

Section 15. **Change in assessment and population not to affect status.**—When a village has once come under the provisions of this Act, it shall continue under its provisions notwithstanding any subsequent change in assessed valuation or population.

Section 16. **Provisions severable.**—If any provision hereof is found unconstitutional, such determination shall not affect the validity of the remaining provisions not clearly dependent thereon.

Approved April 22, 1937.

CHAPTER 357—H. F. No. 1194

An act authorizing cities of the first class to pay claims for personal injuries and property damage in certain cases.

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

Section 1. **Cities of first class may pay damages for personal injuries and property damages in certain cases.**—That where heretofore, that is to say, on or about January 27, 1937, any person who has received personal injuries or damage to a motor vehicle resulting from the act or acts of any officer, agent, or employe of the engineering department of any city, as the result of the act or acts of any such officer, agent or employe, while said officer, agent, or employe was engaged in operating a motor vehicle, in the performance of his duties, the governing body of such city of the first class, now existing under Article 4, Section 36, of the Constitution of the State of Minnesota, is hereby authorized and empowered, notwithstanding anything to the contrary in the home rule charter of such city, to pay any reasonable claims arising by reason of such injuries or damage received, provided, however, that such claims are presented to said city prior to July 1, 1937.

Section 2. That this act shall be in force from and after its passage.

Approved April 22, 1937.

CHAPTER 358—S. F. No. 1448

An act providing for the payment to the State of Minnesota of all deposits, funds, or property of any kind with any banking institution in the State of Minnesota which have been abandoned.

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

Section 1. Certain deposits assumed to be abandoned.—Whenever any person who shall have on deposit or otherwise with any banking institution any fund, funds or property of any kind, and shall not have dealt therewith for a period of twenty years by adding to or withdrawing therefrom, or in any other manner, and shall not have asserted any claim to such fund, funds or property for such period, shall be presumed to have abandoned the same.

Section 2. Banks to notify attorney general.—(a) It shall be the duty of every banking institution which holds on deposit or otherwise any such fund, funds or property of any kind, known by such banking institution to have been abandoned, as above set forth, to inform the Attorney General of such fact within thirty days after it becomes known to such banking institution.

(b) The cashier or managing officer of every banking institution shall, within thirty days after the first of January, annually return to the Secretary of State a sworn statement in duplicate showing the names of persons who have left on deposit or otherwise any fund, funds or property of the value of ten dollars (\$10.00), or more, and have abandoned the same as above set forth unless such person is known to such officer to be living. Such statement shall show the amount of such deposit, including interest, or the value and nature of such property, and the depositor's or owner's last known place of residence or business. Such subscribing officer shall certify that said report is a complete and correct statement of such unclaimed funds and property to the best of his knowledge, after diligent inquiry. The duplicate copy of such report shall be delivered by the Secretary of State to the Attorney General immediately upon its receipt.

(c) The cashier or managing officer of every banking institution shall, within thirty days after the first day of January, every five years commencing January 1, 1938, return to the Secretary of State, a sworn statement showing the names of persons who have left on deposit or otherwise any fund, funds or property of the value of ten dollars (\$10.00), or more, and have not dealt with respect thereto for a period of ten years by adding to or withdrawing therefrom, or asserting any claim to such fund, funds or property for such period. Such statement shall show the amount of such deposit, including interest, or the value and nature of such property, and the depositor's or owner's last known place of residence or business; such subscribing officer shall certify that said report is a complete and correct statement of all such unclaimed funds and property to the best of his knowledge, after diligent inquiry.

(d) The Secretary of State shall have the aforementioned reports permanently bound with an alphabetical index of the depositors, or owners, with an appropriate reference to the bound reports, and such bound reports and index shall be open to public inspection.

(e) A copy of the reports required by paragraphs (c) and (b), together with a notice directed to whom it may concern, stating that such deposits or property have been unclaimed for a period of ten or twenty years, as the case may be, and requesting all persons having knowledge or information relative to the whereabouts of such depositors or other possible claimants to give such information to the subscribing officer, shall be displayed in a prominent place in such bank for a period of thirty days from the date of the filing of such report.

Section 3. Funds to be turned over to the State of Minnesota. notice.—(a) If, upon investigation, the Attorney General shall conclude or have reason to believe that any fund, funds or other property have been abandoned as above set forth, he shall institute proper proceedings under the provisions of this act, to have such funds or property turned over to the Treasurer of the State of Minnesota by filing a petition under oath in the name of the State of Minnesota in the District Court of Ramsey County, stating the name and last known place of residence or business of the depositor or owner of such funds or property and that the owner or depositor has abandoned the same, and the names and residence of other persons whether members of such depositor's or owner's family or otherwise of whom inquiry may be made, whether or not such owner or depositor is a citizen of the United States, and if not, of what country he is a citizen or native and containing a schedule of the amount of such deposit including interest or the value and nature of such property, and praying that such property may be taken possession of by the Treasurer of the State of Minnesota.

(b) The court may thereupon issue a warrant directed to the sheriff or his deputy, which may run throughout the state, commanding him to take possession of the deposit including interest or such other property as it may be, and hold it subject to the Order of the Court and make return of said warrant as soon as may be with his doings thereon with a statement of the amount of such deposit including interest or a schedule of the property so taken. He shall receive such fees for serving the warrant as the court allows, but not more than those established by law for similar service upon a writ of attachment.

(c) Upon the return of such warrant, the court may issue a notice reciting the substance of the petition, warrant and officer's return, which shall be addressed to such depositor or owner and the banking institution having such deposit or other property, and to

all persons who claim an interest in said deposit or property, and to all whom it may concern, citing them to appear at a time and place named and show cause why such deposit or property named in the return of the sheriff should not be paid to the Treasurer of the State of Minnesota, and shall serve a copy of such notice upon each person named in said petition in the same manner as provided for the service of summons in a civil action at least thirty days before the return day of said notice.

(d) The return day of said notice shall be not less than thirty nor more than sixty days after its date. The court shall order said notice to be published once in each of three successive weeks in one or more newspapers within the county wherein such banking institution is located and to be posted in a prominent place in such banking institution and in the event the banking institution has been or is being liquidated that the notice be posted in three public places within the county in which said bank was located, and a copy to be mailed to the last known address of such depositor or owner. In all cases where such depositor or owner is not a citizen of the United States, then a copy of such notice shall be ordered by the court to be served within said time by mail on the consular representative of the foreign country of which said depositor or owner is a citizen, if there be one in this state, otherwise on the Secretary of State, who shall forward the same to the chief diplomatic representatives of such country at Washington. The court may order other and further notice to be given within or without the state.

(e) The owner or depositor and the banking institution having such deposit or other property or any person who claims an interest in the deposit or any of the property may appear and show cause why the prayer of the petition should not be granted. The court may after hearing dismiss the petition and order the deposit or property in possession of the officer to be returned to the person entitled thereto, or in case it finds there is no person entitled thereto it shall find that the same has been abandoned and order the deposit or the property or the percentage thereof remaining after liquidation turned over to the Treasurer of the State of Minnesota. If the court orders the deposit turned over to the State of Minnesota the same shall be credited to the General Revenue Fund or if other property, the Treasurer shall sell the same at the best price obtainable, and such fund or the proceeds of the property sold by the Treasurer may be used as other revenue deposited to the General Revenue Fund of the state.

Section 4. Owners may reclaim deposits.—If at any time after such deposit or property has been turned over to the State Treasurer the depositor or owner of such property appears, or an administrator, executor, assignee in insolvency or trustee in bankruptcy of

said depositor or owner is appointed, such depositor or owner, administrators, executor, assignee or trustee may apply to the court in which said petition was heard to determine whether such petitioner is entitled to such deposit or property and the court shall thereupon make such determination and if the court determines that the petitioner is entitled to said deposit or property the court shall make an order for the payment of such money or the proceeds of the property sold as the case may be to the petitioner. In case there is no funds in the State Treasury out of which said payment can be made, the State Treasurer shall so notify the State Auditor and it shall be the duty of the State Auditor of the state to recommend an appropriation in writing by the state legislature, if in session, or, if not in session then to the next legislature, for the repayment or reimbursement of said money to the person found entitled thereto by said court. The petitioner shall serve a copy of his petition for the determination of the ownership of said funds upon the Attorney General of the state at least twenty days before the date of hearing on said petition and the Attorney General shall appear at said hearing in behalf of the state.

Section 5. Violations of act.—Any banking institution which shall violate any of the provisions of this act shall forfeit to the state interest in the amount of 15% per annum upon all such deposits in the custody of said institution as come within this act. This section shall not apply to banking institutions which have been or are being liquidated.

Section 6. Definitions.—“Person” as used in this act shall include partnerships, associations and corporations, as well as a natural person, and the term “banking institution” as used in this act shall include every state bank, national bank, trust company and other banking institution within this state, including institutions that have been or are being liquidated. “Managing Officer” as used in this act shall include in the case of a banking institution in the process of liquidation the person acting as its agent, receiver, conservator or liquidator, and in the case of a banking institution the liquidation of which has been completed the commissioner of banks of the state of Minnesota in the case of state institutions and the comptroller of the currency of the United States in the case of federal institutions.

Section 7. Provisions severable.—If any provision hereof is found unconstitutional, such determination shall not affect the validity of the remaining provisions not clearly dependent thereon.

Approved April 22, 1937.