

other acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 23. **When to take effect.**—This act shall take effect and be in force from and after the first day of January, 1918.

Approved April 12, 1917.

CHAPTER 213—H. F. No. 1187.

An act to amend Sections 8666, as amended, 8667 and 8668, General Statutes, 1913, relating to desertion and failure to support a wife or child; and to add to Chapter 98, General Statutes, 1913, a new section, providing a rule of evidence in the prosecutions for desertion and non-support.

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

Section 1. **Felony for desertion of child or pregnant wife.**—Section 8666, General Statutes, 1913, as amended by chapter 336, General Laws, 1915, is hereby amended so as to read as follows:

8666. Every parent or other person having legal responsibility for the care or support of a child who is under the age of sixteen years and unable to support himself by lawful employment, who deserts and fails to care for and support such child with intent wholly to abandon him; and every husband who, without lawful excuse, deserts and fails to support his wife, while pregnant, with intent wholly to abandon her is guilty of a felony and upon conviction shall be punished therefor by imprisonment in the state prison for not more than five years. Desertion of and failure to support a child or pregnant wife for a period of three months shall be presumptive evidence of intention wholly to abandon.

Sec. 2. **Misdemeanor for failure to support wife or child.**—Section 8667, General Statutes, 1913, is hereby amended so as to read as follows:

8667. Every man who, without lawful excuse wilfully fails to furnish proper food, shelter, clothing, or medical attendance to his wife, such wife being in destitute circumstances; and every person having legal responsibility for the care or support of a child who is under sixteen years of age and unable to support himself by lawful employment, who wilfully fails to make proper provision for such child, is guilty of a misdemeanor. But if any person convicted under this section gives bond to the state, in such amount and with such sureties as the court prescribes and approves, conditioned to furnish the wife or child with proper food, shelter, clothing, and medical attendance for such a period, not exceeding five years, as the court may order, judgment shall be suspended until some condition of the bond is violated. The bond may, in the discretion of the court, be conditioned upon

the payment of a specified sum of money at stated intervals. Upon the filing of an affidavit showing the violation of any of the conditions of the bond; the accused shall be heard upon an order to show cause, and, if the charge be sustained, the judgment shall be executed. The wife or child, and any person furnishing necessary food, shelter, clothing, or medical attendance to either, may sue upon the bond for a breach of any condition thereof.

Sec. 3. Warrant to be issued on complaint of wife or some reputable person.—Section 8668, General Statutes, 1913, is hereby amended so as to read as follows:

8668. On complaint being made *in writing and under oath by the wife or any reputable person to a justice of the peace or judge of a municipal court, accusing any person of the offense defined in section 8667, the justice or judge shall issue his warrant against the person accused, directed to the sheriff or constable of the county, commanding him forthwith, to bring such accused person before the justice or judge to answer such complaint.*

Sec. 4. Proof of relationship in civil action sufficient for proof in criminal action.—Chapter 98, General Statutes, 1913, is hereby amended so as to add after section 8668, a new section, to be known as Section 8668-A, as follows:

8668-A. *In any prosecution for desertion of or failure to support a wife or child no other or greater evidence shall be required to prove the relationship of the defendant to such wife or child than is or shall be required to prove such relationship in civil action.*

Sec. 5. This act shall take effect and be in force from and after the first day of July, 1917.

Approved April 12, 1917.

CHAPTER 214—H. F. No. 1191.

An act to amend Sections 4157, 4161, 4167, and 4168 of Chapter 27, and to repeal Sections 4155, 4156, 4158, 4159, 4160, 4162 and 4169, General Statutes, 1913, relating to the control and management of the state public school.

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

Section 1. Juvenile court to commit children to state public school.—Section 4157, General Statutes, 1913, is hereby amended so as to read as follows:

4157. Children under fifteen years of age who are dependent on the public for support, abandoned, neglected, or ill treated, and who are sound of mind and free from disease, shall be received into said school *upon commitment by a juvenile court.* Whenever the number of such children shall exceed the capacity of the school, preference shall be given to the younger children