

and upon the employment of such necessary help by said county attorney in any county to which said order is to apply, the county auditor shall draw warrants for the payment of said clerical help as authorized by said order in the manner provided for payment of other county employees.

Sec. 3. County Attorney to file names.—The county attorney of any county affected by the order of the Judge of the District Court as herein provided for, shall upon the making and filing of any such order file with the county auditor a statement of the person or persons so employed by him to whom the warrants of the county auditor shall be made payable.

Sec. 4. Limit of expenditure.—No order of the Judge of the District Court as herein provided shall be made to authorize the expenditure in any one county of the state of more than \$900.00 in any one year.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 28, 1939.

CHAPTER 89—S. F. No. 537

An act relating to vital statistics and amending Mason's Minnesota Statutes of 1927, Sections 5356, 5357, 5358, 5361, 5365 and 5366.

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

Section 1. Birth certificates—Form and contents.—That Mason's Minnesota Statutes of 1927, Section 5356, is hereby amended so as to read as follows:

"5356. The physician or midwife attending at the birth of any child, or, if there is no attending physician or licensed midwife, the father or mother, shall within *five* days thereafter, subscribe and file with the local registrar of the district within which the birth occurs, a certificate of birth specifying:

Place of birth, including state, county, city, village or town with the street and house number, if any, or in lieu thereof the name of the hospital or other private, public or state institution, if in such institution.

Full name of child. If the child dies without being named

before the certificate is filed, enter the word "unnamed" with the date of death.

Male or female.

Whether one of twins, triplets or other plural birth, and the number in order of birth.

Legitimate or no.

Date of birth, including year, month, day and hour.

Full name of father, provided that if the child is illegitimate the name or residence of, or other identifying details relating to, the putative father shall not be entered without his consent, except as provided in Section 5365-A.

Residence of the father.

Color or race of father—as white, colored, Indian, Chinese or other.

Age of father at last birthday.

Birthplace of father; state or foreign country.

Occupation of father with a statement of the trade, profession or particular kind of work; or the general nature of the industry or business engaged or employed in.

Full maiden name of mother.

Residence of mother.

Color or race of mother—as white, colored, Indian, Chinese or other.

Age of mother at last birthday.

Birthplace of mother; state or foreign country.

Occupation of the mother with a statement of the trade, profession or particular kind of work; or the general nature of the industry or business engaged or employed in.

Number of children born to this mother, including present birth.

Number of children born of this mother now living.

The fact of attendance and that the birth occurred at the time stated.

Date of making and address of the person subscribing.

If the child is one of a plural birth a separate certificate for each child shall be filed.

When the birth occurs in any lying-in hospital or in any private, public, charitable or state institution, without attendance by a physician or licensed midwife, the superintendent, manager or person in charge shall make and file the certificate of birth.

If the birth occurs in any hotel, rooming or boarding house, or in any private dwelling or apartment other than the home of the parents, the keeper or occupant shall immediately notify the local registrar of that fact. The local registrar shall then procure the necessary information and the signature for a proper certificate of birth.

Whoever finds any child of unknown parentage shall immediately report the fact to the local registrar. The local registrar shall thereupon make and file a certificate of birth for the child; the certificate shall state among other things, the date and place of finding, the sex, the color of the child, the approximate date of birth, and the name and the address of the person or institution with whom the child has been placed for care. The place where the child was found shall be known as the legal birthplace of the child. The date of birth shall be determined by approximation and shall be known as the legal date of birth. The person, superintendent or manager of the institution with whom the foundling child is placed for care shall give the child a name and shall report the name given to the local registrar within ten days after the child has been received.

If any foundling child shall later be identified and a certificate of birth be found or obtained, the certificate of birth as a foundling child provided for shall be cancelled by the state registrar with a citation to the certificate of birth on file in the Department.

The attending physician or midwife shall deliver to the parents a blank for a supplemental report of the given name if the child is not named at the time of making the certificate of birth.

When a certificate of birth is filed without the given or baptismal name the local registrar shall deliver to the parents a blank for a supplemental report of the name. Such supplemental report shall be made and filed with the local registrar as soon as the child is named. If such report is not filed within

thirty days from the date of birth, the local registrar shall obtain such name by other means.

Whenever the state registrar shall receive a birth certificate which is incomplete or inaccurate, he shall endeavor to secure information relative to any errors or omissions, and shall make corrections on the original in red ink, when additional information is secured. Provided, that whenever a certified copy of any such corrected birth certificate is issued, the corrections shall be shown on the certified copy in red, and this act shall be printed or typed on the form used for such certification.

Except that a certified copy of a new certificate of birth, as hereinafter provided, shall be issued without such corrections, and red ink corrections shall not be shown on certificates as provided herein.

Whenever it satisfactorily appears to the state registrar that a birth record contains errors or omissions or is false in some respect he may attach a statement of the true facts to the same.

Whenever any person shall execute an affidavit admitting that he is the father of a child, subscribed to in the presence of two witnesses, before any person authorized to administer an oath, the affidavit shall be filed in connection with the birth certificate.

A new certificate of birth may be made whenever the state registrar receives proof satisfactory to him:

- (a) That the previously unwed parents of a person have intermarried subsequently to the birth of such person; or*
- (b) That a court of competent jurisdiction has entered a judgment, order or decree relating to the parentage or adoption of a person.*

Such new certificate for any person shall be in the form prescribed by the state registrar, subject to approval of the state board of health and state board of control, and shall be prepared on the following basis: Such person shall be treated as having had at birth the status subsequently acquired or established and of which proof is submitted; where such person is illegitimate and paternity has been established by legal proceedings the name of such father shall be inserted; where such person has been adopted the name of such child shall be that fixed by the decree of adoption and the foster parents shall be recorded as the parents of such child.

When a new certificate of birth is made, the state registrar shall substitute such new certificate of birth for the one then on file, if any. The state registrar shall place the original certificate of birth and all papers pertaining to the new certificate of birth under seal. Such seals shall not be broken except by order of a court of competent jurisdiction or on written order of the state registrar. Thereafter, when a certified copy of the certificate of birth of such a person is issued, it shall be a copy of the new certificate of birth, except when an order of a court of competent jurisdiction shall require the issuance of a copy of the original certificate of birth.

Upon receipt of a certified copy of a court order of annulment of adoption, the state registrar shall restore the original certificate.

The person certifying to the birth of an illegitimate child shall report such birth direct to the state registrar. The state registrar shall furnish the local registrar with an abstract of such birth containing the legal surname of the child, with the date of birth and sex of the child, directing that in case of inquiry, the local registrar shall refer such inquiry to the state registrar.

Whenever the report of a birth which occurred in Minnesota is not on file with the state registrar or with any local registrar or with the clerk of the district court of the county in which birth occurred, a certificate of such birth may be filed with the state registrar or a clerk of district court, and for such a birth which occurred in a city of 100,000 or more population with the local registrar of such city. Whenever for such delayed registration the birth certificate is not made and subscribed by the physician who attended the birth, the birth certificate shall be made and subscribed by the nearest of kin, if any, or otherwise by any person or persons having personal knowledge of the facts of birth as given by them in such certificate, and such certificate shall be accompanied by supporting affidavits by the person or persons making and subscribing the certificate and if possible by the baptismal record and other documentary evidence.

The state registrar shall place on file any birth certificate made and subscribed by attending physicians and others as herein provided. Whenever a birth certificate so made and subscribed is filed with a clerk of the district court such clerk shall forward such certificate to the state registrar. The state registrar shall send certified copies of all delayed birth cer-

tificates filed with him as herein provided, to the clerks of court of the counties in which such births occurred.

Any person who shall furnish false affidavits or false documentary evidence for the purpose of making or securing a delayed registration of birth shall be guilty of a misdemeanor.

Sec. 2. Death certificates—Form and contents.—That Mason's Minnesota Statutes of 1927, Section 5357, is hereby amended so as to read as follows:

"5357. The undertaker or person acting as such at the burial, cremation or other disposal of the body of any person dying in this state, shall obtain and file with the local registrar of the district in which the death occurs, a certificate of death containing:

(a) A statement authenticated by the signature of some person cognizant of the facts, specifying:

1. Place of death, including state, county, city, village or town, with the name of the street and house number, or in lieu thereof, the name of the hospital or other private, public or state institution, if in such institution. If in an industrial or mining camp, or mine, the name of the camp or mine.

2. Full name of deceased. If an unnamed child the surname preceded by "unnamed."

3. Male or female.

4. Color or race—as white, colored, Indian, Chinese or other.

5. Single, married, widowed or divorced.

6. Date of birth, including year, month and day.

7. Age in years, months and days. If less than one day, the hours or minutes.

8. Occupation. If the person had any remunerative employment, statement of the trade, profession, or particular kind of work, or the general nature of the industry or business engaged or employed in.

9. Birthplace; state or foreign country.

10. Name of father, provided that if the deceased was of illegitimate birth the name or residence of, or other identifying details relating to the putative father shall not be entered without his consent, except as provided in Section 5365-A,

11. Birthplace of father; state or foreign country.
12. Maiden name of mother.
13. Birthplace of mother; state or foreign country.

In addition the said undertaker or person acting as such shall obtain and report in the monthly report to the state registrar provided for in Section 5360, General Statutes, 1923, as amended by Chapter 190, Session Laws 1925, information as to whether the deceased ever served in the military or naval forces of the United States.

(b) A medical certificate *which shall be* subscribed by the attending physician together with his address and date of making, stating fact and time of death, giving year, month, day and hour; time of attendance; when last seen alive; the disease or injury causing death, with contributory cause or complication and the duration of the illness; if from violence, the means and circumstances of the injury and whether indicating accident, suicide or homicide. *When the physician cannot certify the cause of death because of a pending autopsy or incomplete findings he may substitute for the cause, the words "Cause not yet determined."* Provided, that the medical certificate shall be made and subscribed by the coroner whenever the cause of death is investigated by him. Provided, further, that in cities of the first, second and third class the health officer, and in towns, villages and cities of the fourth class the local registrar, or a sub-registrar, shall make and subscribe the medical certificate for any death occurring therein without medical attendance or investigation by the coroner. If the local registrar, or sub-registrar, is unable to determine the cause of death, he shall refer the case to a physician, or to the coroner, for certification.

(c) When the death occurs in a hospital or other institution or place, other than the home of the deceased, a statement of the length of time at the place of death, length of time in the state, usual place of residence, and where the disease was contracted.

(d) A statement showing place and date of burial signed by the undertaker with his address.

(e) In the case of a child dead at birth, a certificate of birth having the word "still-birth" inserted in place of the name, and also a certificate of death shall be made and filed with the local registrar, and a burial permit issued as hereinafter provided. The medical certificate shall be signed by the attending physician and shall state the cause of death as "still-

born" with the cause of the still-birth, whether a premature birth, and if so, the period of uterogestation in months. Provided, that a certificate of birth or death shall not be required for a child that has not advanced the fifth month of uterogestation.

(f) In cases of still-births occurring without an attending physician the medical certificate shall be made and subscribed as is herein provided in case of death without medical attendance.

(g) Whenever the state registrar shall receive a death certificate which is incomplete or inaccurate, he shall endeavor to secure information relative to any errors or omissions, and shall make corrections on the original in red ink when additional information is secured; provided, that whenever a certified copy of any such corrected death certificate is issued, the corrections shall be shown on the certified copy in red and the provisions of this act shall be printed or typed on the form used for such certification.

(h) Whenever it satisfactorily appears to the state registrar that a death record contains errors or omissions or is false in some respect he may attach a statement of the true facts to the same."

Sec. 3. Duties of local registrars.—That Mason's Minnesota Statutes of 1927, Section 5358, is hereby amended so as to read as follows:

"5358. The local registrar shall endorse on each certificate of birth and death filed with him the number of his district, the number of the certificate, in consecutive numbers, beginning with number one (1) for the first birth and the first death in each calendar year, the date when filed with him, his postoffice address, and subscribe the same. He shall record such certificates in a suitable record book and, on the *fifth* day of each month, transmit to the state registrar all original certificates filed with him during the preceding month. If no births or no deaths occurred in his district, within his knowledge, during any month, he shall report that fact to the state registrar on the *fifth* day of the following month. When required by the state registrar he shall supply any information, or data, necessary to make a complete record or to facilitate the administration of the provisions of this act."

Sec. 4. Interment, duties of persons in charge of places of.—That Mason's Minnesota Statutes of 1927, Section 5361, is hereby amended so as to read as follows:

"5361. The body of any person dying, or found dead, in this state, or the body of a still-born infant, shall not be interred, *cremated* or otherwise disposed of, or removed from one registration district to another, or held for more than seventy-two hours after death, unless and until a proper certificate of death has been filed and a permit issued as provided for by this act. *Provided, that in any cases where it is impossible to secure such certificate or permit without delay, the state registrar may permit the attending embalmer or funeral director to remove the body to another registration district on the condition that such certificate and permit will be secured and properly filed before the body is buried, cremated, further transported or otherwise disposed of.* Where there is a person charged with the care or supervision of a cemetery, burial place or other premises where human bodies are interred, *cremated*, or otherwise disposed of, the name of such person and his address shall be posted in a conspicuous place at the entrance of such premises. He shall not inter, nor permit the interment, *cremation*, or other disposition of the body of a deceased person until he receives a burial permit as herein provided. He shall keep a record of all interments, or other disposition of the body, made on the premises under his charge, stating the name of the deceased person, place of death, date of burial or *cremation* and the name and address of the undertaker. Such record shall be open to public inspection at all times."

Sec. 5. Fees of local registrars—Tabulations by state registrar—Certified copies for clerks of district courts—Index as—Correction of birth or death records by clerks of courts—Records of judgments of paternity—Fact of illegitimacy not to be disclosed—Birth and death records open to inspection—Record of legitimation of child by marriage of parents.—That Mason's Minnesota Statutes of 1927, Section 5365, is hereby amended so as to read as follows:

"5365. Each local registrar except those acting in cities which have a population of more than 100,000 shall receive, from the county in which his district is located, a sum of twenty-five cents for each birth and each death certificate. He shall receive the same fee for each monthly report card of no births or deaths having occurred in his district to his knowledge, providing such card is received by the state regis-

trar before the fifteenth of the month following that to which it applies. Annually, on or before the first day of April, the state registrar shall tabulate all the facts shown in the returns of local registrars, except those acting in cities which have a population of more than 100,000 as having occurred during the preceding year, and transmit to the clerk of the district court of each county a certified copy of such tabulation, so far as the same relates to the vital statistics of such county, and each clerk of the district court shall file, index and preserve such certified copy, and the same shall be prima facie evidence of each and every fact contained therein. Such tabulation shall show the whole number of births and deaths, and reports of no births or deaths having occurred, transmitted by each local registrar during each year, but no fee shall be paid for "no report" cards if a report of a birth or death for that month is received later.

Upon the receipt and the filing of such certified copies the clerk of court shall issue to each local registrar within his county a voucher for the amount due him as shown by such tabulated statement. Upon the presentation of such voucher to the county auditor, a warrant for the amount thereof shall be issued by him. The forms of indexes and indexing shall be prescribed by the state registrar and made in a suitable book furnished at the expense of the county. All statistics of birth and deaths shall be so indexed without other compensation than the clerk's salary, except, that in counties where the clerk is not on a salary basis he shall be paid five cents by the county, for each name so indexed.

Whenever it satisfactorily appears to any clerk of court in Minnesota that a birth or death record on file in his office contains errors or omissions, or is false in some respect, he may attach a statement of the true facts to the same, when authenticated by an affidavit made by a person presuming to know the fact or facts, which affidavit is to be filed with said clerk and made a part of the original record. He shall immediately furnish to the state registrar copies of such affidavits.

A. Whenever the clerk of the district court shall report to the state registrar that a judgment has been entered determining the paternity of an illegitimate child, the state registrar shall record the name of the father, and sufficient data to identify the judgment, in connection with the record of the birth of the child appearing in his office, and also in connection with the record of the death of the child, if there be such

record. A report by the clerk of the subsequent vacation of such judgment shall be recorded in like manner.

Likewise whenever any District Court shall enter a judgment that any person named on a birth certificate or death certificate, as the father of an illegitimate child, is not in fact the father of such child, the clerk of such court shall forward to the state registrar and to the local registrar of the district in which such birth or death is reported, a copy of its judgment; whereupon, it shall be the duty of such registrars to make such corrections as to the statement of paternity on such birth or death certificate, and to attach to the original, or to his record of the original, a copy of such judgment.

Whenever any court of competent jurisdiction shall have made findings in relation to the true status of a child whose birth certificate is incomplete or inaccurate or false, the state registrar shall prepare and file a new certificate setting forth the true information.

In the event it shall appear that a certificate of birth shall have been filed in behalf of a child said to be legitimate and such fact shall be controverted in the proceedings in any court of competent jurisdiction, the court shall hear all evidence pertaining to such fact and shall make its findings accordingly. In the event of the findings that a child whose birth is recorded as legitimate is in truth and in fact an illegitimate child, the court shall so certify and the state registrar shall prepare and file in behalf of such child a new certificate pursuant to such findings which shall be deemed to be the original from thenceforth, and the original certificate shall be preserved by the state registrar as in other cases hereinbefore provided.

B. Except when so ordered by a court of record no member of the state board of health, nor any state or local registrar, nor any person connected with the office of either, shall disclose the fact that any child was illegitimate, nor disclose the fact that a new certificate has been filed for an adopted child. The district court shall have jurisdiction, upon petition against and notice to the state registrar, to issue such orders permitting or requiring the inspection of records of births and deaths, as to it may seem just and proper, and the making and delivery of certified copies thereof.

C. The birth and death records of the State Board of Health shall be open to inspection by the State Board of Control or its designated agents at all times, and it shall not be necessary for said Board of Control to obtain an order of court

in order to inspect records of illegitimate children *and new certificates filed for adopted children*, or to secure certified copies thereof.

D. Whenever the parents of a child whose birth has been reported to the State Board of Health as illegitimate shall marry each other and when the father of such illegitimate child shall execute an affidavit that he is the father of said child and that at a certain specified time he married the mother of said child and shall mail said affidavit to the state registrar then the state registrar shall amend the birth record of such child so as to indicate the child is a legitimate child and certified copies thereof may be issued without a court order. The state registrar shall report to the local registrar the legitimation of said child by the marriage of his parents to each other and the local registrar shall note upon his records the fact that the child is legitimized and record the name of the father. The state registrar shall include in his annual report to the clerk of district court of the county a copy of said affidavit of the father legitimizing said child and the said clerk of court shall file said affidavit and enter on his records the name of the father and the fact that such child is legitimized."

Sec. 6. Certified copies as record of evidence.—That Mason's Minnesota Statutes of 1927, Section 5366, is hereby amended so as to read as follows:

"5366. The state registrar, or any local registrar, shall furnish any applicant therefor a certified copy of the record of any birth or death recorded under the provisions of this act, provided that the fact that any child was illegitimate, shall not be disclosed except when ordered by a court of competent jurisdiction in accordance with section 5365-B. For the making and certification of which the registrar shall be entitled to receive a fee of fifty cents, to be paid by the applicant. Such a copy of the record of a birth or death, when certified by the state or local registrar to be a true transcript therefrom shall be *prima facie* evidence of the fact therein stated in all courts in this state. The state registrar shall keep a correct account of all fees or moneys received by him under the provisions of this act, and pay the same over to the state treasurer at the end of each month.

In cases where a record of birth of a child is required for a specific purpose only, the state registrar shall have power to issue a certificate setting forth the name, the place and date of birth of such child, and any other facts pertinent to the pur-

pose for which the certificate is to be issued. Such certificate shall be evidence in any court upon the facts so recorded."

Approved March 28, 1939.

CHAPTER 90—S. F. No. 597

An act to amend Mason's Minnesota Statutes of 1927, Section 8058, by including therein the abolition of the related "Worthier Title" rule.

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

Section 1. Worthier title rule abolished.—That Section 8058 Mason's Minnesota Statutes of 1927 be and the same is hereby amended so as to read as follows:

When a remainder is limited to the heirs, or heirs of the body, of a person to whom a life estate in the same premises is given, the persons who, on the termination of the life estate, are the heirs or heirs of the body of such tenant for life shall be entitled to take as purchasers, by virtue of the remainder so limited to them. *No conveyance, transfer, devise, or bequest of an interest, legal or equitable, in real or personal property, shall fail to take effect by purchase because limited to a person or persons, howsoever, described, who would take the same interest by descent or distribution.*

Approved March 28, 1939.

CHAPTER 91—S. F. No. 623

An act relating to the confession of judgment for delinquent taxes, and providing for the payment of certain taxes in installments.

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

Section 1. Confession of judgment for delinquent taxes.—Delinquent taxes upon any parcel of real estate for 1936 and prior years, which have been bid in for and are held by the state and not assigned by it, together with taxes for the year 1937, which shall have become attached to a prior judgment, or delinquent taxes upon any parcel of real estate upon which a prior judgment for taxes has heretofore been declared void by a court of competent jurisdiction and upon which a