

CHAPTER 208—H. F. No. 1172.

An act to amend Section 4023, General Statutes, 1913, so as to include therein persons having experience in the care of the feeble-minded.

Be it enacted by the Legislature of the State of Minnesota :

Section 1. **Qualifications of agents for feeble minded.**—Section 4023, General Statutes, 1913, is hereby amended so as to read as follows :

4023. No one shall be appointed as such agent without having had previous experience in caring for the insane or feeble-minded at a hospital for the insane or school for the feeble-minded for a period of not less than one year.

Approved April 12, 1917.

CHAPTER 209—H. F. No. 1175.

An act to amend Section 8684, General Statutes, 1913, relating to the abuse of mentally defective or insane persons.

Be it enacted by the Legislature of the State of Minnesota :

Section 1. **Misdemeanor for unlawful confinement of feeble-minded persons.**—Section 8684, General Statutes, 1913, is hereby amended so as to read as follows :

Section 8684. Every person who shall confine a lunatic, insane or feeble-minded person in any other manner or in any other place than is authorized by law, or who shall be guilty of harsh, cruel, or unkind treatment of, or neglect of duty toward, any feeble-minded person, lunatic or insane person under confinement, whether lawfully or unlawfully confined, shall be guilty of a misdemeanor.

Approved April 12, 1917.

CHAPTER 210—H. F. No. 1177.

An act to amend Chapter 17, General Statutes, 1913, relating to illegitimate children.

Be it enacted by the Legislature of the State of Minnesota :

Section 1. Chapter 17, General Statutes, 1913, is hereby amended so as to read as follows :

CHAPTER 17.—ILLEGITIMATE CHILDREN.

3214. **Complaint—warrant.**—On complaint being made to a justice of the peace or municipal court by any woman who is delivered of an illegitimate child, or pregnant with a child which, if born alive, might be illegitimate, accusing any person of being the father of such child, the justice or clerk of the court shall

take the complaint in writing, under her oath, and thereupon shall issue a warrant, directed to the sheriff or any constable of the county commanding him forthwith to bring such accused person before *such justice or court* to answer such complaint; which warrant may be executed anywhere within the state.

3215. **Action how entered—proceedings.**—The justice shall enter an action in his docket, *or the clerk of court in his register of actions*, in which the state shall be plaintiff and the accused defendant, and shall make such other entries as are required in criminal actions. On the return of the warrant with the accused, the justice *or judge* shall examine under oath the complainant, and such other witnesses as may be produced by the parties, respecting the complaint, and shall reduce such examination to writing. *He may at his discretion, and at the request of either party shall, exclude the general public from attendance at such examination.*

3216. **Recognizance.**—If there is probable cause to believe *the defendant* guilty as charged in the complaint, the justice *or judge* shall require him to enter into a recognizance, with *approved* sureties, in a sum not less than one hundred dollars nor more than five hundred dollars, to appear before the district court of the proper county at the next term thereof, *or if such court is then sitting in the county, at a date fixed by the justice or judge*, and answer said complaint and abide the order of such court thereon. If he fails to give such recognizance, the justice *or judge* shall commit him to the county jail, there to be held to answer such complaint at the next term of such court, *or at the date so fixed*. Thereupon the justice *or judge* shall certify the examination, and return the same and all process and papers in the case to the clerk of such court.

3217. **Proceedings in district court.**—At the next term of said court, *or at the date fixed by the justice or judge*, if the complainant has not been delivered or is not able to attend, or for any other sufficient reason, the court may continue the cause, and such continuance shall renew the recognizance, which shall remain in force until final judgment. If the sureties shall at any term of court surrender the defendant and ask to be discharged, or if the court shall at any time deem it proper, it may order a new recognizance to be taken, and commit the defendant until it is given.

3218. **Trial—judgment and proceedings to enforce the same.**—Upon *the trial the examination taken before the justice or judge of the municipal court shall in all cases be read to the jury when demanded by the defendant*. If he is found guilty, or admits the truth of the accusation, he shall be adjudged to be the father of such child *and thenceforth shall be subject to all the obligations for the care, maintenance and education of such*

child, and to all the penalties for failure to perform the same, which are or shall be imposed by law upon the father of a legitimate child of like age and capacity. Judgment shall also be entered against him for all expenses incurred by the county for the lying-in and support of and attendance upon the mother during her sickness, and for the care and support of such child prior to said judgment of paternity, the amount of which expenses, if any, shall also be found by the jury if they return a verdict of guilty; together with the costs of prosecution. If the defendant fails to pay the amount of such money judgment forthwith, or during such stay of execution as may be granted by the court, he shall be committed to the county jail, there to remain until he pays the same or is discharged according to law; provided, however, that no stay shall be granted unless the defendant shall give a bond to the county, in such sum and with such sureties as shall be approved by the court, for the payment of such money judgment on or before the expiration of such stay.

3219. **Action by mother of child against father.**—In the event of judgment of paternity as provided in section 3218 the mother shall be entitled to recover of the father in a civil action all expense necessarily incurred by her in connection with her confinement, including her suitable maintenance for not more than eight weeks next prior thereto and not more than eight weeks thereafter; and for the burial of the child if the same shall have been still born or shall have died after birth.

3220. **Petition for discharge—notice.**—Any person who has been imprisoned ninety days for failure to pay any such money judgment may apply to said court, by petition setting forth his inability to pay the same, and praying to be discharged from imprisonment, and shall attach to such petition a verified statement of all his property, money and effects whether exempt from execution or otherwise. Thereupon the court shall appoint a time and place for hearing said application, of which the petitioner shall give at least ten days' notice to the county attorney.

3221. **Hearing—discharge.**—At the hearing the defendant shall be examined on oath in reference to the facts set forth in such petition and his ability to pay such money judgment, and any other legal evidence in reference to such matters may be produced by any of the parties interested. If it appears that the defendant is unable to pay such judgment, the court may direct his discharge from custody, upon his making affidavit that he has not in his own name any property, real or personal, and has no such property conveyed or concealed, or in any manner disposed of with design to secure the same to his use or to avoid in any manner payment of such judgment. If upon such hearing it appears that the defendant has property, but not suffi-

cient to pay such judgment, the court may make such order concerning the same, in connection with such discharge as justice may require. *The defendant's discharge as aforesaid shall not affect the right of the county to collect upon execution any portion of such judgment remaining at any time unsatisfied, subject to all the provisions of law relating to judgments for the payment of money.*

3222. Complaint by others than mother.—*If a woman is delivered of an illegitimate child, or is pregnant with a child likely to be illegitimate when born, the county board of the county where she resides, or any member thereof, or the state board of control or any person duly appointed to perform in said county any of the duties of said board relating to the welfare of children, may apply by complaint to a justice of the peace of the county or to a municipal court to inquire into the facts and circumstances of the case.*

3223. Procedure—warrant.—*Such justice or the judge of the municipal court may summon the woman to appear before him, and may examine her on oath respecting the father of such child, the time when and place where it was begotten, and any other facts he deems necessary for the discovery of the truth, and thereupon shall issue his warrant to apprehend the putative father. Thereafter the proceedings shall be the same as if the complaint had been made by such woman under the provisions of this chapter, and with like effect, and in all cases the complainant and the accused may require the attendance of such woman as a witness.*

3224. Compromise by board.—*The county board, either before or after judgment, may make such compromise and settlement with the putative father of any illegitimate child, as they deem equitable and just, for expenses incurred by the county for which judgment may be or shall have been entered pursuant to section 3218.*

3225. (a) Settlement by father.—*The state board of control or the duly appointed guardian of the person of an illegitimate child shall have authority to accept from the duly adjudged or acknowledged father of the child such sum as shall be approved by the court having jurisdiction of proceedings to establish the paternity of the child, in full settlement of all obligations for the care, maintenance and education of such child; and shall hold or dispose of the same as ordered by said court. Such settlement shall discharge the father of all further liability, civil and criminal, on account of such child; provided that such settlement shall not affect any liability of the father under section 3219.*

3225. (b) Clerk to report name of adjudged father.—*Upon the entry of a judgment determining the paternity of an illegitimate*

child the clerk of the district court shall notify in writing the state registrar of vital statistics of the name of the person against whom such judgment has been entered, together with such other facts disclosed by his records as may assist in identifying the record of the birth of the child as the same may appear in the office of said registrar. If such judgment shall thereafter be vacated that fact shall be reported by the clerk in like manner.

3225. (c) **Physician may testify.**—In any proceeding under this chapter a licensed physician or surgeon may testify concerning the fact and probable date of inception of the pregnancy of his patient without her consent, and shall so testify when duly called as a witness.

3225. (d) **Purpose of act.**—This chapter shall be liberally construed with a view to affecting its purpose, which is primarily to safeguard the interests of illegitimate children and secure for them the nearest possible approximation to the care, support and education that they would be entitled to receive if born of lawful marriage, which purpose is hereby acknowledged and declared to be the duty of the state; and also to secure from the fathers of such children repayment of public moneys necessarily expended in connection with their birth.

3225. (e) **Records private.**—All records of court proceedings in cases of alleged illegitimacy shall be withheld from inspection by, and copies thereof shall not be furnished to, persons other than the parties in interest and their attorneys, except upon order of the court.

Sec. 2. *The provisions of this act are severable one from another and in their application to the persons and interests affected thereby. The judicial declaration of the invalidity of any provision, or the application thereof, shall not affect the validity of any other provision, or the application thereof.*

Sec. 3. This act shall take effect and be in force from and after the first day of January, 1918.

Approved April 12, 1917.

CHAPTER 211—H. F. No. 1178.

An act to amend Chapter 98, General Statutes, 1913, by adding a new section, making fornication a felony in certain instances.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Chapter 98, General Statutes, 1913, is hereby amended by adding thereto, after section 8703, a new section to be known as section 8703-A, as follows:

8703-A. *If issue is conceived of fornication, and within the period of gestation or within sixty days after the birth of a living*