

1934 Supplement
To
Mason's Minnesota Statutes
1927

(1927 to 1934)
(Superseding Mason's 1931 Supplement)

Containing the text of the acts of the 1929, 1931, 1933 and 1933-34 Special Sessions of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state, federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota



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CHAPTER 72

Married Women

8616. Separate legal existence.

Status of marriage has not been modified by the Married Woman's Act, and only property rights and contracts are affected thereby. *State v. Arnold*, 182M313, 235NW373. See Dun. Dig. 4258.

8617. Property rights.

Wife by letting husband use and manage her property apparently as his own, may estop herself from asserting ownership as against a mortgagee of the husband. 171M276, 214NW45.

Recital in instrument concerning conveyance of land signed by defendant and husband of deceased were not conclusive as to the deceased when she was the real party in interest. *Kehrer v. S.*, 182M596, 235NW386. See Dun. Dig. 4259(84).

Fact that wife, who was either joint tenant or tenant in common, did not join in writing authorizing tenant to cut and sell wood was immaterial where she substantially participated in contract. *Morrow v. P.*, 186M516, 243NW785. See Dun. Dig. 4256.

8618. Contracts—Torts—Etc.

Contract whereby plaintiff was employed at a stipulated compensation per month as a farm hand was not abrogated by marriage of plaintiff to his employer, but remained a binding obligation upon her, and he could recover for work performed after the marriage. *Archer v. M.*, 183M306, 236NW455. See Dun. Dig. 4258.

8620. Liability of husband and wife.

A county which furnishes necessary support to a woman, deserted by her husband, may recover of the husband. 175M39, 220NW156.

Verdict against parent for services of daughter, held not excessive, and evidence as to previous earnings of daughter, held admissible on issue of value. 180M100, 230NW478.

Wife was not liable for negligence of her husband in driving a car registered in her name. *Cewe v. S.*, 182M126, 233NW805. See Dun. Dig. 5834b.

Wife who signed contract of sale of lot merely to bar her inchoate right of dower was not liable in action by purchaser to recover money paid because of fraud of seller. *McDermott v. R.*, 247NW683. See Dun. Dig. 4270.

Service of an attorney for wife in divorce case amicably withdrawn was not a necessity for which husband was liable. *Melin v. R.*, 249NW194. See Dun. Dig. 4276.

8621. Contracts between husband and wife.

Archer v. M., 183M306, 236NW455; note under §8618.

½. Agency.

In action by woman for fraud in sale of stock of financial corporation, evidence held to show that plaintiff's husband acted as her agent. *Watson v. G.*, 183M233, 236NW213. See Dun. Dig. 8612.

Evidence held to sustain verdict that deceased farmer, through his wife, agreed to pay daughter and son for work if they remained on farm. *Holland v. M.*, 248NW750. See Dun. Dig. 3593g.

Farmer's wife had authority to employ persons doing housework as agent of her husband. *Holland v. M.*, 248NW750. See Dun. Dig. 4286.

1. Contracts relating to realty.

Transaction whereby husband and wife executed a trust deed and put it in escrow to be delivered upon condition that wife be granted an absolute divorce did not violate the law. *First Minneapolis Trust Co. v. L.*, 185M121, 240NW459. See Dun. Dig. 4282(2).

2. Other contracts.

Evidence held to show conveyance by husband and wife to daughter rendered husband insolvent, and conveyance fraudulent as to creditors. 171M284, 213NW911.

Where the promises of the husband under an antenuptial contract, to make payments to his wife have matured and the money has become due, the causes of action so perfected are not defeated by the wife's subsequent desertion of the husband. 172M31, 214NW791.

8622. Barring interest of spouse.

Where the evidence of misconduct of husband does not justify either an absolute or a limited divorce, the court is not authorized to terminate the husband's inchoate interest in the wife's real estate even though the misconduct may legally justify her in living apart from him. 174M159, 218NW559.

8622-1. Power and curtesy abolished in certain lands.

Act abolishing dower and curtesy and statutory interests in lieu thereof in all lands conveyed by guardians of incompetent married persons prior to Jan. 1, 1929. Laws 1931, c. 29.

CHAPTER 73

Adoption and Change of Name

8626. Consent, when necessary.

When a child has a guardian of the person appointed by the probate court, the consent of such guardian is necessary to permit an adoption by proceedings in the district court. In re *Martinson*, 184M29, 237NW596. See Dun. Dig. 99.

Decree of adoption reversed for lack of evidence sustaining finding that infant had been abandoned by mother, there being no consent to adoption by either parent. *Anderson*, 248NW657. See Dun. Dig. 99.

Possible pecuniary advantage to child is immaterial as against natural rights of parents. *Id.*

Consent by parent may be withdrawn at any time before adoption. *Id.*

8630. Status of adopted child.

When the name of an adopted child is omitted from the will of the parent, the presumption is that the omission was not intentional and was occasioned by accident or mistake. 175M193, 220NW601.

CHAPTER 73A

Dependent, Neglected and Delinquent Children

See §§208-1 to 208-9.

8636. Definitions.

Juvenile delinquents are not criminals. *State v. Zenzen*, 178M394, 227NW356.

No appeal lies from a decision of a juvenile court under this chapter. *State v. Zenzen*, 178M394, 227NW356.

Sections 8636 to 8670 are constitutional. *State v. Patterson*, 247NW573, 249NW187. See Dun. Dig. 1646, 4460a.

Dependent neglected, or delinquent children are proper subjects to be placed under guardianship by the probate court. *Id.* See Dun. Dig. 4460a, 4096.

Fact that maternal grandmother has money and would be able to support children does not negative a finding of dependency on the part of children and the right of mother to a pension. *Op. Atty. Gen.*, Oct. 30, 1930.

8637. Jurisdiction of District Court—jurisdiction of Probate Court.—The District Court in counties now

or hereafter having a population of more than 40,000 inhabitants except in such counties of the Seventh Judicial District shall have original and exclusive jurisdiction in all cases coming within the terms of this act. In all trials in the district court under this act, except as hereinafter provided, any person interested therein may demand a jury, or a judge of his own motion may order a jury to try the case. In counties now or hereafter having a population of not more than 40,000 inhabitants and in all counties of the Seventh Judicial District the probate court shall have jurisdiction over the appointment of guardians of dependent, neglected or delinquent children for the purpose of this act. The jurisdiction of both the district and probate courts over cases of dependency,

neglect and delinquency arising under this act shall extend to all persons resident or found within the territorial limits of the court, although the evidentiary facts showing such dependency, neglect or delinquency may have occurred outside such territorial limits.

This Act shall apply to children under the age of eighteen years, except as hereinafter provided.

When jurisdiction shall have been obtained by the court in the case of any child, such child shall continue for the purposes of this Act under the jurisdiction of the court until he becomes twenty-one years of age, unless discharged prior thereto by the court. ('17, c. 397, §2; '27, c. 192, §2; Apr. 20, 1931, c. 250, §1; Apr. 8, 1933, c. 184.)

Laws 1931, c. 250, §1, amends the first paragraph of this section to read as above.

Fact that probate court committed neglected child to guardianship until she should reach age of 21 years did not warrant her release on habeas corpus before she attained age of 19 years. *State v. Patterson*, 247NW573, 249NW187. See *Dun. Dig.* 4431.

Legislature may fix the age at which a delinquent child shall attain majority different from that fixed for other children. *Id.*

Probate judge, also acting as judge of juvenile court, has no jurisdiction of prosecution of adult. *Op. Atty. Gen.*, Mar. 31, 1932.

8638. Judges of juvenile court.—In counties having more than 40,000 except the Fourth Judicial District, and the counties in the Seventh Judicial District the judges of the district court shall at such times as they shall determine designate one of their number whose duty it shall be to hear all cases arising under this act, unless absent or disabled, in which case another judge shall be temporarily assigned for said purposes; and such designation shall be for the period of one year unless otherwise ordered. The judge of the juvenile court so designated shall devote his first service and all necessary time to the business of the juvenile court, and this work shall have precedence over all his other court work. When deemed advisable the district judges may designate two judges for the purposes and subject to the provisions specified in this section. A special court room, to be designated as the juvenile court room, shall be provided for the hearing of such cases, and the findings of the court shall be entered in a book or books to be kept for that purpose, and known as the "juvenile record," and the court may for convenience be called the juvenile court of the appropriate county. The title of proceedings in the juvenile court, excepting prosecutions under sections 27 and 28 of this act, shall be substantially as follows:

Juvenile Court, County of

In the matter of as a dependent (or neglected or delinquent, as the case may be) child. ('17, c. 397, §4; '27, c. 192, §3; Apr. 20, 1931, c. 250, §2.)

Laws 1931, c. 250, §2, amends the first paragraph of this section to read as above.

8640. Salary of bailiff in Juvenile Court in certain counties.—In all counties of this state having, or which hereafter shall have a population of not less than 220,000 and not more than 330,000 inhabitants, a bailiff of the juvenile court may be appointed by the judge of the court. He shall serve four years, unless removed by the said judge for cause, and shall be in attendance at all sessions of the court, make and serve all summons, writs, warrants and processes issued out of the court and perform such other duties as may be directed by the judge. He shall have all the authority of a deputy sheriff and when his services are not required by the juvenile court, he may, with the consent of the court, be called upon by the sheriff to serve as such deputy. In case of his absence, the sheriff shall, upon request of the judge, assign a deputy to perform his duties. The bailiff shall receive a salary of \$1800 per annum which sum shall include all expenses incurred by him in the per-

formance of his duties within the county. ('17, c. 397, §5; '27, c. 420, §6; Apr. 26, 1929, c. 405, §1.)

Sec. 2 repeals inconsistent acts. Sec. 3 provides that the act shall take effect from and after Apr. 1, 1929.

8641. Probate court as juvenile court—record—appeal.—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. ('17, c. 397, §6; Mar. 20, 1931, c. 82, §1; Apr. 20, 1931, c. 250, §3; Apr. 10, 1933, c. 204, §1.)

No appeal lies from an order of the probate judge, sitting as a juvenile court judge, adjudging a minor delinquent. *Op. Atty. Gen.*, May 5, 1931.

Where probate judge acts as judge of juvenile court, records of that court in cases brought while the district judge was juvenile judge should remain in the office of the clerk of the district court and the new files in the office of the probate judge. *Op. Atty. Gen.*, Aug. 15, 1931.

Where judge of probate court is made judge of juvenile court in place of one of the judges of the district court so acting, the clerk of the district court no longer acts as clerk of the juvenile court. *Op. Atty. Gen.*, Aug. 19, 1931.

Probate judge acting as judge of the juvenile court has no authority to appoint an attorney for an indigent applicant for a mother's pension. *Op. Atty. Gen.*, Aug. 21, 1931.

8642. Petition.

The responsibility for placing children in homes is now with the juvenile court and the board of control rather than with the county board. *Op. Atty. Gen.*, Jan. 13, 1930.

8643. Summons—Service—Notice, etc.

Where a petition was filed in probate court to have certain children committed to state public school as dependent, and pending investigation the children were removed to another county, the probate judge could not go to such other county and hold hearings and commit the children. *Op. Atty. Gen.*, Mar. 27, 1931.

It is duty of county attorney to appear in connection with proceedings in juvenile court for commitment of children as dependent, neglected or delinquent. *Op. Atty. Gen.*, Sept. 27, 1932.

8644. Probation officers—Duties—Compensation.—

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. ('17, c. 397, §9; Apr. 10, 1933, c. 204, §1.)

8646. Dependent or neglected children—Disposition.

Court may commit child to private charitable institution and require county to pay for its care as long as the court in its discretion directs. Op. Atty. Gen., Mar. 18, 1929.

Expense of placing minor child with respectable household cannot be charged against county. Op. Atty. Gen., Oct. 6, 1933.

8648. Hearing—Continuance—Commitment by court, etc.

Probate court has no jurisdiction to commit delinquent girls to the Home School for Girls, its jurisdiction being limited to the appointment of the state board of control as guardian. Op. Atty. Gen., Dec. 23, 1931.

8651. Guardians for delinquents in probate court.

Probate court has no jurisdiction to commit delinquent girls to the Home School for Girls, its jurisdiction being limited to the appointment of the state board of control as guardian. Op. Atty. Gen., Dec. 23, 1931.

8656. Criminal proceedings.

Prior felony against juvenile disposed of in district court is considered prior conviction under Baumes Act. Op. Atty. Gen., May 13, 1932.

8660. Support by parents.—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. ('17, c. 397, §25; Apr. 10, 1933, c. 204, §1.)

8662. Responsibility of parents, guardians, etc.

Boys regularly employed as newspaper carriers are exempt from the provisions of the law only while distributing papers to their regular subscribers, and not at times that they are on the street in their regular districts selling papers. Op. Atty. Gen., Nov. 25, 1931.

Probate judge, also acting as judge of juvenile court, has no jurisdiction of prosecution of adult. Op. Atty. Gen., Mar. 13, 1932.

8664. Expenses in probate court, how paid.

Probate judge is not entitled to reimbursement from the county for his expenses in attending a convention of the Probate Judges' Association. Op. Atty. Gen., Feb. 9, 1931.

Where a petition was filed in probate court to have certain children committed to state public school as dependent, and pending investigation the children were removed to another county, the probate judge could not go to such other county and hold hearings and commit the children. Op. Atty. Gen., Mar. 27, 1931.

Probate judge acting as judge of the juvenile court has no authority to appoint an attorney for an indigent applicant for a mother's pension. Op. Atty. Gen., Aug. 21, 1931.

Fees collected under this section may be retained by judges of probate. Op. Atty. Gen., Apr. 13, 1932.

Where sheriff investigated crime and ran up mileage and it later developed that case was one for juvenile court, sheriff was not entitled to mileage. Op. Atty. Gen., July 1, 1932.

Expenses of county attorney when acting upon order of juvenile court in proceeding for commitment of dependent, neglected or delinquent children, should be paid by juvenile court and not out of contingent fund. Op. Atty. Gen., Sept. 27, 1932.

8665. Payment of salaries, etc.

County must stand the expense of transporting a minor committed to the State Training School at Red Wing. Op. Atty. Gen., Sept. 1, 1931.

8671. Allowances to mothers for support of dependent children in own homes—etc.—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 depend.

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 recommenda-

tions as he deems proper. ('17, c. 223, §1; '19, c. 328, §1; '21, c. 435, §1; '25, c. 355, §1; Apr. 10, 1933, c. 204, §1.)

Act Apr. 10, 1933, c. 204, §2, cited, provides that the act shall take effect from its passage.

See §§208-1 to 208-9.

Fact that family has settlement for purposes of poor relief in another county and is entitled, or is receiving relief, is relevant only in determining amount of mother's pension to be awarded. *State v. Juvenile Court of Wadena County*, 246NW544. See Dun. Dig. 4460b.

Mother's pension law, being newer, prevails over poor laws to extent of conflict. *State v. Juvenile Court of Wadena County*, 246NW544. See Dun. Dig. 4460b.

"Residence" in mother's pension statute is not synonymous with "settlement" under poor laws, and residence for one year, as distinguished from settlement, is condition precedent. *State v. Juvenile Court of Wadena County*, 246NW544. See Dun. Dig. 4460b.

Judge of probate has no right to pay out any money in dependency cases until he has made findings under this section. *Op. Atty. Gen.*, Aug. 9, 1929.

A woman with dependent children is entitled to pension where her husband has deserted her and she has obtained a divorce on that ground, and where there is an outstanding warrant for his arrest which has remained unserved for 3 months, or where there has been a conviction for abandonment. *Op. Atty. Gen.*, July 23, 1930.

County commissioner investigating financial condition and status of children is not entitled to a per diem and mileage. *Op. Atty. Gen.*, Sept. 18, 1930.

Fact that maternal grandmother has money and would be able to support children does not negative a finding of dependency on the part of children and the right of mother to a pension. *Op. Atty. Gen.*, Oct. 30, 1930.

An allowance made by a county to a mother terminates when the mother ceases to be a resident of the county. *Op. Atty. Gen.*, Feb. 20, 1931.

A county attorney required to make investigations in connection with applications of mothers for county allowances is entitled to take expenses necessarily incurred out of his contingent fund. *Op. Atty. Gen.*, Mar. 26, 1931.

A county attorney may use his own automobile and receive compensation therefor from the county out of his contingent fund or otherwise. *Op. Atty. Gen.*, Mar. 26, 1931.

Right to mother's pension does not depend upon a person's "settlement," but upon her "residence" for the prescribed period of time, and the fact that widow was moved out of another county where she had settlement for the sole purpose of obtaining a mother's pension was immaterial. *Op. Atty. Gen.*, June 12, 1931.

A mother is entitled to an allowance on account of a child under sixteen who has completed the eighth grade. *Op. Atty. Gen.*, Sept. 23, 1931.

No notice to county attorney and county commissioner is necessary. *Op. Atty. Gen.*, Feb. 28, 1933.

Daughter supporting dependent sisters is not entitled to aid under Mothers' Pension Law. *Op. Atty. Gen.*, Apr. 8, 1933.

One supporting dependent sister is not entitled to mother's pension. *Op. Atty. Gen.*, Apr. 8, 1933.

Neither county commissioner nor county attorney is entitled to reimbursement for mileage for investigations with reference to mother's pensions. *Op. Atty. Gen.*, June 14, 1933.

County attorney in counties where a contingent fund has been set aside by county board is entitled to reimbursement of traveling expenses in connection with investigations of mothers' pension cases. *Op. Atty. Gen.*, Sept. 12, 1933.

(b).

Statute makes no provision for the payment of allowances to a divorced mother. *Op. Atty. Gen.*, Mar. 4, 1931.

A person paroled from prison is not an "inmate" of the prison within this section. *Op. Atty. Gen.*, Dec. 9, 1931.

8672. Same—Order for allowance.

Mason's Stat., §3177 is still in effect in counties having town system, and such counties may levy in excess of the five mill limitation for poor purposes, and this levy may include moneys for the payment of mother's pensions. *Op. Atty. Gen.*, Oct. 30, 1931.

8675. Same—Investigations before making allowance.

No formal hearing is necessary to modify or revoke a mother's allowance. *Op. Atty. Gen.*, Aug. 31, 1931.

No notice is required to modify or revoke mother's allowance. *Op. Atty. Gen.*, June 28, 1933.

8677. Official investigators.—In counties having over 200,000 and not to exceed 330,000 population the judge of the juvenile court may appoint one supervisor and one or more investigators for the investigation of application for allowance under this act, whose duty it shall be to visit the homes of the

applicants and ascertain all the relevant facts and circumstances including the facts specified in the preceding section and make report in such form as the court may require. In counties having over 200,000 and not to exceed 250,000 population each person so appointed shall receive such salary as shall be fixed by a majority of the judges of the district court and approved by the county board. Such salary, however, of said supervisor shall not exceed \$2,400.00 per annum and of said investigators \$1,800.00 per annum. In counties having over 250,000 and not to exceed 330,000 population such salary of said supervisor shall not exceed \$1,500.00 during the first year of service of such supervisor, except a supervisor in service now, who shall receive the salary now provided by law, \$1,600.00 during the second year of service and \$1,800.00 during and after the third year of service of such supervisor, and such salaries of such investigators shall not exceed \$1,200.00 during the first year of service of any investigator except those in service now, who shall receive the salary now provided by law, \$1,300.00 during the second year of service, \$1,400.00 during the third year of service and \$1,500.00 during and after the fourth year of service of any such investigator. Such salary shall be paid as other salaries are paid out of the county treasury, together with all expenses certified by the judge to have been necessarily incurred by them in the performance of their duties. ('17, c. 223, §6; '19, c. 333, §1; '21, c. 316, §1; Apr. 24, 1931, c. 326.)

8679. What property a bar.—The ownership by a mother of personal property of the value of one hundred dollars, exclusive of appropriate clothing and household furniture and of such tools, implements and domestic animals as in the opinion of the court it is expedient to retain for the purpose of reducing the expense or increasing the income of the family or of real estate not used as a home; or of real estate, when used as a home; of a value disproportionate to the actual needs of the family, shall be a bar to any allowance under this act, provided, further, that in lieu of all real estate and personal property except appropriate clothing and household furniture the possession of no more than five hundred dollars by a mother, grandmother, or other person, shall not be a bar to an allowance, if all but one hundred dollars thereof shall be deposited in trust with a proper depository to be designated by the court, the income therefrom to be used in lieu of an equivalent amount of the allowance ordered by the court, the principal to be returned to the mother, or other person, upon the discontinuance of the allowance. ('17, c. 223, §8; Mar. 28, 1929, c. 101.)

8688-1. Maximum for mothers' pensions.—In all counties of this state now or hereafter having property of the assessed valuation of not less than \$325,000,000.00, exclusive of money and credits and having a bonded indebtedness not exceeding \$5,000,000.00, inclusive of bonds issued to defray the cost of permanently improving state trunk highways, which bonds the State of Minnesota has heretofore agreed to pay, the maximum amount which may be expended in any one year for mothers' allowances under the provisions of Sections 867 to 869, inclusive, Mason's Minnesota Statutes of 1927, shall not exceed such a sum as may be produced by a tax levy of nine-tenths of a mill on each dollar of taxable value of the property of such counties. (Act Apr. 21, 1933, c. 367, §1.)

8688-2. All acts or parts of acts inconsistent with the provisions of this Act are hereby repealed. (Act Apr. 21, 1933, c. 367, §2.)

8689. Inconsistent acts repealed.

See §§208-1 to 208-9.

8689-2. Same—Duties of board of control—Etc.

State Board of Control may authorize surgical operation upon or immunization against diphtheria to a child committed to its guardianship as unsuitable for adoption. *Op. Atty. Gen.*, Aug. 27, 1932.