

CHAPTER 192—H. F. No. 885.

An act to amend Chapter 14, Laws 1919, which Chapter 14 is entitled, "An act to amend Chapter 499, Laws of Minnesota, 1917, relating to regulation of employment and removals in public departments and upon public works in the state of Minnesota, and the counties, cities and towns thereof, relating to state, judicial, county, township, city and town officers."

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

Section 1. Preference to soldiers, marines, etc., in public appointments.—That chapter 14, Laws 1919, be and the same is hereby amended so as to read as follows:

Section 1. That in every public department and upon all public works in the state of Minnesota and the counties, cities, and towns thereof *members of the United States army and navy reserves and* honorably discharged soldiers, sailors and marines from the army and navy of the United States in the late Civil and Spanish-American and Philippine Insurrection wars and the China relief expedition, and the late world war wherein the United States of America and the allied nations of England, France, etc., were engaged in war against the Imperial German Government and its allies, who are citizens and residents of this state, shall be entitled to preference in appointments, employment and promotion over other applicants therefor, and the persons thus preferred shall not be disqualified from holding any position hereinbefore mentioned on account of his age or by reason of any physical disability, provided such age or disability does not render him incompetent to perform properly the duties of the position applied for and when such soldier, sailor or marine shall apply for appointment or employment under this act, the officer, board or person whose duty it is, or may be, to appoint or employ such person to fill such position or place, shall before appointing or employing anyone to fill such position or place, make an investigation as to the qualifications of said soldier, sailor or marine for such place or position, and if he is a man of good moral character, and can perform the duties of said position applied for by him, as hereinbefore provided, said officer, board or person shall appoint said soldier, sailor or marine to such position or place of employment.

A refusal to allow the preference provided for in this and the next succeeding section to any *member of the United States army or navy reserves or* honorably discharged soldier, sailor, or marine, or a reduction of his compensation intended to bring about his resignation or discharge, shall entitle such honorably discharged soldier, sailor or marine to a right of action therefor in any court of competent jurisdiction for damages, and also for a remedy for mandamus for righting the wrong.

Sec. 2. Removal forbidden—right of mandamus.—Any person whose rights may be in any way prejudiced contrary to any

of the provisions of this section, shall be entitled to a writ of mandamus to remedy the wrong. No person holding a position by appointment or employment in the state of Minnesota or in the several counties, cities or towns thereof, who is a *member of the United States army or navy reserves* or an honorably discharged soldier, sailor or marine, having served as such in the army and navy of the United States in the late Civil and Spanish and Philippine Insurrection wars and the China relief expedition, and the late world war wherein the United States of America and the allied nations of England, France, etc., were engaged in war against the Imperial German Government and its allies, shall be removed from such position or employment except for incompetency or misconduct shown after a hearing, upon due notice, upon stated charges, and with the right of such employe or appointee to review by writ of certiorari. The burden of proving incompetency or misconduct shall rest upon the party alleging the same. Nothing in this act shall be construed to apply to the position of private secretary or deputy of any official or department, or to any person holding a strictly confidential relation to the appointing officer.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 7, 1919.

CHAPTER 193—H. F. No. 298.

An act to amend Section 8703, General Statutes, 1913, defining the crime of fornication and providing punishment therefor.

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

Section 1. Each person guilty.—Section 8703, General Statutes, 1913, is hereby amended so as to read as follows:

8703. Whenever any man and single woman *have sexual intercourse* with each other, *each is* guilty of fornication and *shall be* punished by imprisonment in the county jail for not more than ninety days, or by a fine of not more than one hundred dollars.

Sec. 2. Effective Jan. 1, 1920.—This act shall take effect and be in force from and after the first day of January, 1920.

Approved April 7, 1919.

CHAPTER 194—H. F. No. 1147.

An act to legalize mortgage foreclosure sales heretofore made.

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

Section 1. Certain mortgage foreclosure legalized.—Every mortgage foreclosure sale by advertisement heretofore made in this state, under power of sale in the usual form, contained in any mortgage duly executed and recorded in the office of the register