1940 Supplement

To

Mason’s Minnesota Statutes

1927

(1927 to 1940)

(Superseding Mason’s 1931, 1934, 1936 and 1938 Supplements)

Containing the text of the acts of the 1929, 1931, 1933, 1935, 1937 and 1939 General Sessions, and the 1933-34, 1935-36, 1936 and 1937 Special Sessions of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state and federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota together with digest of all common law decisions.

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tributions or interest thereof shall make application for an adjustment thereof in connection with subsequent contribution payments, or for a refund therefrom because such adjustment cannot be made, and the commission shall determine that such contributions or interest or any portion thereof was erroneously collected, the commission shall allow such employer to make an adjustment thereof, without interest, in connection with subsequent contribution payments by him, or If such just adjustment cannot be made, the commission shall refund said amount without interest, from the fund. For like cause and within the same period, an adjustment or refund may be made on the commission's own initiative. (Act Dec. 24, 1936, Ex. Ses., c. 2, §14.)

4337-35. Protection of rights and benefits—A. Waiver of rights void.—No agreement by an individual to waive release or commute his rights to benefits or any other rights under this Act shall be valid. No agreement by any individual in the employment of any person or concern to pay all or any portion of an employer's contributions, required under this Act from such employer, shall be valid. No employer shall directly or indirectly make or require or accept any deduction from wages to finance the employer's contributions required from him, or require or accept any waiver of any right hereunder by any individual in his employ.

B. No assignment of benefits—Exemptions.—No assignment, pledge, or encumbrance of any right to benefits which are or may become due or payable under this Act shall be valid; and such rights to benefits shall be exempt from levy, execution, attachment, or any other remedy whatsoever provided for the collection of debt; and benefits received by any individual, so long as they are not mingled with other funds of the recipient, shall be exempt from any remedy whatsoever for the collection of all debts except debts incurred for necessities furnished to such individual or his spouse or dependents during the time when such individual was unemployed. No waiver of any exemption provided for in this subsection shall be valid. (Act Dec. 24, 1936, Ex. Ses., c. 2, §15.)

4337-36. Penalties.—A. Whoever violates any of the provisions of this Act shall be guilty of a misdemeanor and shall be punished by a fine of not more than $100.00 or by imprisonment of not longer than 90 days. (b) Any person who wilfully makes a false statement of representation to obtain any benefit or payment under the provisions of this Act either for himself or another person or to cause or attempt to cause a lesser contribution to be paid to the fund, or any person who wilfully refuses to pay a contribution to the fund shall be guilty of a misdemeanor and punished by a fine of not more than $100.00 or by imprisonment of not longer than 90 days. (Act Dec. 24, 1936, Ex. Ses., c. 2, §16.)

4337-37. Representation in court.—In any civil action to enforce the provisions of this Act the commission and the State may be represented by any qualified attorney who is a regular salaried employee of the commission and is designated by it for this purpose or at the commission's request by the Attorney General; an aggrieved employee shall be entitled to appear before any court by himself or with a licensed attorney. (Act Dec. 24, 1936, Ex. Ses., c. 2, §17.)

4337-38. Nonliability of state.—Benefits shall be deemed to be due and payable under this Act only to the extent provided in this Act and to the extent that moneys are available therefor to the credit of the unemployment compensation fund and neither the State nor the commission shall be liable for any amount in excess of such sum. (Act Dec. 24, 1936, Ex. Ses., c. 2, §18.)

4337-39. Saving clause.—The legislature reserves the right to amend or repeal all or any part of this Act at any time; and there shall be no vested private right of any kind against such amendment or repeal. All the rights, privileges, or immunities conferred by this Act or by acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal this Act at any time. If for any reason the excise tax on wages provided for in Title IX of the Social Security Act is held to be invalid by the Supreme Court of the United States or the contributions imposed under this Act are held to be invalid by a court of last resort, or in case the Social Security Act is repealed, no further contributions shall be collected under this Act, and no further benefits paid, and any moneys in the unemployment compensation fund shall be held in a separate account by the Treasurer of the State of Minnesota pending the disposition thereof as may be provided by law. The contributions imposed under this Act shall not be collected for the calendar year 1936, if this Act is not approved by the Social Security Board and the State of Minnesota certifies to the Secretary of the Treasury, as provided in Section 903 of the Social Security Act, previous to January 1, 1937. (Act Dec. 24, 1936, Ex. Ses., c. 2, §19.)

4337-40. Separability of provisions.—If any provision of this Act, or the application thereof to any person or circumstances is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances shall not be affected thereby, and if this Act should be held invalid in any of its provisions which differ from the Federal Social Security Act then, and in that event, the provisions of the Federal Social Security Act shall be read into and become a part of the provisions of this Act. (Act Dec. 24, 1936, Ex. Ses., c. 2, §20.)

4337-41. Short title.—This Act shall be known and may be cited as the "Minnesota Unemployment Compensation Law." (Act Dec. 24, 1936, Ex. Ses., c. 2, §21.)

4337-42. Effective date.—This Act shall take effect and be in force from and after its passage. (Act Dec. 24, 1936, Ex. Ses., c. 2, §22.)

CHAPTER 24

Soldiers' Home, Relief, Etc.

4344. Soldiers' Home—Who may be admitted.—The Minnesota Soldiers' Home shall be maintained at Minneapolis, under the management of seven Trustees, one of whom shall be a woman, to be known as the "Soldiers' Home Board," as a home for honorably discharged soldiers, sailors and marines of the United States who served in the Mexican War, the War of the Rebellion, the Spanish-American War, or the Philippine Insurrection, or the Boxer Rebellion, or members of the Minnesota National Guard mustered into Federal Service in 1916, and served on the Mexican border, or the war of 1917 and 1918 commonly called the "World War," and for persons who actually served in any campaign against the Indians in this state in the year 1862, whether as soldiers of the United States or not. But no person shall be admitted to the Home who has not been a resident of the state for three years next preceding the date of his
application, unless he served in a Minnesota regiment, or was credited to the state, or served in the Indian Campaign as aforesaid. Nor shall any person be admitted unless he served without adequate means of support, and is unable, by reason of wounds, disease, old age or infirmity to properly maintain himself.

(F. L. '05, §1835; G. S. '13, §3953; Apr. 16, 1931, c. 176.)


4345. Persons who may be admitted to the soldiers' home.—The object of the soldiers' home shall be to provide a home for all honorably discharged ex-soldiers, sailors and marines who served in the army or navy of the United States during the War of the Rebellion, or the Mexican War, or in the war begun in the year 1898 between the Kingdom of Spain and the United States in the war begun in the year 1898 between the Kingdom of Spain and the United States or the Philippine Insurrection, or the Boxer Rebellion, or members of the Minnesota National Guard mustered into Federal service in 1916 and served on the Mexican Border, or the war of 1917 and 1918 commonly called "The World War", who now are or may hereafter become citizens of the State of Minnesota. All persons who are otherwise entitled under the provisions of this act, and who have no adequate means of support, and is unable, by reason of wounds, disease, old age or infirmity to properly maintain himself, shall be admitted unless he is without adequate means of support, and is unable, by reason of wounds, disease, old age or infirmity to properly maintain himself.

(R. L. '05, §1835; G. S. '13, §3953; Apr. 16, 1931, c. 176.)


Nor shall any person be admitted unless he served without adequate means of support, and is unable, by reason of wounds, disease, old age or infirmity to properly maintain himself.

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(R. L. '05, §1835; G. S. '13, §3953; Apr. 16, 1931, c. 176.)


Majority of members of board present at regular or special meetings may amend or repeal rules and by-laws. Op. Atty. Gen. (394k), Aug. 9, 1937.

4351. Meetings—executive committee.

4352. Officers and employees.
Executive committee is not necessary, and state cannot pay premium on such a bond, though a bond may be voluntarily given. Op. Atty. Gen. (394b), Nov. 5, 1937.

4355. Relief fund, how used.
A widow of a war veteran, to be entitled to relief, must show that her soldier, if living, would have been entitled to relief, but such claim is not required of her to be eligible to admission and need not possess any income from other sources. Sec. 4345, Op. Atty. Gen. (394r), May 27, 1938.

4356. County agents.
Persons appointed to look up or investigate special relief in several counties are not entitled to compensation. Op. Atty. Gen. (394t), Nov. 12, 1938.

4360. Inmates to retain pension.

4365. Soldiers' Home relief extended.—In addition to the persons to whom the Soldiers' Home Board is now authorized to extend relief outside the Minnesota Soldiers' Home, the soldiers' relief fund, the board is hereby authorized to extend relief, outside the home, to the widow, deserted wife or any minor child under fourteen years of age of any honorably discharged soldier, ex-service-man or ex-sailor who served in the army or navy of the United States during the War of the Rebellion, War with Spain, Philippine Insurrection, China Relief Expedition, or World War, provided such child, if living, is under state law and only under state law, entitled to exemption of hawking or peddling goods not prohibited by law or ordinance outside corporate limits of municipalities and which business constitutes or is a part of hawking or peddling goods not prohibited by law or ordinance outside corporate limits of municipalities, and that such business is conducted within corporate limits of municipalities and only within corporate limits of municipalities. Op. Atty. Gen. (394f), May 23, 1939.

4368. Preference to war veterans in public appointments.—That in every public department and upon all public works in the state of Minnesota and the counties, cities and towns thereof, honorably discharged soldiers, sailors and marines, from the army, navy or marine corps of the United States in the Civil War, Spanish-American War, Philippine Insurrection, China Relief Expedition, or World War, wherein the United States of America and the allied nations of England, France, etc., were engaged in war against the Imperial German Government and its allies who are citizens and have been residents of the state of Minnesota five years immediately preceding their application, or enlisted from the State of Minnesota, shall be entitled to preference in appointments, employment and promotion over other applicants therefor, and the persons thus preferred shall not be disqualified from holding any position heretofore, or hereafter, or any position, or any office of the state of Minnesota, or any other public office of the United States, by reason of any physical disability, provided such age and disability does not render him incompetent to perform properly the duties of the position applied for and when such soldier, sailor or marine to such position, and if he is a man of good moral character, and can perform the duties of such position, or when he is preferred by him, as hereinbefore provided, said officer, board or person whose duty it is, or may be, to appoint or employ such person to fill such position or place, shall before appointing or employing anyone to fill such position or place, make an investigation as to the qualifications of said soldier, sailor or marine for such place or position, and if he is a man of good moral character, and can perform the duties of such position, or when he is preferred by him, as hereinbefore provided, said officer, board or person shall appoint said soldier, sailor or marine to such position or place of employment.

4369. Exemption from license fee—Veterans, etc.—No license fee or other charge provided by any law of the State of Minnesota shall be required of any honorably discharged soldier, sailor or marine who served in the United States in the Civil War, in the Spanish-American War, in the Philippine Rebellion or in the Boxer uprising, or in the recent war against the German Empire and its allies, for the privilege of hawking or peddling goods and merchandise, not prohibited by law or ordinance, outside of Minnesota. Where a veteran conducting a general merchandise business employs another veteran to peddle from house to house, veteran sailor or marine or his employee, though a veteran, must purchase license. Op. Atty. Gen. (399j), Dec. 7, 1935.
Where civil service rules required appointment to be made from three highest on eligible list, one within preference act, but not one of the three, was not entitled to appointment.

This act does not prescribe or require formal notice to employees in making appointment or promotion. If former object of preferential right is absent from work, it may be filled by another person, even temporarily, and it operated as an amendment to the Soldiers' Preference Act and applies to all appointments by boards of managers, boards of county commissioners, and other boards.

The word "towne" includes villages. 173M4650, 217NW 681.

It is only when there is a failure on the part of the council to act or a manifest by arbitrary action on its part that a court may intervene. 178M247, 226NW441.

City clerk held by plaintiff prior to Jan. 5, 1932, was not one of the three highest on eligible list, but not entitled to appointment.


Clerk of municipal court does not come within provisions of Soldiers' Preference Act.

Does not apply to school districts. Holmquist v. I., 180M5436, 239NW670. See Dun. Dig. 7986.

Seniority rule applies to qualified non-veteran employees and their positions may not be vacated for purpose of permitting initial appointment of qualified soldier applicants who are not in employ of state, under mute system proposed to be established.

Act has no application to school district or appointment of janitor. Os. Atty. Gen. (85f), Sept. 22, 1935.

Veteran must be appointed if he possesses required degree of fitness, even though his non-veteran competitor was of higher rating or grade. Os. Atty. Gen. (618a), Aug. 4, 1937.

Similarity rule applies to qualified non-veteran employees and their positions may not be vacated for purpose of permitting initial appointment of qualified soldier applicants who are not in employ of state, under mute system proposed to be established.

Act has no application to school district or appointment of janitor. Os. Atty. Gen. (85f), Sept. 22, 1935.

Manager of municipal liquor store retained on an act of legislature at a monthly salary lower than to which he was entitled. Os. Atty. Gen. (85f), Dec. 22, 1935.

Act does not give a service man right to remain in employment as against a competent employee, in same grade of service, who is senior to the service man, where for lack of funds employment of one of them must necessarily be terminated. State v. Peterson, 194M560, 259NW464.

Position of municipal court officer is subject to soldiers' preference law. 194M4, 206NW225. See Dun. Dig. 6560.

Title 933 applies to program of census.

Veterans preference law is applicable to any regularly enlisted or commissioned member of the army or navy of the United States. Os. Atty. Gen., Jan. 21, 1932.

Veterans preference law is applicable to any regularly enlisted or commissioned member of the army corps during the late World War. Os. Atty. Gen., Jan. 21, 1932.

Veteran is entitled to preference to a city position only when he appears as one of the eligibles. Os. Atty. Gen., Aug. 26, 1932.

Honorable discharge from the national guard does not give preference as honorably discharged soldier from army of United States. Os. Atty. Gen., Feb. 1, 1933.


A court may not grant a bill of mandamus to remedy the wrong. No person holding a position by appointment or employment in the state of Minnesota or in the several counties, cities or any town thereof, is entitled to be reemployed into the service of the state, or any county, city, town or other local government, when for lack of funds employment of one of them is terminated. Statutes of 1933, c. 67. State v. Walleen, 185M329, 241NW318. See Dun. Dig. 7986.


Facts of former judgment determining incompetency granted only as to conditions existing at that time, and if, in opinion of appointing power, with knowledge of apparent fact and circumstances then, without benefit of present and another investigation should be made. Os. Atty. Gen. (85d), June 9, 1935.

Act does not give a service man right to remain in employment as against a competent employee, in same grade of service, who is senior to the service man, where for lack of funds employment of one of them must necessarily be terminated. State v. Peterson, 194M560, 259NW464.

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Soldiers' preference acts are not controlling in respect of the employment of firemen. State v. Fisher, 185M49, 239NW670. See Dun. Dig. 7986.

It is only when there is a failure on the part of the council to act or a manifest by arbitrary action on its part that a court may intervene. 178M247, 226NW441.

Does not apply to school districts. Holmquist v. I., 180M5436, 239NW670. See Dun. Dig. 7986.

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It is only when there is a failure on the part of the council to act or a manifest by arbitrary action on its part that a court may intervene. 178M247, 226NW441.

Manager of municipal liquor store retained on an act of legislature at a monthly salary lower than to which he was entitled. Os. Atty. Gen. (85f), Dec. 22, 1935.

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Act has no application to school district or appointment of janitor. Os. Atty. Gen. (85f), Sept. 22, 1935.

Manager of municipal liquor store retained on an act of legislature at a monthly salary lower than to which he was entitled. Os. Atty. Gen. (85f), Dec. 22, 1935.
Civil service rules attempting to make rule of relative efficiency a test in without effect to extent that it runs counter to this law. Id.

City board of adjustment of district court affirming county board, finding discharged veteran incompetent. Supreme court is limited to a determination of whether the evidence received on both hearings in arriving at its findings. State v. Eklund. 196 M 216, 264 NW 682. See Dun. Dig. 6560, 7888.

Where evidence was heard by county board on two hearings in the case of roads and highways, it does not weigh evidence or pass upon credibility of witnesses. Ekland, 196 M 216, 264 NW 682. See Dun. Dig. 6560, 7888.

Evidence held sufficient to sustain findings that plaintiff was not qualified by ability, judgment, or experience to fill position of road maintenance department of St. Louis County. Id.

Where city police service commission classified all police employees of city, and classification made is alleged to be erroneous, and in violation of soldiers' preference acts, remedy is certain to review the classification made and not mandamus to compel a reclassification. State v. Ernest, 197 M 599, 268 NW 208. See Dun. Dig. 6540.

Veteran acting as part time foreman who got possession with idea because he was a private soldier: he had right to work full time to exclusion of another foreman and keep on coming to work contrary to orders of his superiors when it was other foreman's turn to oversee crew was properly dismissed for insubordination and disobedience. State v. Twigg, 203 M 74, 270 NW 828. See Dun. Dig. 6560, 6504, 7898.

Burden of proof is upon one making charges against veteran. Id.


Soldier who was entitled to work full time to exclusion of another veteran, holding position of road overseer, and replace him with another veteran when his turn to oversee crew was properly dismissed for insubordination and disobedience. Op. Atty. Gen., Mar. 13, 1933.


In suit of city, on its right to make full employment of veterans, depends upon whether departments in which they are employed are continued or discontinued under the new city charter. Op. Atty. Gen., Aug. 17, 1933.

Whether secretary of Itasca County Poor and Hospital Commission who is an ex-service man may be removed "except for incompetency and misconduct" shown after a hearing on charges depends upon details of work performed by him, and he cannot be removed without a hearing unless it can be said that he is a private secretary of the board, or unless he occupies a strictly confidential relation to such board. Op. Atty. Gen., June 27, 1933.


Confidential relationship held not to exist between commissioner of securities and auditor and examiner respectively. Op. Atty. Gen. (91), March 27, 1933.

Where town board during year 1933-34 employed veteran as road overseer, and also employed him for the year 1931-32, town board at expiration of term of overseer could not employ a discharged soldier for ensuing year without preferring charges against veteran. Op. Atty. Gen. (85m), May 11, 1933.


This act is not retroactive and does not affect a case where the facts arose prior to its enactment. State v. MacDonald, 185 M 194, 240 NW 361. See Dun. Dig. 6560, 6504, 7888.

This act is constitutional. State v. McDonald, 185 M 194, 240 NW 361. See Dun. Dig. 6560, 6504, 7888.

The purpose of Laws 1931, c. 347, was to make operative §§4368, 4359, and it operated as an amendment to Laws 1930, c. 57, id.

Veteran taking examination under Laws 1929, c. 57 (Mason's 1931 Supp., §§1933-23 et seq.), was entitled to preference under this act, which took effect prior to determination of result of examination. Id. See Dun. Dig. 6560.


Soldier who had right to work full time to exclusion of another foreman and keep on coming to work contrary to orders of his superiors when it was other foreman's turn to oversee crew was properly dismissed for insubordination and disobedience. Op. Atty. Gen., Aug. 17, 1933.

Any provision of Mason's Minnesota Statutes of 1927, sections 4368 and 4369, or any act amendatory thereof, unless and except only so far as expressly provided in such subsequent act that the provisions of said sections or any act amendatory thereof shall be superseded, modified, amended or repealed. Every city charter provision hereafter adopted which is inconsistent with or with any provision of said sections or any act of amendatory shall be void to the extent of such inconsistency. (Act Apr. 26, 1931, c. 347, §2.)


4368-2. Applications of act.—No provision of any subsequent act relating to any such appointment, employment, promotion, or removal shall be construed to be inconsistent herewith or with any provision of the Soldiers' Preference Law in village to retain their positions in retirement under state retirement fund act. Op. Atty. Gen., Aug. 17, 1933.

This act is constitutional. State v. McDonald, 185 M 194, 240 NW 361. See Dun. Dig. 6560, 6504, 7888.

This act is not retroactive and does not affect a case where the facts arose prior to its enactment. State v. MacDonald, 185 M 194, 240 NW 361. See Dun. Dig. 6560, 6504, 7888.

The purpose of Laws 1931, c. 347, was to make operative §§4368, 4359, and it operated as an amendment to Laws 1930, c. 57, id.

Veteran taking examination under Laws 1929, c. 57 (Mason's 1931 Supp., §§1933-23 et seq.), was entitled to preference under this act, which took effect prior to determination of result of examination. Id. See Dun. Dig. 6560.

§4371. Headstones.—The adjutant general shall cause to be placed a headstone at the grave of every such person, bearing his name, and if ascertainable, the date of his birth and death, and the designation of the organization to which he belonged or in which he served. The cost of such headstone shall not exceed five dollars. When such headstone has been furnished and erected, the adjutant general shall issue a warrant for the amount. The sum of twenty-five dollars is hereby appropriated annually for the defraying of such expenses. (R. L. '05, §1851; G. S. '13, §3979; 25, c. 418; Apr. 25, 1931, c. 363, §2.)

4372. Expense.—The expense of such interments, of headstones not furnished by the federal government, and of base stones shall be borne by the state. The person in charge of the interment shall report all expenditures, with vouchers approved by the adjutant general, and the state auditor shall issue his warrant for the amount. The sum of twenty-five hundred dollars is hereby appropriated annually for the defraying of such expenses. (R. L. '05, §1852; G. S. '13, §3980; Apr. 25, 1931, c. 363, §3.)

4373. May provide markers.—That the adjutant general shall upon the petition of any five reputable freeholders of any township or municipality, or of any patriotic or ex-service men's organization procure and furnish suitable markers to the grave of such soldier, sailor, marine or nurse who served with honor in the forces of the United States and who is buried within the limits of the state, to be placed upon the grave of such soldier, sailor, marine or nurse for the purpose of permanently marking and designating said grave for memorial purposes. (09, c. 299, §1; G. S. '13, §3981; Apr. 25, 1931, c. 363, §4.)

Law 1931, c. 363, §4, purports in its body to amend this section, but the section is not included in the title.

4374. Petitions to state names.—That in all petitions to the adjutant general the petitioners shall state in said petition the names of soldiers buried and the number of such graves in their said township or municipality at the time of petitioning. (09, c. 299, §2; G. S. '13, §3982; Apr. 25, 1931, c. 363, §5.)

4381-2. State to provide office building for veteran organization.—The governor of this State shall set apart a suitable office building in the State Capitol for the state office building, filming of each of the following veteran organizations: the Grand Army of the Republic, the United Spanish War Veterans, the Veterans of Foreign Wars of the United States, and the Disabled American Veterans of the World War, incorporated, or any organization, incorporated or organized under the laws of the State of Minnesota. Such building shall be under the charge of the Minnesota State Commander of the Department of Minnesota of the Veterans of Foreign Wars of the United States, or such other person or organization as the Governor shall designate, and shall be used for the purpose of keeping therein, records, archives, trophies, supplies and other veteran property of said organization and as its general headquarters office for the Department of Minnesota. (Act Apr. 27, 1929, c. 434.)

4385. Preservation of flags.—The flags and colors carried by Minnesota troops in the Civil War, Spanish American War, Mexican Border Campaign and World War shall be preserved in the capitol, under the especial care of the adjutant general. They shall be suitably cased and marked, and, so far as the adjutant general may deem it consistent with their safety, shall at all times be publicly displayed. (R. L. '05, §1856; G. S. '13, §3993; Apr. 25, 1931, c. 363, §6.)

4393. State board of control to secure land for recreation camp for disabled soldiers.—Note.—Powers of state board of control under §§4393 to 4397-1, 4397-2, 4397-23, and 4397-24 transferred to the adjutant general by Act Apr. 22, 1933, c. 7, §2, ante §1905-2(b).

4394. Membership of Board of Governors of recreation and recuperation camp.—That is hereby established a Board of Governors who shall have and exercise supervision, care, control, and management of such recreation and recuperation camp, which board shall consist of ten members who shall be selected and appointed as follows: Two members thereof shall be selected and appointed by the State Department of the American Legion, two members thereof shall be selected and appointed by the State department of the Veterans of Foreign Wars of the United States, two members thereof shall be selected and appointed by the department of the United Spanish War Veterans, two members thereof shall be selected and appointed by the State department of the Disabled American Veterans of the World War, one member thereof shall be selected and appointed by the State department of the American Red Cross, and one member, who shall act as the chairman of the said Board of Governors, shall be selected and appointed by the State Board of Control. The members of said Board of Governors shall be appointed in the first instance for the term ending on the first Monday in January, 1926, and thereafter for the term of two years, ending the first Monday of January of the odd numbered year next after the appointment and qualification of their successors. Any vacancies at any time occurring in the said Board of Governors shall be filled by appointment in like manner as hereinbefore provided for members of said board. If any organization fails to make the appointments hereinafter provided within thirty days from the passage hereof, the State Board of Control is hereby authorized and required to make appointments for and on behalf of such organization. (23, c. 299, §2; Apr. 25, 1931, c. 363, §6.)

4397-1. Appropriation for operation of veteran rest camp.—That the board of public welfare or similar welfare body of any city and county in this state, may annually expend an amount not in excess of $3,000.00 in the operation and maintenance of a rest camp now being operated or which hereafter may be located within such city or county, or operated within such county or outside the limits thereof, for disabled or needy American War Veterans and their families having a legal settlement in said county, and for such other disabled and needy veterans and their families, whose cost of maintenance while at said camp is paid by the state or some other person or agency. (Apr. 24, 1929, c. 312, §1; Mar. 12, 1937, c. 72, §1.)

Editorial note.—Powers of state board of control transferred to the adjutant general by Act Apr. 27, 1933, c. 685, §5, §3, c. 1933, §8; Apr. 15, 1934, c. 1934, §11, §34.)

4397-2. County boards may appropriate money for rest camps in certain counties.—That the Board of County Commissioners of any county having a population of over 50,000 in which a rest camp for disabled American War Veterans is being operated or may be operated may annually expend an amount not in excess of $2,000.00 to assist in the operation and maintenance of said rest camp. (Act Apr. 24, 1931, c. 324.)

See note under §4397-1, ante.
Laws 1931, c. 405.
Act Apr. 25, 1931, c. 406, makes an appropriation for relief of veterans of Spanish American War, Philippine Insurrection and China Relief Expedition. The act creates a board for administration of the fund provided that its functions shall cease June 30, 1932. The act is omitted as temporary.

Act Apr. 29, 1931, c. 409, makes an appropriation of $42,500 from fund created by Laws 1931, c. 405.

Act Apr. 17, 1935, c. 294, repeals §10 of Laws 1931, c. 405.


Laws 1937, c. 258, makes appropriation to carry out Laws 1931, c. 405, §10, $30,000 appropriated for claims, Laws 1931, c. 157.

Minnesota who served after Spanish American War in service at point far distant and in manner wholly disconnected with Philippine Insurrection or China Relief Expedition are not entitled to relief.

State v. Walsh, 188M412. 247NW523.

In this act shall mean any officer, soldier, sailor, marine, nurse, student nurse, or dietitian who was in the service of the United States, and who entered such service prior to November 11, 1918, or who, having enlisted or been induced prior to November 11, 1918, acquired an active duty status on or after such date, and who has received an honorable or ordinary discharge, or release from active service, or may have been in such service under honorable conditions, at the time of making application for the benefits of this act; provided, however, that the word "soldier," as used in this act shall not be construed to mean, and shall not include any person in such service during a period of enlistment, reenlistment, extended enlistment, or other service which began after November 10, 1918, provided, that where discharge was given for the purpose of allowing promotion and acceptance of a commission and continuous service was performed thereunder, such subsequent service shall not be deemed to be a period of service beginning after November 10, 1918. Any person who, while in such service, received pay as a civilian employee shall not be entitled to the benefits of this act for the period of such employment. (Act Apr. 18, 1935, c. 213, §1.) Appropriation, §27, c. 228.

4397-3. Definitions.—The term "Council" as used in this Act shall refer to the State Executive Council. The term "Board" as used in this Act shall refer to the State Board of Control.

The term "Division" as used in this Act shall refer to the State Division of Soldiers’ Welfare. (Act Feb. 28, 1935, c. 33, §1.)

Editorial note.—Powers of executive council under §1 of Act Apr. 22, 1939, Art 7, 52(ll)(c), ante 247NW223.

4397-4. Executive council may extend direct relief. The Council is authorized to extend direct relief to disabled veterans of all wars and their families who are residents of the State of Minnesota. (Act Feb. 28, 1935, c. 33, §2.)

4397-5. Who may receive relief.—The Council, within the limits of the appropriation provided hereunder, may extend direct relief to disabled veterans of all wars and their families who are residents of the State of Minnesota. (Act Feb. 28, 1935, c. 33, §3.)

4397-6. Appropriations for relief.—To provide funds necessary to carry out the provisions of this act there is hereby appropriated to the Board of Control, to be used and expended by the Division such sums as may be necessary to provide necessary direct relief to disabled veterans of all wars and their families who are residents of the State of Minnesota. (Act Feb. 28, 1935, c. 33, §5.)

4397-7. May issue certificates of indebtedness.—If sufficient funds, as needed, are not available in the State Treasury, the Council is hereby authorized and directed to issue and sell certificates of indebtedness to such persons, associations and corporations, including the State of Minnesota, as it deems advisable. (Act Feb. 28, 1935, c. 33, §6.)

4397-8. May sell certificates.—The Council shall sell such certificates to such persons, associations and corporations, including the State of Minnesota, as it deems advisable. (Act Feb. 28, 1935, c. 33, §6.)

4397-9. Provisions severable.—The various provisions of this act shall be severable. Should any provision of this act, or part thereof, be held invalid by any court of competent jurisdiction, such invalid portions of this act shall remain in full force and effect. (Act Feb. 28, 1935, c. 33, §7.)

4397-11. Definitions.—The word "soldier" as used in this act shall mean any officer, soldier, sailor, marine, nurse, student nurse, or dietitian of the United States, or any member of any other military or naval forces of the United States and who was a bona fide resident of the State of Minnesota at the time he was commissioned, enlisted, inducted, appointed or mustered into the military or naval service of the United States, and who entered such service prior to November 11, 1918, or who, having enlisted or been induced prior to November 11, 1918, acquired an active duty status on or after such date, and who has received an honorable or ordinary discharge, or release from active service, or may have been in such service under honorable conditions, at the time of making application for the benefits of this act; provided, however, that the word "soldier," as used in this act shall not be construed to mean, and shall not include any person in such service during a period of enlistment, reenlistment, extended enlistment, or other service which began after November 10, 1918, provided, that where discharge was given for the purpose of allowing promotion and acceptance of a commission and continuous service was performed thereunder, such subsequent service shall not be deemed to be a period of service beginning after November 10, 1918. Any person who, while in such service, received pay as a civilian employee shall not be entitled to the benefits of this act for the period of such employment. (Act Apr. 18, 1935, c. 213, §1.) Appropriation, §27, c. 228.

4397-12. Soldier's bonus.—That any soldier shall be entitled to receive, as funds are made available, from the State of Minnesota as herein provided the sum of $15.00 for each and every month or fraction thereof of service given by him as such soldier subsequent to April 6, 1917 and prior to July 31, 1920, provided that the amount received hereunder by any soldier shall not be less than $50.00. (Act Apr. 18, 1935, c. 213, §2.)

4397-13. Most file application.—That before receiving any such sum under the provisions of this act, said soldier shall file with the adjutant general application therefor on forms provided by the adjutant general. Such application shall state facts sufficient to establish the status of such applicant as a soldier as defined herein, and shall be duly verified. (Act Apr. 18, 1935, c. 213, §3.)

4397-14. Widow or dependents may receive bonus.—Where any soldier, as herein defined, died and left surviving him a widow, or children now under eighteen years of age, or parent or parents, such widow, if a single, or if it be no widow, or children now under eighteen years of age, or if there be neither such mother, or if there be neither widow, children now eighteen years of age, or mother, then such widow or children shall be entitled to an amount which the deceased soldier would have received hereunder for the period of his active service, if living; provided, that where the parents of such deceased soldier are separated or divorced, then in that event the parent with whom the soldier last resided and who becomes responsible for his funeral expenses and the expenses of his last illness shall receive the sum which such deceased soldier would have received for the period of his active service if living. (Act Apr. 18, 1935, c. 213, §4.)

4397-15. Adjutant general to administer act.—The administrative duties hereunder shall be performed by the adjutant general. It shall be the duty of the adjutant general to examine into such applications and he shall make any other examination necessary to establish the facts and approve or disapprove the same, or set apart as held for lack of facts sufficient to establish the right of such soldier to said compensation sixty days after request for such information. No payment of any sums shall be made under made prior to the granting of any relief hereunder and payment of the relief so granted shall be valid, and any transfer or attempt to transfer any such right or claim or any part thereof by any beneficiary prior thereto and the acquiring of or attempting to acquire by any person of any interest in or title to such claim prior to the payment of the relief.
granted shall be a misdemeanor and punishable as such. (Act Apr. 18, 1935, c. 213, §5.)

4397-16. Adjutant general to promulgate rules.—The adjutant general is hereby authorized and empowered to promulgate such rules and regulations as may be necessary, for the administration of this act, which are not inconsistent with the provisions hereof, and there is hereby appropriated out of any moneys in the state treasury the sum of $10,000, or so much thereof as may be necessary, for the administration of this act, of which $5,000 shall be available June 1, 1935, and $5,000 available June 1, 1936, for the use of the adjutant general as herein provided. (Act Apr. 18, 1935, c. 213, §6.)

4397-17. Not to apply to soldiers who have received bonus.—The provisions of this act shall not apply to any soldier who has heretofore received a soldier's bonus from the State of Minnesota under any law relating thereto. (Act Apr. 18, 1935, c. 213, §7.)

4397-18. Adjutant general to report to legislature.—Any application for relief approved pursuant to the provisions of this act shall be paid until the necessary funds for the payment thereof have become available by the legislature. (Act Apr. 18, 1935, c. 213, §8.)

4397-19. Inconsistent acts repealed.—All acts and parts of acts inconsistent herewith are hereby superseded, modified, or amended so far as necessary to give effect to the provisions of this act. (Act Apr. 18, 1935, c. 213, §9.)

4397-20. Provisions severable.—If any section, paragraph, provision, or part of any provision, of any such institution, on account of the attendance of such children at any such institution and of the accuracy of the charge or charges submitted to said director by the authorities of any such institution, on account of the attendance thereof of any such children. (Act Apr. 25, 1935, c. 360, §2.)

See note under §4397-21, ante.

4397-21. Appropriation for education of certain children.—The sum appropriated under the provisions of this act shall be used for the sole purpose of providing for matriculation fees, board and room rent and books and supplies for the use and benefit of the children, who are neither under 16 and not over 22 years of age and who have for two years had their domicile in the state of Minnesota, of those who were killed in the Spanish War, from April 6, 1917, to July 2, 1921, while serving in the military or naval forces of the United States of America during the World War, and who just recently died as result of this wound. Op. Atty. Gen. (640a), Oct. 28, 1937.

4397-22. Money to be paid to educational institutions.—The amounts that may be or may become due to any educational or training institution, not in excess of the amount specified in section 3 of this act, shall be payable to such institution from the fund hereby created on vouchers approved by the state soldiers welfare director. Satisfaction of the eligibility of the children who may make application for the benefits provided for in this act; satisfy himself of the attendance of such children at any such institution and of the accuracy of the charge or charges submitted to said director by the authorities of any such institution, on account of the attendance thereof of any such children. (Act Apr. 29, 1935, c. 350, §3.)

See note under §4397-21, ante.

4397-23. Unexpended balances reappropriated.—Any unexpended balance remaining at the end of any fiscal year shall be and remain available for expenditure until June 30, 1942, and thereupon all sums in said fund remaining unexpended shall revert to the state treasury. (Act Apr. 22, 1939, c. 431, Art. 7, §2, ante §3199-102(11) (b).)

4397-24. Appropriation.—The sum of $4,000.00, or so much thereof as may be necessary, is hereby appropriated for the fiscal year ending June 30, 1936, and annually thereafter until 1942, for carrying out the provisions of this act. (Act Apr. 22, 1939, c. 431, Art. 7, §2, ante §3199-102(11) (b).)

4397-25 to 4397-27. [Repealed.]

The repealed sections consisted of Act Apr. 24, 1937, c. 446; §1-3.

ANNOTATIONS UNDER REPEALED SECTIONS


4397-28. Insurance benefits of deceased to pass to nearest of kin on death on dishonorable discharge. That whenever a resident of the State of Minnesota shall have died intestate when serving in the military or naval forces of the United States of America during the World War, and whose spouse shall have deserte him prior to his enlistment, and the whereabouts of said spouse shall have been unknown for a period of twenty years or more last past, then such spouse shall be presumed to have pre-deceased him, and all benefits under and by virtue of any War Risk Insurance Act or Acts amendatory thereof shall descend to the next of kin as of the date of the death of any such enlisted person, and such estate shall be distributed as provided by the laws of the State of Minnesota and of the administration of the estate of persons dying intestate. (July 14, 1937, Sp. Sess., c. 13.)