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GENERAL STATUTES

OF THE

STATE OF MINNESOTA.

PREPARED BY THE COMMISSIONERS APPOINTED TO REVISE
THE STATUTES OF THE STATE, BY ACT OF THE
LEGISLATURE, PASSED FEBRUARY 17, 1863.

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4 by imprisonment in the state prison for a period not ex-
5 ceeding two years, and be fined not more than three hun-
6 dred dollars; and in all cases arising under this section, In-
7 dians shall be competent witnesses.

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Ex. Session of
1862—p. 55, Sect. 2.

1 SECT. 14. Sheriffs, constables and justices of the peace,
2 are, under penalty of forfeiting their respective offices, re-
3 quired to make complaint of such violations of the pro-
4 visions of the preceding section as may come to their knowl-
5 edge, and the judges of the several district courts are re-
6 quired to give the preceding section in special charge to the
7 grand juries of the several counties in their districts.

CHAPTER XVII.

BASTARDS.

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1 SECTION 1. On complaint being made to any justice of
2 the peace, by any female who is delivered of a bastard child,
3 or pregnant with a child, which, if born alive might be a
4 bastard, accusing any person of being the father of such
5 child, the justice shall take such complaint in writing, un-
6 der the oath of such female, and shall thereupon issue his
7 warrant against the person accused, directed to the sheriff
8 or any constable of his county, commanding him forthwith
9 to bring such accused person before the justice to answer
10 such complaint.

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C. S. p. 343, Sect. 1.

1 SECT. 2. The justice shall enter an action in his docket
2 in which the state of Minnesota is plaintiff, and the accused
3 is defendant, and shall make such other entries as are re-
4 quired in criminal actions. On the return of the warrant
5 with the accused, the justice shall proceed to examine un-
6 der oath the complainant, and such other witnesses as may
7 be produced by the parties respecting the complaint, and
8 such examination shall be reduced to writing by the justice.

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C. S. p. 343, Sect. 2.
Amended.

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1 SECT. 3. If such accused person pays or secures to be
2 paid to the female complaining, such sum of money, or
3 other property, as she may agree to receive in full satisfac-
4 tion, and as is approved by the commissioners of the coun-
5 ty, of which agreement and approval the justice shall make
6 a memorandum upon his docket, and shall also pay all ex-
7 penses, if any, incurred by such county, for the lying in,
8 and support and attendance upon the mother of such child
9 during her sickness, and the costs of prosecution, and shall

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C. S. p. 343, Sect. 3.
Amended.

10 also give bond with sufficient sureties to be approved by
 11 the justice, to the commissioners of the county in which
 12 such female resides, and their successors in office, condi-
 13 tioned to secure and indemnify such county from all charges,
 14 for the maintenance of the child born or that may be born,
 15 the justice shall discharge such accused person.

1 SECT. 4. In case any person accused as aforesaid, does
 2 not comply with the provisions of the preceding section,
 3 and there is probable cause for believing that he is guilty as
 4 charged in the complaint, the justice shall require such per-
 5 son to enter into a recognizance, with one or more sufficient
 6 sureties, to be approved by the justice, in a sum not less
 7 than one hundred dollars, nor more than five hundred dol-
 8 lars, to appear at the next term of the district court for the
 9 proper county, to answer the said complaint, and abide the
 10 order of said court thereon; and on his neglect or refusal
 11 to give such recognizance, the justice shall commit him to
 12 the jail of the county, there to be held to answer such com-
 13 plaint at the next term of such court; and such justice shall
 14 thereupon certify the examination so taken before him, and
 15 return the same, and all process and papers in the case, to
 16 the clerk of said court.

C. S. p. 344, Sect. 4.
Amended. c 19

1 SECT. 5. If, at the next term of said court, the com-
 2 plainant has not been delivered or is not able to attend, or
 3 if at any time there is any other sufficient reason therefor,
 4 the court may order a continuance of the cause, and such
 5 continuance shall operate to renew the recognizance, and
 6 the same shall remain in full force until final judgment;
 7 *provided*, that if the sureties in the recognizance shall at
 8 any term of said court, surrender the accused and request
 9 to be discharged from such recognizance, or if the court
 10 shall, for any cause, deem it proper, such court may order
 11 a new recognizance to be taken, and commit the defendant
 12 until he give such new recognizance.

C. S. p. 344, Sect. 5.
Amended. c 19

1 SECT. 6. Upon the trial of the action the issue shall be
 2 whether the accused is guilty or not guilty; and if he is
 3 found guilty, or if he admits the truth of the accusation,
 4 he shall be adjudged to be the father of such child, and be
 5 charged with the maintenance thereof, in such sum or in
 6 such manner as the court may direct, together with the costs
 7 of prosecution; and the examination taken before the jus-
 8 tice shall in all cases be read to the jury, when the reading
 9 of the same is demanded by the accused.

C. S. p. 344, Sect. 6.
Amended. c 19

1 SECT. 7. The person so adjudged to be the father of such
 2 child, shall give bonds to the commissioners of the proper
 3 county, with sufficient sureties, to be approved by the court,

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C. S. p. 344, Sect. 7.

4 for the performance of such judgment and order, and also
5 for the payment of all expenses incurred by the county, for
6 lying in, support of, and attendance upon the mother of
7 such child during her sickness, and also for the care and
8 support of such child prior to the giving of such bond; and
9 in case he neglects or refuses to give such bond and pay
10 the costs of prosecution, he shall be committed to the jail
11 of the county, there to remain until he complies with the
12 order of the court, or is discharged therefrom as provided
13 by law.

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C. S. p. 344, Sect. 8.
Amended.

1 SECT. 8. Any person who has been imprisoned ninety
2 days for having failed to comply with the judgment and or-
3 der of the district court as provided in this chapter, may
4 apply to said court or the judge thereof, by petition, setting
5 forth his inability to comply with such judgment and order,
6 and praying to be discharged from imprisonment, and shall
7 attach thereto a schedule of all his property, money and ef-
8 fects, whether exempt from execution, or otherwise, veri-
9 fied by his affidavit, and thereupon said court, or judge,
10 shall appoint a time and place of hearing said application,
11 of which the petitioner shall give at least fifteen days' no-
12 tice to the complainant, and the board of county commis-
13 sioners of the county interested.

New.

1 SECT. 9. At the time and place of hearing said applica-
2 tion the petitioner shall be examined on oath as to the facts
3 set forth in his petition, and his ability to comply with said
4 judgment and order, and any other legal evidence may be
5 produced by the petitioner, complainant or commissioners.

New.

1 SECT. 10. If upon such hearing it appears that the pe-
2 titioner is unable to comply with said judgment and order,
3 the court or judge may direct his discharge from custody,
4 upon his taking an oath that he has not in his own name
5 any estate real or personal and has not any such estate con-
6 veyed or concealed, or in any manner disposed of, with de-
7 sign to secure the same to his use, or to avoid in any man-
8 ner compliance with said judgment and order.

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C. S. p. 345, Sect. 9.

1 SECT. 11. The mother of such child, and the said board
2 of commissioners respectively, may at any time after the
3 discharge of such prisoner, recover by action any sum of
4 money which ought to have been paid to them respectively
5 by him, in pursuance of such judgment and order of the
6 court.

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C. S. p. 345, Sect. 10.

1 SECT. 12. When said mother commences any such ac-
2 tion, and fails to prosecute the same, the commissioners of
3 the proper county, or any person interested in the support
4 of such bastard, may prosecute the same to final judgment.

1 SECT. 13. If any female is delivered of a bastard
 2 child, which is a public charge, or likely to become a pub- C. S. p. 345, Sect. 11. c 19
 3 lic charge, or is pregnant of a child, likely to be born a
 4 bastard and to become a public charge, the board of com-
 5 missioners of the county where such female resides, or
 6 any of them, may, upon application for aid in supporting
 7 such child by the mother thereof, or if they deem proper
 8 without such application, apply to some justice of the peace
 9 of the same county to make inquiry into the facts and cir-
 10 cumstances of the case.

1 SECT. 14. The justice shall examine such female on
 2 oath respecting the father of such child, the time when, and
 3 the place where said child was begotten, and such other C. S. p. 345, Sect. 12. c 19
 4 circumstances as the justice deems necessary for the discov-
 5 ery of the truth; and shall thereupon issue his warrant to
 6 apprehend the reputed father; and the same proceedings
 7 shall be thereupon had, as if complaint had been made by
 8 such female, as prescribed in the foregoing provisions of this
 9 chapter, and with the like effect; any warrant issued under
 10 the provisions of this chapter, may be executed in any part
 11 of this state; and in all cases said commissioners and the
 12 accused may require the attendance of such female to testi-
 13 fy, the same as witnesses in other cases.

1 SECT. 15. The county commissioners before judgment
 2 in any case under this chapter, may make such compromise C. S. p. 345, Sect. 13. c 19
 3 and arrangement with the putative father of any bastard
 4 child in such county, relative to the support of such child,
 5 as they deem equitable and just; and thereupon may dis-
 6 charge such putative father from all liability for the sup-
 7 port of such bastard.

CHAPTER XVIII.

PARTITION FENCES.

1 SECTION 1. All fences four and a half feet high and in
 2 good repair, consisting of rails, timber, boards, or stone C. S. p. 223, Sect. 234. c 8
 3 walls, or any combination thereof, and all brooks, rivers,
 4 ponds, creeks, ditches, and hedges, or other things which
 5 shall be equivalent thereto, in the judgment of the fence
 6 viewers, within whose jurisdiction the same may be, shall
 7 be deemed legal and sufficient fences.

1 SECT. 2. The respective occupants of lands, inclosed