95, §17.)

Matter of distributing amount recovered between county, state and federal government is a matter of administration of act by county agency and entirely outside province of probate court. Op. Atty. Gen. (521g-1), Jan. 6, 1937.

Claim against estate of deceased recipient should be filed in name of county agency and not in name of county for total amount paid as old age assistance without itemizing proportionate contributions and sources. Op. Atty. Gen. (521g-1), Mar. 15, 1937.

3199-28. Payment to trustee of recipient.—If a person receiving old age assistance is, on the testimony of reputable witnesses, found incapable of taking care of himself or his money, the county agency may direct the payment of the old age assistance to any responsible person in trust for such recipient. (Jan. 27, 1936, Ex. Ses., c. 95, §18.)

Expense incurred by county agency in obtaining appointment as special administrator to act as guardian for incapacitated recipient is proper administrative expense. Op. Atty. Gen. (521j-4), July 22, 1936.

It is duty of county attorney to institute guardianship proceedings for recipient of assistance who is incapable of taking care of himself or his money whenever county agency deems such proceedings necessary. Op. Atty. Gen. (521j-4), Mar. 2, 1938.

3199-29. Assignability of pension—exemption.—No old age assistance given under this act shall be transferable or assignable at law or in equity except as provided in Section 18 hereof; and no money paid or payable under this act shall be subject to execution, levy, attachment, garnishment or other legal process, or to the operation of any bankruptcy or insolvency law. (Jan. 27, 1936, Ex. Ses., c. 95, §19.)

Proposed leases by counties of county homes to private individuals will not prevent recipient of assistance from living in the leased homes, if all supervision and control of the home is surrendered by the county, and provided assistance payments are made direct to recipients, who will make their own arrangements with the lessees of those homes, and assistance may also be paid to old persons living in houses provided by the federal resettlement administration, title to which is expected to be conveyed to the county, provided the poor persons receive the aid direct and make their own arrangements with respect to food, cook and caretaker. Op. Atty. Gen. (521t-4), Mar. 29, 1937.

3199-30. Reports by recipients—modification, suspension or revocation of assistance—excessive payments.—Each recipient shall file such reports with the county agency as the county agency or the state agency may from time to time require. If it appears at any time that the recipient's circumstances have materially changed or that a certificate was improperly obtained by any recipient, or if the recipient has failed to comply with the provisions of Section 26 [§3199-36], the county agency may modify, suspend or revoke any old age assistance certificate issued to such recipient, and may suspend payment of any installment pending any inquiry. If on inquiry it appears that the certificate was improperly obtained, it shall be cancelled, but if it appears that the certificate was properly obtained, the suspended installments shall be payable in due course. Any old age assistance paid in excess of the amount due shall be returned to the county and may be recoverable as a debt due the county. (Jan. 27, 1936, Ex. Ses., c. 95, §20.)

It makes no difference that a person after having been granted assistance removes to another county and resides at a home for the aged, provided such person pays for his necessaries furnished by the home. Op. Atty. Gen. (521t-1), June 4, 1936.

Recipient may be required to refund only amount of assistance he received during period he was under 65 years of age. Op. Atty. Gen. (521y), Apr. 19, 1937.

Applicant should apply for reinstatement on suspended certificate to county agency of county granting assistance, though suspension was made because of employment and marriage in another county. Op. Atty. Gen. (521d), Mar. 8, 1938.

County is not entitled to reimbursement for funeral expenses in case of a recipient whose certificate was revoked or cancelled while he was an inmate of a state sanatorium. Op. Atty. Gen. (521j-2), July 7, 1938.

3199-31. Unlawful obtainment of assistance gross misdemeanor.—Any person who has obtained or who by means of a willfully false statement or representation, or by impersonation, or other fraudulent device, hereafter obtained, or attempts to obtain, or aids or abets any person to obtain:

(a) An old age assistance certificate to which he is not entitled;

(b) More old age assistance than that to which he is justly entitled;

(c) Payment of any forfeited installment grant;

(d) Or who knowingly aids or abets any person buying or disposing of the property of the recipient with the intention to assist in receiving or qualifying any person for old age assistance;

(e) Or any recipient who transfers any personal property exceeding $300.00 in value without first giving notice to the County Agency of his intention to do so; shall be guilty of a gross misdemeanor. (Jan. 27, 1936, Ex. Ses., c. 95, §21; Mar. 25, 1937, c. 103, §1.)

Section required purchaser of property from recipient of assistance to obtain consent from county agency, but agency could not demand promise from applicant that he would obtain consent before transferring his property as a condition precedent to granting of assistance. Op. Atty. Gen. (521p-2), Apr. 15, 1936.

3199-32. Same—cancellation of certificate.—Where a recipient or applicant is convicted of an offense under Section 21 [§3199-31], the county agency may cancel the certificate or refuse to issue same. (Jan. 27, 1936, Ex. Ses., c. 95, §22.)

3199-33. Payment by county—cost, how distributed—reimbursement—expenses, apportionment—insufficient federal funds.—Each old age assistance granted under this act shall be paid by the county in which an old age assistance certificate is issued and while the same is in effect. The cost of old age assistance grants in each county shall be borne as follows:

(a) Payments shall be made by the state to the counties of that portion of old age assistance paid by the Federal government and the state on or before the 20th day of each month for the succeeding month upon requisition from the counties as to the amount required for said succeeding month. The expense of old age assistance grants shall be borne one-third thereof by the state from state funds; one-sixth thereof from the counties by county funds; and one-half thereof from Federal funds; provided that in the event Federal funds shall be inadequate to pay in full 50 per cent of all old age assistance paid by each county, then the available federal funds shall be paid ratably and proportionately to the several counties in the proportion which the total amount of old age assistance paid by each county bears to the total amount of old age assistance paid by all counties of the state.

(b) Not exceeding one-fourth of any funds available for administrative purposes shall be used to defray necessary expenses of the state agency in the supervision of the old age assistance laws of this state, and the balance shall be used to repay the counties pro rata in the proportion the total number of recipients in the county bears to the total number of recipients in the state for the period in question. (Jan. 27, 1936, Ex. Ses., 95, §23; Apr. 26, 1937, c. 484, §1.)

Sec. 2 of Act Apr. 26, 1937, cited, provides that the Act shall take effect from its passage.

Additional compensation for board of county commissioners not included in terms "for actual administrative expenses." Op. Atty. Gen., Mar. 6, 1936.

County can be reimbursed out of state and federal fund for payment of assistants under new act to persons who have received pension and who have deeded their property to county under old pension law. Op. Atty. Gen. (521b-1), June 9, 1936.

County is entitled to reimbursement for state's one-half in case of a recipient whose certificate of assistance was suspended while he was an inmate of sanitarium until death. Op. Atty. Gen. (521j-2), Oct. 5, 1936.

State agency is entitled to reimbursement for state and federal money paid as reimbursement to a county on account of persons whose allowance has been subsequently cancelled and revoked on ground that persons were not entitled to assistance. Op. Atty. Gen. (521b-2), Oct. 18, 1936.

Where no federal funds were available as to recipients of assistance who contracted with county for board at poor house, state funds may be used to reimburse county for payments made, but not to exceed thirty-three and a third per cent. Op. Atty. Gen. (521b-1), Dec. 28, 1936.

State and federal funds as grants in aid for dependent children and old age assistance must be paid by state board of control directly to county, and not to welfare board. Op. Atty. Gen. (521l-2), May 20, 1937.

One granted assistance may contract with public institution and pay for his care and subsistence direct, but grant to such recipient is reimbursable to county from state funds only. Op. Atty. Gen. (521t-4), July 30, 1937.

(c).

Traveling expenses of county commissioners incurred in administrating old age assistance act must be paid under law fixing compensation of members of board. Op. Atty. Gen. (104b-4), May 4, 1936.

3199-34. County budget—levy of tax—transfer from other funds—warrants—overdrafts—claims for reimbursement—payment.—The providing of funds necessary to carry out the provisions of this act on the part of the counties and the manner of administering and disbursing funds of the counties and the state shall be as follows:

(a) The board of county commissioners of each county shall annually set up in its budget an item designated as the county old age assistance fund, and shall levy taxes and fix a tax rate for old age assistance sufficient to produce the full amount of such item, in addition to all other tax levies and tax rates, however fixed or determined, sufficient to carry out the provisions of this act and to pay in full the county share of old age assistance and administrative expenses for the ensuing year; and shall annually, on or before October 10th, certify the same to the county auditor to be extended by him on the tax rolls. Such tax levy and tax rate shall make proper allowance and provision for shortage in tax collections.

(b) Any county may transfer surplus funds from any county fund, except the sinking or ditch fund, to the general fund or to the county old age assistance fund in order to provide moneys necessary to pay old age assistance awarded under this act. The money so transferred shall be used for no other purpose, but any portion thereof no longer needed for such purpose, shall be transferred back to the fund from which taken.

(c) Upon the orders of the county agency the county auditor shall draw his warrant on the proper fund in accordance with said orders and the county treasurer shall pay out the amounts ordered to be paid out as old age assistance under the provisions of this act. When necessary by reason of failure to levy sufficient taxes for the payment of said old age assistance in the county, the county board shall nevertheless authorize payment of said old age assistance and the county auditor shall carry any such payments as an overdraft on the old age assistance fund of said county until sufficient tax funds shall be provided for said old age assistance payments. The board of county commissioners shall include in the tax levy and tax rate in the year following the year in which such overdraft occurred an amount sufficient to liquidate such overdraft in full.

(d) Claims for reimbursement shall be presented to the state agency by the respective counties in such manner as the state agency shall prescribe not later than ten days after the close of the month in which the expenditures were made. The state agency shall audit such claims and certify to the state auditor the amounts due the respective counties without delay. The amounts so certified shall be paid within ten days after such certification, from the state treasury upon warrant of the state auditor from any moneys available therefor. The moneys available to the state agency to carry out the provisions of this act, including all federal funds available to the state, shall be kept and deposited by the state treasurer in the revenue fund and shall be disbursed upon warrants in the same manner as other state funds except that such warrants shall be countersigned by a member of the state agency or some other person thereunto duly authorized by resolution thereof. (Jan. 27, 1936, Ex. Ses., c. 95, §24.)

Act July 16, 1937, Sp. Ses., c. 73, authorizes certain counties to apply to the state agency for an award of aid for the year 1937.

County agencies must proceed to administer act irrespective of the availability of federal funds. Op. Atty. Gen. (521b-1), Mar. 9, 1936.

Power of county to issue funding bonds to take up floating indebtedness represented by warrant over-drawing poor funds as applied to administration of old age assistance act. Op. Atty. Gen. (521l-2), Mar. 26, 1936.

Application for old age assistance is not application for poor relief. Op. Atty. Gen. (521t-5), May 11, 1936.

Warrants for old age assistance must be issued even though county has no funds. Op. Atty. Gen. (521l), May 14, 1936.

Medical and dental care furnished to recipient of old age assistance is a charge against poor fund of township or village in county operating under township system of poor relief and not a charge against county old age assistance funds. Op. Atty. Gen. (521b), June 16, 1936.

Matter of county bearing burden of burying persons who have been recipients of old age assistance is discretionary with county agency, and the state agency is authorized to reimburse the counties that have paid such expenses in accordance with provisions of act. Op. Atty. Gen. (521j-2), July 21, 1936.

County operating on cash basis pursuant to §1946-26½ may issue warrants or other evidence of indebtedness pursuant to §1938-23, without complying with the former, and may sell such evidence of indebtedness pursuant to §1944-1. Op. Atty. Gen. (107b-22), Dec. 15, 1936.

Expenses incurred by county agency in obtaining appointment of a guardian to act for recipient of assistance is a proper county administrative expense. Op. Atty. Gen. (521j-4), Mar. 2, 1938.

Tax provisions of Social Security Act. 22MinnLawRev 299.

(e).

Procedure stated for issuance of warrant for old age assistance. Op. Atty. Gen. (521l-2), Apr. 21, 1936.

3199-35. Mandamus to compel compliance.—In the event that the county agency or the county auditor, or both, of any county fails to comply with the provisions of this act, mandamus proceedings may be instituted against such county agency or county auditor, or both, by the state agency or any interested party to compel such county agency or county auditor, or both, to comply therewith. (Jan. 27, 1936, Ex. Ses., c. 95, §25.)

3199-36. Change of residence by recipient.—Whenever a recipient changes his place of dwelling he shall notify the county agency in which his old age assistance certificate is in effect. If he removes to another county he shall declare whether such absence is temporary or for the purpose of taking up regular domicile. The county originally granting old age assistance shall continue to pay the same regardless of change of residence within the state by a recipient. (Jan. 27, 1936, Ex. Ses., c. 95, §26.)

County originally granting assistance continues to pay regardless of any change of residence within state. Op. Atty. Gen. (521t-1), May 15, 1936.

It makes no difference that a person after having been granted assistance removes to another county and resides at a home for the aged, provided such person pays for his necessaries furnished by the home. Op. Atty. Gen. (521t-1), June 4, 1936.

It is not permissible after pension has been granted and recipient has been absent and residing in another county for over a year for county agency to discontinue assistance on ground that recipient has established a new residence. Op. Atty. Gen. (521t-5), Apr. 22, 1937.

Applicant should apply for reinstatement on suspended certificate to county agency of county granting assistance, though suspension was made because of employment and marriage in another county. Op. Atty. Gen. (521d), Mar. 8, 1938.

3199-37. Funeral expenses paid by county—reimbursement by state.—All funeral expenses paid under this act shall, in the first instance, be paid by the county in which the deceased received his old age assistance certificate; and the state shall reimburse said county for 50 per cent of the payments made for reasonable funeral expenses from state funds. (Jan. 27, 1936, Ex. Ses., c. 95, §27.)

Matter of county bearing burden of burying persons who have been recipients of old age assistance is discretionary with county agency, and the state agency is authorized to reimburse the counties that have paid such expenses in accordance with provisions of act. Op. Atty. Gen. (521j-2), Oct. 5, 1936.

County is entitled to reimbursement for state's one-half in case of a recipient whose certificate of assistance was suspended while he was an inmate of sanitarium until death. Op. Atty. Gen. (521j-2), Oct. 5, 1936.

County may pay $100 towards funeral expenses, total expense of which exceeds said sum and where excess is paid by friends or relatives not liable for any such expenses, providing that total cost has been determined by county agency to be "'reasonable funeral expenses." Op. Atty. Gen. (521j-2), June 7, 1937.

3199-38. Assistance granted under prior law—modification or revocation.—The claim of any person to any old age assistance existing on the effective date of this act, which claim has been granted under any old age assistance law of this state, shall continue as a valid order for old age assistance under this act for the amount previously approved; provided, however, that such old age assistance may be modified, suspended, or revoked by the county agency or the state agency, in the same manner as though said old age assistance was originally granted under this act. (Jan. 27, 1936, Ex. Ses., c. 95, §28.)

County cancelling payment of pension under old pension law prior to effective date of new Old Age Assistance Act cannot be compelled to continue to pay assistance under new act to an applicant residing in another county. Op. Atty. Gen. (521b-1), May 23, 1936.

County can be reimbursed out of state and federal fund for payment of assistance under new act to persons who have received pension and who have deeded their property to county under old pension law. Op. Atty. Gen. (521b-1), June 9, 1936.

3199-39. Modification by groups.—Neither the county agency nor the state agency shall have the power to modify any old age assistance as a group, but must consider each application, each modification, and each old age assistance, individually, upon its merits. (Jan. 27, 1936, Ex. Ses., c. 95, §29.)

3199-40. Separability of provisions.—The various provisions of this act shall be severable. If any section or part of this act or the application of such provision to any person, board or circumstance shall be declared unconstitutional or invalid for any reason, the remainder of this act shall not be affected thereby. (Jan. 27, 1936, Ex. Ses., c. 95, §30.)

3199-41. Limitation of state agency expense. [Repealed.]

This section, being §31 of Act Jan. 27, 1936, Ex. Ses., c. 95, was repealed Feb. 13, 1937, c. 26, §1.

Sec. 2 of Act Mar. 25, 1937, cited, provides that the Act shall take effect from its passage.

State agency may not expend more than $75,000 for administrative and supervisory expense. Op. Atty. Gen. (521b-2), Mar. 5, 1936.

Act authorizes state board of control to expend funds for administrative and supervisory expenses as needed and budget commissioner and director of personnel is authorized to make releases of such funds to meet such needs, and if funds should be exhausted, problem will be one for legislature to deal with when it is convened. Op. Atty. Gen. (521j-1), Mar. 24, 1936.

3199-42. Repeal—suspension of prior laws—validation—act inoperative in event of repeal or invalidity of federal law—instruments, how signed.—Upon the effective date of this act, Laws 1935, Chapter 357 [§§3183-1 to 3183-4, 3183-7 to 3183-10, 3183-18 to 3183-21, 3183-23 to 3183-28], are hereby expressly repealed; provided, however, that all tax levies, agreements, mortgages and liens made pursuant to Laws 1935, Chapter 357, are hereby in all respects validated and confirmed, and all funds received, or to be received, are hereby made available to the respective county agencies for the purpose of paying old age assistance and administrative costs authorized in this act. During the period that this act is in effect Mason's Minnesota Statutes of 1927 (1934 Supplement), Sections 3183-1 to 3183-22, inclusive, and all acts or parts of acts, general and special, inconsistent with the provisions of this act and not expressly repealed hereby are hereby suspended, except all tax levies, and reimbursements due counties from local units of government, made pursuant to these laws, which are hereby in all respects validated and confirmed and shall remain in full force and effect for the periods for which made; and all funds received or to be received are hereby made available to the respective county agencies for the purpose of paying old age assistance and administrative costs authorized in this act and shall be subject to this act. In the event that Title I of the Social Security Act, same being Public No. 271, of the 74th Congress [Mason's U. S. Code, Anno., title 42, ch. 7], shall at any time be repealed or become void by final decision of the supreme court of the United States, then this act shall become and be suspended and inoperative, and all laws and parts of laws hereby suspended shall again become operative and be in full force and effect. All instruments necessary to accomplish the intent of this section shall be signed by a majority of the members of the county agency in office on the date of such instrument, and when so executed shall be effective to accomplish the results herein provided for. (Jan. 27, 1936, Ex. Ses., c. 95, §32.)

Funds raised by counties under old law must be transferred to be expended as provided for in new act. Op. Atty. Gen. (521l-2), Mar. 19, 1936.

It is obligation of city to make additional levy to reimburse county for money paid by county as pension under Old Age Pension Law to residents of city and county operating under township system, but additional levy may only cover discounts on taxes legally granted and deficiencies arising due to forfeiture of land to state for nonpayment of taxes. Op. Atty. Gen. (521w), Aug. 27, 1936.

County board should not reconvey property deeded to county by recipient of pension under §3183-7, and payment of pension made before effective date of Old Age Assistance Act did not remain a lien upon the property until redeemed under that act, and lands acquired by county pursuant to §3183-7 are exempt from taxation while title thereto is in county, in view of §3199-42. Op. Atty. Gen. (521p-3), Sept. 14, 1936.

Section 3183-6 of old age assistance act has been suspended by this act, particularly by this section. Op. Atty. Gen. (521g-1), Mar. 15, 1937.

3199-43. Reservation of right to amend repeal or suspend law.—Anything in this act to the contrary notwithstanding, the legislature reserves the right to alter, amend, repeal or suspend at any time the whole or any part or portion of this act. (Jan. 27, 1936, Ex. Ses., c. 195, §33.)

3199-44. Act dependent on federal aid—reduction of assistance.—This act in its various terms and provisions, including the amount of old age assistance paid to an individual hereunder, is intended to comply with and give effect to the Social Security Act above referred to. In the event federal funds shall not be available or shall be inadequate to pay in full one-half of all old age assistance grants contemplated by this act, then and in such case, and until federal funds are available in full, the county agency of each county may reduce each old age assistance grant by an amount equal to such deficiency. (Jan. 27, 1936, Ex. Ses., c. 95, §34; Mar. 25, 1937, c. 100, §1.)

Sec. 2 of Act Mar. 25, 1937, cited, provides that the Act shall take effect from its passage.

County agencies must proceed to administer act irrespective of the availability of federal funds. Op. Atty. Gen. (521b-1), Mar. 9, 1936.

Expense incurred by county agency in obtaining appointment as special administrator to act as guardian for incapacitated recipient is proper administrative expense. Op. Atty. Gen. (521j-4), July 22, 1936.

Where no federal funds were available as to recipients of assistance who contracted with county for board at poor house, state funds may be used to reimburse county for payments made, but not to exceed thirty-three and a third per cent. Op. Atty. Gen. (521b-1), Dec. 28, 1936.

3199-45. Appropriation.—For the purpose of carrying out the provisions of this act, there is hereby appropriated out of the general revenue fund, from moneys not otherwise appropriated, the sum of $2,750,000, or so much thereof as may be necessary, the same to be made available for the period commencing with the effective date of this act, and ending June 30, 1937; provided, that an amount not to exceed $10,000 of the above appropriation may be used by the state agency to supplement reimbursements to those counties where the total assessed valuation, exclusive of moneys and credits, does not now or hereafter exceed $1,000,000, as shown by the annual report of the state tax commission. All federal funds made available for the purposes of this act are hereby appropriated to the state agency to be disbursed and paid out in accordance with the provisions of this act. (Jan. 27, 1936, Ex. Ses., c. 95, §35.)

3199-46. Anticipation of effective date.—The state agency is hereby empowered to anticipate the effective date of this act, and until the effective date may expend not to exceed $10,000 of the sum authorized in Section 31 [§3199-41], hereof. (Jan. 27, 1936, Ex. Ses., c. 95, §36.)

3199-47. Effective date.—This act shall take effect March 1, 1936, and said day shall be the effective date of this act. (Jan. 27, 1936, Ex. Ses., c. 95, §37.)

Appropriation to carry out provisions of Laws Ex. Sess., 1935, c. 95. Act Jan. 30, 1937, c. 4.

PENSIONS FOR THE NEEDY ADULT BLIND

3199-51 to 3199-62. [Repealed.]

Repealed Apr. 21, 1937, c. 324, §27, post, §3199-89, effective as provided by §3199-87.

Blind person having income of less than $365 per year is a "needy" person, and he is entitled to a pension of $360 per year in addition thereto. Op. Atty. Gen. (88a-5), July 8, 1936.

3199-63. Definitions.—The following words, terms and phrases shall for the purposes of this Act, have the following meanings:

(a) "County Agency" means a County Welfare Board.

(b) "State Agency" means the State Board of Control.

(c) "Applicant" means a person who has applied for assistance under this Act.

(d) "Recipient" means a person who has received assistance under the terms of this Act.

(e) "Assistance" means any money payments to blind persons in need as provided for in this Act.

(f) A "blind person" means a person who has no vision or who, with the help of eye glasses or other resources, has not sufficient ocular power for the ordinary affairs of life.

(g) The term "adult" shall mean any male or female person of the age of twenty-one or over.

(h) "Ophthalmologist" shall mean a physician licensed to practice medicine in this State, and who is actively engaged in the treatment of diseases of the human eye.

(i) "Rehabilitation" shall mean any medical or surgical treatment, vocational training or social service intended to improve the individual's physical, social and economic condition. (Apr. 21, 1937, c. 324, §1.)

3199-64. Duties of state agency, for blind persons.—The State Agency shall:

(a) Supervise the administration of assistance to the needy blind under this Act, and administer same in cooperation with county agencies, as hereinafter provided;

(b) Make all rules and regulations and take such action as may be necessary or desirable for the carrying out of the provisions of this Act. All rules and regulations made by the State Agency shall be binding on the counties, and shall be complied with by the respective County Agencies.

(c) Establish minimum standards for personnel employed by the State Agency in the administration of this Act, and make rules and regulations necessary to maintain such standards.

(d) Prescribe the form of and print blanks for applications, reports, affidavits, and such other forms as it may deem necessary and advisable.

(e) Cooperate with the Federal Social Security Board created under Title 7 of the Social Security Act approved August 14, 1935, or other agency of the Federal Government, in any reasonable manner as may be necessary to qualify for Federal Aid for assistance to the needy blind and in conformity with the provisions of this Act; including the making of such reports in such form, and containing such information as the Federal Agency of the Federal Government may from time to time require, and comply with such provisions as such Board may from time to time find necessary to assure the correctness and verification of such reports;

(f) Appoint a suitable number of ophthalmologists, duly licensed to practice in Minnesota and actively engaged in the treatment of diseases of the human eye, to examine applicants and recipients of assistance to the blind;

(g) Fix and pay to ophthalmologists, from funds appropriated to the State Agency, fees for examination of applicants and recipients, and also pay necessary travel and incidental expenses incurred in connection with such examination;

(h) Maintain proper records of all persons making application for and receiving assistance under this Act;

(i) Promptly examine all applications and other supporting evidence submitted, as herein provided, and determine;

(1) Eligibility as to blindness, and;

(2) The possibility for rehabilitation or other constructive service.

(j) No application shall be approved until the applicant has been examined by an ophthalmologist designated or approved by the State Agency to make such examination and the possibility of a rehabilitation program determined by the State Agency. (Apr. 21, 1937, c. 324, §2.)

3199-65. Duties of county agency, for blind persons.—The County Agency shall render to the State Agency such service in connection with the administration of this Act as the State Agency may, from time to time, find necessary and advisable. (Apr. 21, 1937, c. 324, §3.)

3199-66. Public assistance.—Assistance shall be given under this Act to any person who;

(a) Is an adult blind person found, by the State Agency, to be in need of financial assistance to enable him to pay for his maintenance or for other purposes;

(b) Has lost his eyesight while a resident of the State, or shall have resided in the State for a period of five years during the nine years immediately preceding the filing of the application for assistance, the last year of which shall be continuous and immediately precede such application;

(c) Has not sufficient income or other resources to provide a reasonable subsistence compatible with decency and health;

(d) Is not an inmate of, or being maintained by any municipal, State, National, County or private institution at the time of receiving assistance. An inmate of an institution may, however, make applica-

tion for such assistance, but the assistance, if granted, shall not begin until after he ceases to be an inmate of such institution;

(e) Has not made an assignment or transfer of property so as to render himself eligible for assistance under this Act, at any time within two years immediately prior to the filing of application for assistance pursuant to the provisions of this Act;

(f) Is not, because of his physical or mental condition in need of continuing institutional care;

(g) Is not, while receiving assistance under this Act, soliciting alms;

(h) Is not, while receiving assistance under this Act, receiving Old Age Assistance. (Apr. 21, 1937, c. 324, §4.)

3199-67. Who may receive assistance.—No person receiving a grant under this Act shall at the same time receive any other public relief from the State, or from any instrumentality or political subdivision thereof, except for temporary medical and surgical assistance. (Apr. 21, 1937, c. 324, §5.)

3199-68. Amount of assistance.—The amount of assistance which any recipient shall receive shall be determined by the State Agency, with due regard to the resources and necessary expenditures of the individual and the conditions existing in each case and in accordance with the rules and regulations made by the State Agency, and shall be sufficient, when added to all other income and support of the recipient to provide him with a reasonable subsistence compatible with decency and health. (Apr. 21, 1937, c. 324, §6.)

3199-69. Applications.—Application for assistance under this Act shall be made to the State Agency. The application shall be in writing, or reduced to writing in the manner and upon the form prescribed by the State Agency, and shall be verified by the oath or affirmation of the applicant. Such application shall contain a statement of the amount of property, both personal and real, in which the applicant has an interest, and of all income which he may have at the time of the filing of the application, and such other information as may be prescribed by the State Agency. (Apr. 21, 1937, c. 324, §7.)

3199-70. Investigations.—Whenever an application for assistance under this Act is received the State Agency shall immediately arrange for an examination as to the blindness of the applicant by an ophthalmologist designated by the State Agency, and shall cause to be made such social and economic investigation as may be necessary to determine facts supporting the application made under this Act, and such other information as may be required by rules and regulations of the State Agency.

The State Agency and the officers and authorized employees thereof shall have the power to conduct examinations and subpoena witnesses. The officers and employees designated by the State Agency may administer oaths and affirmations. (Apr. 21, 1937, c. 324, §8.)

3199-71. Applicants must be examined.—No application shall be approved until the applicant has been examined by an ophthalmologist designated by the State Agency to make such examinations. The examining ophthalmologist shall certify in writing upon forms prescribed by the State Agency as to diagnosis, prognosis, and visual acuity of the applicant. (Apr. 21, 1937, c. 324, §9.)

3199-72. State agency to determine eligibility.—Upon the completion of such examination the State Agency shall determine the eligibility of the applicant for assistance under the provisions of this Act, and determine the amount of assistance, if any, and the date on which it shall begin. In determining the amount of assistance account shall be taken of any income or property of the applicant, and any support which he may receive from other sources. The State Agency shall notify the applicant of its decision in writing. Assistance shall be paid monthly from funds appropriated to the State Agency for such purposes, and from moneys furnished to the State of Minnesota by the Federal Government for such purposes. (Apr. 21, 1937, c. 324, §10.)

3199-73. Guardians.—If, in the opinion of the State Agency a blind recipient is incapable of handling his own affairs, or the assistance received under this Act is not used for his best interests, the State Agency may arrange for the appointment of a legal guardian, and when appointment is made the State Agency shall pay the assistance through such guardian. (Apr. 21, 1937, c. 324, §11.)

3199-74. Assistance not transferable.—All assistance granted under this Act shall not be transferable or assignable, at law or in equity, and none of the money paid, or payable under this Act shall be subject to execution, levy, attachment, garnishment or other legal process, or to the operation of any bankruptcy or insolvency law. (Apr. 21, 1937, c. 324, §12.)

3199-75. Appeals.—If an application is not acted upon within a reasonable time after the filing thereof, the applicant may appeal to the State Agency in the manner and form prescribed herein. Any applicant who is aggrieved by any order or determination of the State Agency may request a reconsideration of his application and shall be entitled to a fair and impartial hearing before the State Agency. All requests for reconsideration by the State Agency shall be made in writing. After a fair and impartial hearing all decisions of the State Agency shall be binding, and the applicant may not again apply for assistance under this Act until the expiration of twelve months from date of his previous application, unless such application is approved by the State Agency.

The State Agency may make such additional investigation as it may deem necessary, and shall make such decision as to the granting of assistance and the amount of assistance to be granted the applicant as, in its opinion, is justified and in conformity with the provisions of this Act.

If any final decision or determination by the State Agency is not, in the opinion of the applicant or recipient, in conformity with this Act, either may within 30 days after such decision appeal from the decision or determination of the State Agency to the district court of the county in which the application was filed or in which the applicant resides, by serving a copy of a written notice of such appeal upon the State Agency and filing the original of such written notice, together with proof of service, with the clerk of the district court of the said county. Such appeal may, upon not less than ten days' written notice, be brought on for hearing by either party before said district court at any general or special term, out of term, or in chambers; and in judicial districts having more than one judge, the senior or presiding judge shall hear the same or, if unable, shall refer the matter to some other judge in said district. Upon serving of such notice, the State Agency shall furnish all parties in interest a concise statement of the issues involved, copies of all supporting papers, a transcript of the testimony taken at the hearing before the State Agency and a copy of its decision. The court shall summarily hear and determine said appeal by a review of the records and proceedings had before the State Agency, and the State Agency shall enter an order in accordance with such determination, provided that the findings of the State Agency as to the facts, if supported by the evidence and in the absence of fraud, shall upon said appeal be conclusive and the order of the State Agency as to the amount of assistance to be granted shall be final if it is in conformity with the law. (Apr. 21, 1937, c. 324, §13.)

3199-76. Reconsideration of assistance grants.—All assistance grants made under this Act shall be reconsidered as frequently as may be required by the rules of the State Agency. After such reconsideration, the grant of assistance may be modified, suspended or revoked, if the State Agency finds that the recipient's circumstances have altered sufficiently to warrant any such action, provided that whenever assistance is reduced, cancelled, revoked or suspended the recipient shall be given an opportunity for a hearing as provided for in Section 13 [§3199-75]. (Apr. 21, 1937, c. 324, §14.)

3199-77. Re-examinations.—Every recipient shall submit to a re-examination as to his eyesight at least once in every three years, and at other times when required to do so by the State Agency, unless excused therefrom by the State Agency. He shall also furnish any information required by the State Agency for the purpose of establishing his continued eligibility for assistance under this Act. (Apr. 21, 1937, c. 324, §15.)

3199-78. Who may not receive assistance.—No assistance under this Act shall be granted or continued to any person who refuses medical, surgical or other treatment when his eyesight may be partially or wholly restored by such treatment, and a certificate in writing to that effect is made by three properly qualified and licensed ophthalmologists, one selected by the affected person, one selected by the State Agency, and one selected by the first two. Any person denied assistance upon this ground may appeal to the State Agency in the manner hereinbefore provided. (Apr. 21, 1937, c. 324, §16.)

3199-79. Shall notify State Agency of acquisition of state property.—If at any time during the continuance of assistance under this Act the recipient thereof becomes possessed of any property or income in excess of the amount stated in the application provided for in Section 7 of this Act [§3199-69], it shall be the duty of the recipient to notify the State Agency of the receipt, or possession of such property or income, and the State Agency may, after investigation, either cancel the assistance or alter the amount thereof in accordance with the circumstances. Any assistance paid after the recipient has come into the possession of such property or income and in excess of his need shall be recoverable by the State as a debt due the State. (Apr. 21, 1937, c. 324, §17.)

3199-80. Assistance to be claim against estate of decedent.—On the death of any recipient the total amount of assistance paid under this Act shall be allowed as a claim against the estate of such person. (Apr. 21, 1937, c. 324, §18.)

3199-81. Recipient who moves to notify State Agency.—Any recipient who moves to another county in this State shall notify the State Agency. (Apr. 21, 1937, c. 324, §19.)

3199-82. Payments to be made monthly.—All payments of aid to the blind provided for in this Act shall be made monthly, in accordance with rules and regulations of the State Agency. The State Agency shall certify to the State Auditor the amounts due the respective recipients. The amounts so certified shall be paid within ten days after such certification from the State Treasury upon the warrants of the State Auditor from any moneys available therefor. The moneys available to the State Agency to carry out the provisions of this Act, including all Federal funds available to the State, shall be kept and deposited by the State Treasurer in the "aid to the blind" fund and shall be disbursed upon warrants in the same manner as other State funds except that such warrants shall be countersigned by a member of the State Agency or some other person thereunto duly authorized by resolution thereof. Any interest accruing on such fund shall be credited to that fund. (Apr. 21, 1937, c. 324, §20.)

3199-83. Fraudulent claims—penalty.—Whoever obtains, or attempts to obtain, or aids or abets any person to obtain by means of a wilfully false statement or representation, or by impersonation or other fraudulent device, assistance to which he is not entitled, or assistance greater than that to which he is entitled, or knowingly aids or abets in buying or in any way disposing of the property of a recipient of assistance without the consent of the State Agency with intent to defeat the purposes of this Act, shall be guilty of a misdemeanor, and upon the conviction thereof shall be fined not more than One Hundred Dollars ($100.00) or be imprisoned for not more than three months, or be both so fined and imprisoned in the discretion of the court. (Apr. 21, 1937, c. 324, §21.)

3199-84. No vested rights in grants.—All assistance granted under this Act shall be deemed to be granted and to be held subject to the provisions of any amending or repealing Act that may hereafter be passed, and no recipient shall have any claim for compensation, or otherwise, by reason of his assistance being affected in any way by any amending or repealing Act. (Apr. 21, 1937, c. 324, §22.)

3199-85. Aid to the blind Act.—This Act may be cited as the "Aid to the Blind Act." (Apr. 21, 1937, c. 324, §23.)

3199-86. Appropriation of U. S. aid.—All monies received or to be received from the United States Government for aid to the needy blind are hereby appropriated for the purpose of carrying out the provisions of this Act. (Apr. 21, 1937, c. 324, §24.)

3199-87. Effective date.—This Act shall take effect upon approval by the Social Security Board, pursuant to the provisions of Title X of the Federal Social Security Act approved August 14, 1935 [Mason's U. S. Code, July 1935 Year Book, Title 1, c. 4], of a State plan for aid to the blind formulated by the State Agency pursuant to this Act. (Apr. 21, 1937, c. 324, §25; July 16, 1937, Sp. Ses., c. 77.)

3199-88. Provisions severable.—If any section of this Act shall be held unconstitutional, the remaining provisions shall be given full force and effect as if the part held unconstitutional had not been included herein. (Apr. 21, 1937, c. 324, §26.)

3199-89. Laws repealed.—Mason's Minnesota Statutes 1927, Section 4617-1, and Extra Session Laws 1935, Chapter 93, and all acts and parts of acts inconsistent with the provisions of this Act are hereby repealed. (Apr. 21, 1937, c. 324, §27.)

DEPARTMENT OF SOCIAL SECURITY

3199-101. Qualifications—Salary—Department of Social Security established—Divisions—Directors—Terms.—The Department of Social Security shall be organized with a Division of Public Institutions, a Division of Social Welfare, and a Division of Employment and Security. Each division shall be under the supervision and control of a director, who shall be appointed by the governor by and with the advice and consent of the senate. The term of office of each of said directors first appointed shall expire on February 1, 1943, after which the term of office of each of said directors shall be for a term of four years. The several directors shall be removable by the governor for cause after notice and hearing. The directors shall be selected on the basis of ability and experience in their respective fields of service and without regard to political affiliations. They shall not engage in any manner in partisan politics during their term in office. Subject to the provisions of this act and other applicable laws, now or hereafter enacted, each director shall have power to organize his division in such manner and to appoint such sub-

ordinate officers, employes, and agents as he may deem necessary to discharge the functions of the division; and define the duties of such officers, employes, and agents, and to delegate to them any of his powers or duties, subject to his control and under such conditions as he may prescribe. Appointments to exercise delegated power shall be written orders filed with the secretary of state. Each director shall receive an annual salary of $5,000, payable semimonthly. (Act Apr. 22, 1939, c. 431, Art. 7, §1.)

Victor Christgau was duly appointed and qualified director of Division of Employment and Secretary, with all powers and duties previously vested in industrial commission under the Unemployment Compensation Law and §4046(3) and §4254 of Mason's Stat., and with power to requisition money from the unemployment trust fund in custody of the Secretary of the Treasury of the United States. Op. Atty. Gen. (88a), June 30, 1939.

3199-102. Powers and duties—Director of social welfare—As "state agency" within federal act—Powers and duties.—(a) All the powers and duties now vested in or imposed upon the state board of control by the laws of this state or by any law of the United States are hereby transferred to, vested in, and imposed upon the director of social welfare, except the powers and duties herein otherwise specifically transferred to other agencies. The director of social welfare is hereby constituted the "state agency" as defined by the social security act of the United States and the laws of this state.

The Director of Social Welfare shall:

(1) Administer and supervise all forms of public assistance in the state including general relief, relief to transients and state homeless, relief to veterans, old age assistance, aid to dependent children, aid to the blind and otherwise handicapped persons and such other welfare activities or services as may from time to time be vested in the director. Provided, that nothing herein shall transfer from the Soldiers' Home Board any of its present rights, powers, or duties, all of which shall continue to be exercised by said board.

(2) Administer and supervise all child welfare activities; promote the enforcement of laws protecting defective, illegitimate, dependent, neglected and delinquent children; license and supervise private child-caring and child-placing agencies and institutions; supervise the care of children in boarding and foster homes or in private institutions; and generally perform all functions relating to the field of child welfare now vested in the state board of control.

(3) Administer and supervise all mental hygiene work involving persons not in a state institution, including noninstitutional care of mentally ill and feebleminded persons. The authority and power conferred by this subsection does not extend to administration or supervision of state institutions of mental hygiene nor to patients therein during the period of actual confinement.

(4) Administer and supervise all non-institutional services to the handicapped persons, including the blind, the deaf, the tubercular, the crippled, and otherwise handicapped persons. The authority and power conferred by this subsection shall include such non-institutional services to the handicapped as are now authorized to be performed by the state board of control and by the division of the deaf of the state industrial commission.

(5) Assist and actively cooperate with other departments, agencies and institutions, local, state and Federal, by performing services in conformity with the purposes of this act, including the establishment of an efficient working relationship with the director of institutions relating to the care and supervision of individuals both prior to and after departure from institutions under the supervision of said director of institutions.

(6) Act as the agent of and cooperate with the Federal government in matters of mutual concern relative to and in conformity with the provisions of this act, including the administration of any Federal funds granted to the state to aid in the performance of any functions of the director as specified in this act.

(7) Establish and maintain such administrative units as may reasonably be necessary for the performance of administrative functions common to all divisions of the department.

(8) Administer and supervise such additional welfare activities and services as may, from time to time, hereafter be vested by law in the state department.

(9) Establish within his division a Bureau of Old Age Assistance, of Aid to Dependent Children, and a Bureau of Child Welfare.

(10) The director is hereby specifically constituted as guardian of both the estate and the person of all of the wards of the state of Minnesota and other persons the guardianship of whom has been heretofore vested in the state board of control, whether by operation of law or by an order of court, without any further act or proceeding whatever. All of said guardianships, and the funds and property of the same, are hereby transferred to and vested in said director, and said director is hereby constituted a legal entity and is hereby empowered to act as guardian under any laws of this state heretofore conferring such powers upon the state board of control.

(11) The specific enumeration of powers and duties as hereinabove set forth shall in no way be construed to be a limitation upon the general transfer of powers herein contained.

(b) **Powers transferred to adjutant general.**—All the powers and duties now vested in or imposed upon the state board of control under the provisions of Mason's Minnesota Statutes of 1927, Sections 4599 to 4605-2, inclusive, the Sections 4393 to 4397, inclusive, and the 1938 Supplement to Mason's Minnesota Statutes of 1927, Sections 4601 to 4604, inclusive, Sections 4394, 4397-1, 4397-2, 4397-21, 4397-22, and 4397-23, and acts amendatory thereof and supplementary thereto, are hereby transferred to, vested in, and imposed upon the adjutant general.

(c) **Certain powers of executive council transferred to director of social welfare.**—All the powers and duties now vested in or imposed upon the Executive Council, or any other agency which may have succeeded to its authority, relating to the administration and distribution of direct relief to the indigent or destitute, including war veterans and their families and dependents, are hereby transferred to, vested in, and imposed upon the director of social welfare.

(d) **Certain powers of industrial commission transferred to director of employment and security.**—All the powers and duties now vested in or imposed upon the Industrial Commission under the Minnesota Unemployment Compensation Law, Extra Session Laws 1936, Chapter 2, and acts amendatory thereof and supplementary thereto, and all the powers and duties now vested in or imposed upon the Industrial Commission under Mason's Minnesota Statutes of 1927, Section 4046, subsection 3, and Mason's Minnesota Statutes of 1927, Section 4254, are hereby transferred to, vested in, and imposed upon the director of Employment and Security. (Act Apr. 22, 1939, c. 431, Art. 7, §2.)

3199-103. Powers and duties vested in Board of Control transferred to director of public institutions—Cooperation between directors.—All the powers and duties vested in or imposed upon the State Board of Control with reference to the institutions of the State of Minnesota are hereby transferred to, vested in, and imposed upon the Director of Public Institutions, and in relation thereto said director is hereby charged with and shall have the exclusive power of administration and management of all of the following State institutions: The State Prison, the State Reformatory for Men, the State Training School for Boys, the School for the Feebleminded, State hospitals and asylums for the insane, the State School for the Blind, the State School for the Deaf, the State Public School for Dependent Children, the State Epileptic Colony,

the State Hospital for Indigent, Crippled and Deformed Children, the State Hospital for Inebriates, the State Sanatorium for Consumptives, the Home School for Girls, and the State Reformatory for Women. The Director shall have power and authority to determine all matters relating to the unified and continuous development of all of the foregoing institutions and of such other institutions, the supervision of which may, from time to time, be vested in the Director. It is the intent of this Act that there be vested in the Director all of the powers, functions, and authority now vested in the State Board of Control relative to State institutions.

It shall be the duty of the several directors to actively cooperate, each with the other, in establishing an efficient working relationship relative to the care and supervision of individuals both prior to and after departure from institutions herein above mentioned. (Act Apr. 22, 1939, c. 431, Art. 7, §3.)

3199-104. State board of control abolished and powers and duties transferred.—The State Board of Control is hereby abolished. The powers and duties of the State Board of Control as provided by Section 4405, Mason's Minnesota Statutes of 1927, are hereby continued and imposed upon the director of public institutions. (Act Apr. 22, 1939, c. 431, Art. 7, §4.)

3199-105. Social Security Board.—The directors of the divisions of the Department of Social Security shall constitute the Social Security Board, which shall be an agency of the department. The director of social welfare shall act as chairman of the board, and the director of public institutions or his designated agent shall act as secretary of the board. The board shall have the power and duty to co-ordinate the functions, activities, budgets, and expenditures of the several divisions of the department and to provide for the prompt exchange of information between divisions so as to avoid duplication and promote efficiency and economy. In all cases where the different divisions have similar or related functions, it shall be the duty of the board to provide, by rules and regulations, for the joint use by such divisions of information, services and facilities relating to the performance of such functions, so far as practicable. Otherwise the board shall not have power to direct or control the acts of any member of the department except as expressly authorized by law. (Act Apr. 22, 1939, c. 431, Art. 7, §5.)

3199-106. State Board of Parole continued—Limitations.—The State Board of Parole as now constituted is hereby continued subject to the provisions and limitations of this Act, and there is hereby transferred to and vested in said State Board of Parole all the powers and duties in respect to supervising persons on parole from any and all State institutions; provided, however, that said board shall hereafter be under the supervision, direction and control of the Director of Social Welfare. The members of the State Board of Parole shall continue in office with salary and terms of office as now provided by law, but at the expiration of the terms of the present members of said board, their successors shall be appointed by the Governor who shall also have authority to fill any vacancies existing on said board after the effective date of this Act. (Act Apr. 22, 1939, c. 431, Art. 7, §6.)

3199-107. Duties of Society for Prevention of Cruelty transferred to said society.—All the rights, powers, and duties of the Minnesota society for the prevention of cruelty conferred by Mason's Minnesota Statutes of 1927, Section 53-59, upon the state board of control are hereby transferred to, vested in, and imposed upon said society, which shall be constituted in the same manner and for the same purposes and with the same rights, privileges, powers, and duties as prior to the enactment of said Section 53-59. All unexpended funds appropriated to the state board of control for the prevention of cruelty are hereby transferred and appropriated to said society. The state board of control is hereby authorized and directed to transfer and deliver to said society any and all personal property of the state in charge of said board and now being used for the purposes specified in this section. (Act Apr. 22, 1939, c. 431, Art. 7, §7.)

The reference "53-59" should read "53-39."

Editorial note.—The reference "section 53-59" is erroneous, and should have been "section 53-39."

Reference to Mason's Minnesota Statutes §53-59 is evidently a typographical error since reference is clearly meant to be §53-39. Op. Atty. Gen. (644), June 5, 1939.

Reference to Mason's Minn. Stat. 1927, §§53-59 is obviously an oversight and should be §53-39. Op. Atty. Gen. (640), Sept. 7, 1939.

Society for prevention of cruelty is subject to provisions of act with respect to purchases. Id.

LOCAL AND TEMPORARY ACTS

Laws 1937, c. 209, appropriates $2,000,000 for distribution by executive council to communities and agencies for poor relief.

CHAPTER 16

Intoxicating Liquors

Act Apr. 13, 1933, c. 214, provides for convention to consider repeal of 18th amendment to federal constitution. It is temporary and specific, and is omitted from this compilation.

PROHIBITORY LAW

3200. [Repealed].

Repealed. Laws 1933, c. 130.

1. In general.

It would be unlawful for grocer to possess or to sell wort knowing that it was designed or intended for use in the manufacture of beer Op. Atty. Gen., May 25, 1932.

4. City ordinances.

A complaint charging one only with possession of intoxicating liquor was insufficient under an ordinance prohibiting the maintaining of a liquor nuisance. State v. Tremont, 185M101, 240NW118. See Dun. Dig. 4938a.

5. Indictment.

Complaint held not sufficient to sustain conviction for manufacture of beer. Op. Atty. Gen., May 25, 1932.

174M457, 219NW770.

Indictment charging maintenance of a liquor nuisance, held sufficient. 177M278, 225NW20.

6. Evidence.

Evidence held to warrant conviction for maintenance of a liquor nuisance. 177M278, 225NW20.

Judicial notice is taken that moonshine is an intoxicating beverage. The word "potable" means drinkable. 177M500, 225NW431.

3200-1 to 3200-4. [Repealed].

This act (Mar. 27, 1933, c. 115) prohibited the manufacture, sale or transportation and the possession of liquor containing more than 3.2% of alcohol by weight. It was repealed by Act Jan. 6, 1934, Ex. Ses., c. 46, §58, post, §3200-58.

Annotations under Act Mar. 27, 1933, c. 115.

In view of Laws 1933, c. 115, a city may require from licensee a bond conditioned upon observance of city ordinance but not upon observance of state or federal law. Op. Atty. Gen., May 13, 1933.

This act repeals Mason's Stats., §3230. Op. Atty. Gen., Aug. 19, 1933.

1.

Wine of less than 3.2% of alcohol may be sold without restriction. Op. Atty. Gen., Apr. 20, 1933.

Any ordinance defining intoxicating liquor to mean any liquid containing more than ½ of 1 per centum of alcohol is in conflict with this act. Op. Atty. Gen., July 10, 1933.

Liquor or persons seen drinking intoxicating liquor in an automobile is not admissible for prosecution under this act, but would be admissible in prosecction for drunken driving or other criminal proceeding. Op. Atty. Gen., Sept. 18, 1933.