

proceed in like manner as provided in this section respecting the county superintendent of schools.

It shall be the duty of the principal teacher or other person in charge of any private school to make reports at such times and containing such information as is herein required, respecting public schools. Such reports shall be made to the county superintendent of schools in whose county such private school is located, except where such private school is located in a city or in a district maintaining a high school, or a graded school, such reports shall be made to the city superintendent of schools or to the superintendent or principal of the high or graded school.

The county superintendent, city superintendent, principal of graded school or superintendent of a district maintaining a high school, as the case may be, shall make and file a criminal complaint against the person or persons neglecting or refusing to comply with the provisions of this act relating to the sending of a child or children to school, in any court in said county having jurisdiction of the trial of misdemeanors, and upon making of such complaint a warrant shall be issued and proceedings and trial be had as provided by law in cases of misdemeanors. All prosecutions under this chapter shall be conducted by the county attorney of the county wherein the offense is committed."

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

Approved April 23, 1921.

---

#### CHAPTER 489—S. F. No. 565.

*An act to amend Sections 3214, 3216, 3217, 3218, 3219, 3220, 3221, 3222, Chapter 17, General Statutes 1913, as amended by Chapter 210, Laws 1917, and to amend subdivision marked "3225(a)" of Section 1, Chapter 210, Laws 1917, relating to illegitimate children.*

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

Section 1. **Laws amended.**—That Sections 3214, 3216, 3217, 3218, 3219, 3220, 3221, 3222, Chapter 17, General Statutes 1913, as amended by Chapter 210, Laws 1917, and subdivisions marked 3225 (a) of Section 1 of Chapter 210, Laws 1917, be and the same are hereby amended to read as follows:

3214. **Complaint—Where filed—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. *Such complaint shall be filed and further proceedings had either in the county where the woman resides or in the county where the alleged father of the child resides or in the county where the child is found, if it is likely to become a public charge upon such county.*

**3216. Defendant to give bond—May plead guilty.**—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 the sum of not less than *three hundred dollars* nor more than *one thousand 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—; *provided, however, that said accused may appear before the court at any time and enter a plea of guilty to such complaint.* Thereupon the justice or judge shall certify the examination, and return the same and all process and papers in the case of the clerk of such court.

**3217. Continuance.**—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—Default—Duties of Board of Control.**—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

*judge*, 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. *Upon due notice to the State Board of Control or the duly appointed guardian of the child, the Judge of the District Court before whom the proceedings are pending shall make and enter an order, directing and requiring the father of such child to pay to the State Board of Control or the County Child Welfare Board, if there be one, or the duly appointed guardian of such child such sum of money or its equivalent, as may be proper and adequate for the care, maintenance, and education of such child. Or such order may provide for the payment, in the manner heretofore provided, of a specific sum each month, or at other stated intervals, for the purpose hereinbefore specified, and may further require the father of such child to furnish such bond or other security for the performance of said order as may be proper and necessary. The Court shall further fix the amount, and order the defendant to pay all expenses necessarily incurred by, or in behalf of, the mother of such child, in connection with her confinement and the care and maintenance of the child prior to judgment. If the defendant fails to comply with any order of the Court, hereinbefore provided for, he may be summarily dealt with as for contempt of court, and shall likewise be subject to all the penalties for failure to care for and support such child, which are or shall be imposed by law upon the father of a legitimate child of like age and capacity, and in case of such failure to abide any order of the court, the defendant shall be fully liable for the support of such child without reference to such order.*

3219. *Father to pay all expenses.*—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, and all necessary expenses and doctor's bills in connection with her or said child's sickness. *The provisions of this section shall apply only to such expense or portion thereof as is not otherwise provided for by order of the Court.*

3220. *Application for discharge from imprisonment.*—Any person who has been imprisoned ninety days for failure to pay any such money judgment for expenses incurred by the County as

*hereinbefore set forth*, 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—Judgment.**—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 own use or to avoid in any manner payment of such judgment. *The court, as a condition of such discharge may require the defendant to pay such judgment in monthly or other installments, as the earning capacity of the defendant may justify.* If upon such hearing it appears that the defendant has property; but not sufficient 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; *or the right of the court to recommit the defendant if at any time it shall appear to the court that the defendant is possessed of means to pay said judgment but will not do so.*

**3222. Who may make complaint.**—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. *Such complaint shall be filed and further proceedings had, either in the county where such mother resides, or in the county of the residence of the alleged father of such child, or in the county where such child may be found, if it is likely to become a public charge therein.*

**3225(a). State board of control or guardian may make settlement.**—The state board of control or the duly appointed guardian of the person of an illegitimate child shall have authority to accept from the 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—; *and provided that this section shall not apply to any case where a judgment of paternity has been entered pursuant to the provisions of this statute.*

Approved April 23, 1921.

---

CHAPTER 490—S. F. No 641.

*An act relating to certain national banks complying with Section 6405, General Statutes 1913, in certain respects and being entitled to the privileges extended to trust companies under Section 6410, General Statutes 1913.*

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

Section 1. National banks may act as trustees when.—Any National Bank in this state granted a special permit by the Federal Reserve Board to act in a fiduciary capacity under the provision of Sub-Section K of Section 11, of the Federal Reserve Act as amended by the Act of September 26, 1918, may assign, transfer to, and deposit with the Superintendent of Banks, and procure his certificate therefor, the kinds and amounts of authorized securities required of a Trust Company in a city or village wherein such National Bank is located, by Section 6405, General Statutes 1913. Provided that such national bank which has a capital of \$500,000 or over shall not be required to deposit such securities for more than 10% of such capital. The securities so deposited shall be held and maintained as a guaranty fund for such National Bank for the performance of its duties in such fiduciary capacity.

Whenever such National Bank has complied with said Section 6405, as aforesaid, no oath or security shall be required of it in the acceptance and performance of any such trust as provided in Section 6410, General Statutes 1913.

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

Approved April 23, 1921.

---

CHAPTER 491—S. F. No. 646.

*An act providing a method for accounting the expenses and re-*