

James C. Child
35
THE

PUBLIC STATUTES

OF THE

STATE OF MINNESOTA.

(1849—1858.)

COMPILED BY
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(29.) SEC. XV. All acts and parts of acts relative to the sale of, or traffic, in spirituous or intoxicating liquors, except such as relate to the traffic in ardent spirits with the Indians, are hereby repealed: *provided*, that all suits or prosecutions now pending, commenced under any law which by this act is repealed, shall be prosecuted, to final judgment and execution as though this act had not passed: *and provided further*, that all licenses granted in pursuance of any law, which by this act is repealed, shall continue in full force and effect for the full period for which they were granted.

Repeal of former acts.

(30.) SEC. XVI. This act shall be in force from and after the first day of September, A. D. one thousand eight hundred and fifty-eight.

When to take effect.

CHAPTER 19.

BASTARD CHILDREN.

SECTION

1. When justice to issue warrant against person accused of being father of bastard.
2. Proceedings on return of warrant with accused in custody.
3. When justice may discharge accused.
4. When justice to bind over accused or commit him to jail, &c.
5. When cause shall be continued, and recognizance renewed.
6. Mother to be a witness; when father chargeable with maintenance of child.
7. The person convicted to give bond or be committed to jail.

SECTION

8. When and how person imprisoned may be discharged.
9. The mother may recover of prisoner after he is liberated.
10. When commissioners may prosecute proceedings commenced by mother.
11. When commissioners may apply to justice to inquire into case of bastardy.
12. Justice to examine female, and issue warrant.
13. Commissioners may compromise with putative father.

An Act to provide for the support of Bastard Children.

✓ [Chapter 22, Revised Statutes.]

(1.) SEC. I. On complaint being made to any justice of the peace, by any female who shall be delivered of a bastard child, or who shall be pregnant with a child, which, if born alive might be a bastard, accusing any person of being the father of such child, the justice shall take such complaint in writing, under the oath of such female, and shall thereupon issue his warrant against the person accused, directed to the sheriff or any constable of his county, commanding him forthwith to bring such accused person before the justice to answer such complaint.

When justice to issue warrant against person accused of being father of bastard.

(2.) SEC. II. On the return of such warrant, if the accused be in custody, or shall appear, the justice shall proceed to examine the complainant under oath, respecting the cause of the complaint; and such accused person shall be allowed to ask the complainant when under oath, any questions necessary for his justification or defense; and such questions and the answers, with every part of the proceeding, shall be reduced to writing by said justice.

Proceedings on return of warrant with accused in custody.

(3.) SEC. III. If such accused person shall pay, or secure to be paid to the female complaining, such sum or sums of money, or other property, as she may agree to receive in full satisfaction, and as shall be approved

When justice may discharge accused.

by the commissioners of the county; of which agreement and approval the justice shall make a memorandum upon his docket; and if the accused shall also enter into bonds with sufficient sureties to be approved by the justice, to the commissioners of the county in which such female shall reside, and their successors in office, conditioned to secure and indemnify such county from all charges, for the maintenance of such child, and shall also pay all expenses, if any incurred by such county, for the lying in, and support and attendance upon the mother of such child during her sickness, and the costs of prosecution; then the justice shall discharge such accused person.

When justice to bind over accused, or commit him to jail, &c.

(4.) SEC. IV. In case any person accused as aforesaid, does not comply with the provisions of the preceding section, the justice before whom the complaint shall be made, shall bind such person in a recognizance, with one or more sufficient sureties, to be approved by the justice, in a sum not less than one hundred dollars, nor more than five hundred dollars, to appear at the next term of the district court for the proper county, to answer the said complaint and abide the order of said court thereon; and on his neglect or refusal to find such security, the justice shall cause him to be committed to the jail of the county, there to be held to answer to such complaint at the next term of such court; and such justice shall thereupon certify the examination so taken before him, and shall return the same, and all process and papers in the case, to the clerk of said court.

When cause shall be continued, and recognizance renewed.

(5.) SEC. V. If, at the next term of said court, the complainant shall not have been delivered or shall not be able to attend, or if at any time there shall be any other sufficient reason therefor, the court may order a continuance of the cause from term to term, as shall be judged necessary; and upon such continuance, shall order the renewal of the recognizance, and when renewed, the same shall remain in full force until final judgment: *provided*, that if the sureties in the recognizance shall at any term of said court, object to being any longer held liable, or if the court shall, for any cause deem it proper, such court may order a new recognizance to be taken, and the defendant shall stand committed until he give such new recognizance.

Mother to be a witness.

(6.) SEC. VI. Upon the trial of the cause, the mother of the bastard shall be admitted as a witness, unless she shall have been convicted of a crime which would by law render her incompetent, as a witness in any other suit; and the issue shall be whether the accused is guilty or not guilty; and if he shall be found guilty, or if he shall admit the truth of the accusation, he shall be adjudged to be the father of such child, and shall stand chargeable with the maintenance thereof, in such sum or sums, or in such manner as the court may direct, and the payment of all the costs of prosecution; and the examination taken before the justice, shall in all cases be read to the jury, when the reading of the same shall be demanded by the accused.

When father chargeable with maintenance of child.

The person convicted to give bond or be committed to jail.

(7.) SEC. VII. The person so adjudged to be the father of such child, shall give bonds to the commissioners of the proper county, with sufficient sureties to the satisfaction of the court for the performance of such order, and also for the payment of all expenses incurred by such county, for lying in and attendance upon the mother of such child, during her sickness, and also for the care and support of such child prior to the giving of such bond; and in case he shall neglect or refuse to give such bond and pay the costs of prosecution, he shall be committed to the jail of the county, there to remain until he shall comply with the order of the court, or until he shall be discharged therefrom as provided by law.

When and how person imprisoned.

(8.) SEC. VIII. Any man who shall have been imprisoned ninety days, for having failed to comply with the orders of the district court, as

provided in this chapter, shall have the benefit of the law for the relief of prisoners committed on execution, issued on a judgment recovered in a civil action, provided he shall procure the like notification of his intention to take the oath prescribed by the said law, to be served on the complainant, if still living within this territory, and also upon the chairman of the said board of commissioners; such notification to be served at least fifteen days before the time appointed for taking the oath.

(9.) SEC. IX. The mother of such child, and the said board of commissioners respectively, may at any time after the liberation of such prisoner on taking said oath, recover by action any sum of money which ought to have been paid to them respectively by him, in pursuance of such order of the court.

(10.) SEC. X. When the mother of a bastard child commences any such proceedings, and fails to prosecute the same, the commissioners of the proper county, or any person interested in the support of such bastard, may prosecute the proceedings commenced by the mother, to final judgment.

(11.) SEC. XI. If any female shall be delivered of a bastard child, which shall be a public charge, or likely to become a public charge, or shall be pregnant of a child, likely to be born a bastard and to become a public charge, the board of commissioners of the county where such female shall reside, or any of them may, upon application for aid in supporting such child by the mother thereof, or if they deem proper without such application, apply to some justice of the peace of the same county to make inquiry into the facts and circumstances of the case.

(12.) SEC. XII. Such justice shall examine such female on oath respecting the father of such child, the time when, and the place where she was begotten with child, and such other circumstances as the justice may deem necessary for the discovery of the truth; and shall thereupon issue his warrant to apprehend the reputed father; and the same proceedings shall be thereupon had, as if complaint had been made by such female, as prescribed in the foregoing provisions of this chapter, and with the like effect; any warrant issued under the provisions of this chapter, may be executed in any part of this territory, and in all cases said commissioners and the accused may require the attendance of such female to testify, the same as witnesses in other cases.

(13.) SEC. XIII. The commissioners of any county in this territory, shall have power to make such compromise and arrangement with the putative father of any bastard child in such county, relative to the support of such child, as they shall deem equitable and just; and thereupon, may discharge such putative father from all liability for the support of such bastard.

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