

place as they by resolution may direct. A majority of the *council* shall constitute a quorum."

Sec. 2. **Inconsistent acts repealed.**—All Acts or parts of Acts inconsistent herewith are hereby repealed.

Sec. 3. **Present terms of office extended.**—This Act shall take effect and be in force from and after its passage, but the present incumbents in all offices shall remain in office and continue to exercise the regular duties of said offices as heretofore provided until the expiration of their present terms of office, and thereafter no successor to the president of the council shall be elected.

Approved April 10, 1933.

CHAPTER 204—H. F. No. 1289

An act to amend Mason's Minnesota Statutes of 1927, Section 8641, as amended by General Laws 1931, Chapter 82 and Chapter 250 and Mason's Minnesota Statutes of 1927, Sections 8644, 8660 and 8671, relating to dependent, neglected and delinquent children.

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

Section 1. **Probate court as juvenile court—record—appeal.**—That Mason's Minnesota Statutes of 1927, Section 8641, as amended by General Laws 1931, Chapter 82 and Chapter 250, and Mason's Minnesota Statutes of 1927, Sections 8644, 8660 and 8671, be and the same hereby are amended so as to read as follows:

"8641. In counties of not more than 40,000 population and in all counties in the 7th Judicial District, the judge of probate shall provide himself with a suitable book, at the expense of the county, in which he shall enter minutes of all proceedings of the court in each case; he need not record any evidence taken except as it shall seem to him proper and necessary and he shall record therein all orders, decrees and judgments made by this court except non-appealable orders. The reasons for appointing a guardian shall be entered therein and any parent or the attorney for any child may appeal from the final disposition of the guardianship matter by complying with the law regulating appeals from probate courts. When acting under the provisions of this Act the probate court may for convenience be called the juvenile court of the appropriate county.

8644. The court shall have authority to appoint one or more persons of good character to serve as probation officers during

the pleasure of the court. Such probation officers shall act under the orders of the court in reference to any child committed to their care, and in the performance of their duties shall have the general powers of a peace officer; and it shall be their duty to make such investigations with regard to any child as may be required by the court before, during or after the trial or hearing, and to furnish to the court such information and assistance as may be required; to take charge of any child before or after trial or hearing whenever so directed by the court, and to keep such records and to make such reports to the court as the court may order. Probation officers heretofore or hereafter appointed under the provisions of chapter 154, General Laws of Minnesota, 1899, and all laws amendatory thereof, being sections 9385, 9386, 9387, 9388, 9389, 9390 and 9391, General Statutes 1913, shall be subject to the orders of the court in reference to all matters covered by the provisions of this Act. Probation officers appointed under authority of this Act shall serve without compensation from the county; provided that in counties of more than 40,000 population, *except those of the 7th Judicial District*, a majority of the judges of the district court may direct the payment of such salary to probation officers as may be approved by the county board; and provided further that in other counties probation officers shall receive the same fees as constables for similar services, including all travel, and in addition thereto such salary as may be fixed by the judge and approved by the county board.

8660. In any case in which the juvenile court of a county having a population of over 40,000, *except those of the 7th Judicial District*, shall find a child dependent, neglected or delinquent, it may, in the same or a subsequent proceeding, upon the parents of said child, or either of them, being duly summoned or voluntarily appearing proceed to inquire into the ability of such parent or parents to support the child or contribute to his support, and if the court shall find such parent or parents able to support the child or contribute thereto, the court may enter such order or decree as shall be according to equity in the premises, and may enforce the same by execution, or in any way in which a court of equity may enforce its orders or decrees.

8671. Whenever any child under the age of sixteen years who is regularly attending school, if physically able and of school age, or who is under school age, or who through physical or mental disability is unable to be employed is found by juvenile court to be dependent the court shall, when requested so to do, and in the same proceeding, make its findings upon the following points:

- (a) Whether the mother of the child is a widow;

(b) If her husband is living, whether he is an inmate of a penal institution under a sentence which will not terminate within three months after the date of such finding; or is an inmate of a state insane asylum or hospital, or in a state hospital for inebriates; or is unable to labor for the support of his family by reason of physical disabilities; or whether there is and has been for three months past an outstanding warrant for his arrest on a charge or after conviction for the crime of abandoning such child, or for abandoning his wife while pregnant;

(c) Whether the dependency of the child is due to the poverty of the mother without neglect, improvidence or other fault on her part;

(d) Whether the mother is otherwise a proper person to have the custody of the child;

(e) Whether the welfare of the child will be subserved by permitting him to remain in the custody of the mother, if adequate means of support shall be provided;

(f) Whether the mother is a citizen of the United States or has made application to become a citizen of the United States or has made declaration of intention to become a citizen and has resided two years in the state and one year in the county.

Upon the making and filing of findings that the mother is a widow or that support is not obtainable from her husband by reason of one of the alternatives specified in subdivision (b), together with findings in the affirmative upon the points specified in subdivisions (c), (d), (e), (f), the courts shall further find, and order the payment of the sum of money which it deems necessary for the county to allow the mother in order to enable her to bring up the child properly in her own home, not exceeding \$20.00 per month for one child and not exceeding \$15.00 per month for each additional child; provided, however, that no allowance shall be made when the husband is the subject of an outstanding warrant of arrest for abandonment, as enumerated above, unless the court is satisfied that he is a fugitive from justice and that the mother has in good faith assisted and will continue to assist in all reasonable efforts to apprehend him.

Before making the findings above specified the court, in counties having a population of not more than 40,000 and in all counties in the 7th Judicial District, shall notify the county attorney of the county, and the county commissioner of the district in the county wherein the mother resides, that an application has been made for the payment of an allowance. Such notice shall specify the name

of such child and the name and address of the mother of such child and also specify the time and place when and where the court will hear the evidence relevant to the matters upon which the making of such findings depends.

Such notice shall be given at least one week before the date of hearing on such application, shall be in writing and may be given by mail. It shall be the duty of the county attorney, and of such county commissioner, to investigate the financial condition and status of such child or children and that of the mother. The county attorney shall appear at the time and place specified for such hearing and participate therein and present to the court such evidence or information as may be within his knowledge, relevant to the matters on which the making of such findings depends, and such county commissioner shall report to the court any information he may have relating to the application, and make such recommendations as he deems proper.

Sec. 2. This Act shall take effect and be in force from and after its passage.

Approved April 10, 1933.

CHAPTER 205—H. F. No. 1362

An act curing and validating the title of certain cities and certain lands acquired for parks and park purposes and legalizing and validating all public expenditures heretofore made in purchasing and improving same and authorizing the future expenditure of public moneys thereon.

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

Section 1. **Title to lands and expenditures validated.**—Wherever any city in this state having a population of not more than 3,000 inhabitants, whether operating under a general or special law or under a home rule charter, shall have heretofore acquired the title to any lands exceeding 50 acres in area and lying outside of the corporate limits of said city, for use by the public for a park or park purposes, the title of the said city to the said lands is hereby cured and validated, whether said lands are contiguous to said city or otherwise, provided however said lands are situated in the same county in which such city is situated, and any expenditure of public funds heretofore made in purchasing or improving same is hereby legalized and validated and such city is hereby authorized