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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THE GOVERNOR

55. Secretary, etc.
Superintendent has no power to enter into an agreement with an employee's union concerning seniority rights of employees, number of working hours, wages, and settlement of disputes. Op. Atty. Gen. (1929-1930), May 6, 1935.

56. State capital.
Appn for repair of State Senate Chamber. Laws 1939, c. 78, Mar. 25.

Editorial note.—The powers and duties of the governor with respect to the capitol and grounds are transferred to the commissioner of administration by §§55-13u, ante.

Senate has no right by resolution to control use of rooms and furniture while it is not in session. Op. Atty. Gen., June 12, 1933.

56-1. Governor to assign space in building.—The governor shall determine the particular departments, officers, and agents of the state government, to be assigned to the building to be erected hereunder, and in the order of such assignment may prescribe the reasonable rental charge to be paid for the space assigned therein to any department, the cost of maintenance of which is payable from the receipts of such department or agency, the amount of such rental to be applied toward the cost of maintenance of the building to be erected hereunder. (Act Apr. 23, 1929, c. 309, §6.)

Editorial note.—The powers and duties of the governor with respect to the capitol and grounds are transferred to the commissioner of administration by §§63-18u, ante. The present provision constitutes 14 of Act, April 23, 1929, c. 309, creating the State Building Commission to serve during the erection of the state office building. The sections of Act 309 have been omitted from this compilation. Sections 1, 2, 3 of the act were amended by Laws 1931, c. 61, and Laws 1931, c. 79, and Section 2 was again amended by Laws 1932, c. 106.

Members of the state legislature are not eligible to serve as members of the state building commission. Op. Atty. Gen., June 5, 1931.


Governor may decide whether department of rural credit shall be assigned space in state office building and whether there shall be a rental charged, and if he decides there shall be rent for space from private parties, Governor may rent outside space from a private party under a lease for a reasonable time. Op. Atty. Gen. (1929-30), Mar. 24, 1927.

58. Powers of.

Governor's constitutional powers of appointment and removal. 22 Minn. Law Rev. 451.


STATE AUDITOR

67. Audit of claims.
Minnesota Claims Commission, established. Laws 1939, c. 415.
Payment of claims. Laws 1933, cc. 419, 420.

71. Accounts to be itemized.
State emergency relief administration is an instrumental function of the state for special and limited purposes, and one fairly writing the name of payee in a relief order is not a violation of the law, if the order is subsequently approved and the name of payee on the check is corrected. State v. Stuart, 203 Minn. 351, 231 N.W. 299. See Dun. Dig. 3794.

80-2. Duties of State Auditor to retain powers of his office—Accounts and bookkeeping—Fiscal year. Access to books.—The state auditor shall continue to exercise the rights, powers, and duties now vested in and imposed upon his office. He shall have charge of the administration of the financial affairs of the state, and he shall keep the general books of account of the state. The general books of account shall be on a double entry control basis, with such revenue, expenditure, asset and liability accounts as will have complete control over the expenditures and revenue of the state, and over all officials, departments, and other agencies of the state government. Accounts shall be set both as to expenditures and revenue according to generally accepted practice in governmental accounting. The auditor, with the advice and assistance of the commissioner of administration and the public examiner, shall formulate and prescribe for all departments and other state agencies a system of uniform records, accounts, statements, estimates, revenue receipt forms, vouchers, bills, and demands with suitable instructions governing the installation and use thereof. The accounting system and form so prescribed shall be adopted and employed by all officials, departments and other agencies of the state government, and the auditor, with the assistance of the public examiner, shall exercise constant supervision and control over the same. All accounting and financial records shall be kept on the fiscal year basis of twelve months ending at midnight between June 30 and July 1, and his agents shall at all times have free access to the books, records, accounts and papers of the several departments and agencies. The commissioner of administration and his designated employees shall have free access at all times to the books, records, accounts and papers of the state auditor, and the auditor shall allow the commissioner and his agent sufficient desk space for using and inspecting the same. (Act Apr. 22, 1939, c. 451, Art. 3, §1.)


80-3. Other duties of state auditor.—(a) Audit of accounts.—The auditor or his designated agents shall examine every receipt, account, bill, claim, refund, and demand against the state, and if a legal, correct, and proper claim, he shall approve the same, designate the account to be charged thereon, and issue his warrant in payment thereof in the manner provided by law. He shall approve all documents and reports showing evidences of payments into receipts by the state treasurer and shall designate the fund to be credited therewith.

(b) Tax stamps and tokens—Manufacture.—Precautions to prevent forgery and fraud.—All liquor, fermented malt beverage stamps, and other stamps, tokens, or forms evidencing the payment of taxes or fees of any kind due to the state shall be prenum bered serially, so far as practicable, in such manner as the state treasurer may direct. All officers and employees having custody of such stamps, tokens, or forms shall be accountable therefor at all times, and shall keep such records and make such reports thereof as the state auditor may direct. Upon purchasing or contracting for such stamps, tokens, or forms, the commissioner of administration, with the advice and approval of the state treasurer, shall designate and design the form and denomination thereof, prescribe the necessary requirements for securing the genuineness of the manufacture and delivery thereof as may be necessary to prevent forgery, misappropriation, and fraud. The printer or manufacturer of any such stamps, tokens, or forms shall deliver the same upon completion to the officer or employee of the state entitled to custody thereof, and shall at the same time
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execute in triplicate a sworn statement, stating the kind and number of the articles printed or manufactured and delivered, what precautions have been taken to prevent forgery, and in connection therewith, and such other information as may be required by the commissioner of administration and the state treasurer. One of such statements shall be delivered with the articles described therein to the officer or employee of the state receiving the same, one to the commissioner of administration, and one to the state auditor. No claim for payment for any such articles shall be allowed until such statements have been delivered.

80-4. No money to be expended without an appropriation—Exceptions.—Unless otherwise expressly provided by law, no money belonging to or for the use of the state shall be expended or be available for the use of any official, department, or agency of the state government or any institution under its control, except under authority of an appropriation by law and an allotment relating thereto as herein provided, and upon the warrant of the auditor. (Act Apr. 22, 1939, c. 431, Art. 3, §3.)

80-5. All documents to be under supervision of Auditor.—Except as otherwise provided by law, all original bills, claims, contracts, deeds, leases, demands, and vouchers on which money has been paid or may be paid by the state treasurer shall be kept in the office of the auditor and shall be under the supervision and control of the auditor. (Act Apr. 22, 1939, c. 431, Art. 3, §4.)

STATE TREASURER

81. Duties—Bond.—The salary of the state auditor shall be $6,000 annually, and he shall give a corporate bond of $50,000 to the state for the faithful discharge of his duties. (Act Apr. 22, 1939, c. 431, Art. 3, §6.)

88. Revenue fund temporarily filled. For the purpose of supplying deficiencies in the revenue fund, the treasurer may temporarily borrow from other public funds sums not exceeding in the aggregate nine million eight hundred and forty thousand dollars ($9,840,000) at any time, and in the discretion of the treasurer, unsecured or secured, and in such manner as the treasurer deems for the best interest of the state and institutions and funds as to show the exact financial condition of the state and each department and agency thereof. The auditor shall prepare and submit to the legislature and governor a biennial report. (Act Apr. 22, 1939, c. 431, Art. 3, §5.)
95-3. Appropriations.—There is hereby appropriated, the sum of twenty thousand dollars ($20,000.00) from the revenue fund of the State, not otherwise appropriated, and the State Auditor is hereby authorized and directed to issue a state warrant on the state revenue fund, payable to the State Treasurer, in the amount of twenty thousand dollars ($20,000.00) and the State Treasurer is authorized and directed to procure cash on said warrant for the purpose of carrying out the use thereof as above outlined. The State Treasurer shall at all times be liable to the State under his bond for the full amount of said $20,000.00. (Act Feb. 23, 1935, c. 19, §2.)

BOARDS OF AUDIT AND DEPOSIT

96. Board of audit—Duties.
The powers and duties of the board of audit and its successor, the comptroller, are transferred to the newly created public examiner, by Act Apr. 22, 1889, c. 401, Art. 4, §5, post. §238-16.

98. Designation as depositaries of state funds—Interest, etc.
And if such funds may be invested in bonds issued by the state or state agency. Laws 1939, c. 372, §603, post. 174M583, 217NW916; note under §106.

Sureties on bonds securing state deposits shall not be required by the state board of deposit in the case of a bank as such depository furnishing such bond at any time while the same shall be in force, with interest upon time deposits and paid to the State Treasurer at the rate agreed upon and approved by the board. The board shall fix the amount of interest that shall be paid on such bonds at a rate of not less than one per cent nor more than three per cent per annum to be fixed from time to time by the state board of deposit in accordance with the current rate upon deposits of a similar character. (As Am. Apr. 22, 1937, c. 351, §1.)

101-1. Law repealed.—Laws 1933, Chapter 217, is hereby repealed. (Apr. 25, 1937, c. 351, §2.)

102. Effective August 23, 1937.—This act shall take effect and be in force from and after August 23, 1937. (Apr. 22, 1937, c. 351, §3.)

102. Collateral security in lieu of bond.
Where bank required to give bond in specified amount gives bond for half the amount and deposits securities for the balance the surety on the bond held not entitled to require the state to apply the securities in reduction of liability on the bond. 173M143, 228NW613.

While a state bank may give a bond to secure the government for deposit of postal savings, it may not pledge any portion of its assets. Op. Atty. Gen., May 22, 1931.

Where a bank pledges authorized securities for public moneys on deposit, and gives personal bond containing a stipulation that there would be no liability on the bond until the pledged collateral has been exhausted, recovery may be had for the balance of the deposits by a state board of deposit in exhausting the pledged collateral. Op. Atty. Gen., Feb. 3, 1932.


104. [Repealed.]
Repealed by Act Apr. 12, 1933, c. 217, §2. post. §104-2.

104-1. [Repealed.]

104-2. [Repealed.]
Act Apr. 13, 1933, c. 217, §2, which repealed Laws 1919, c. 415, §8, is repealed by Act Apr. 22, 1937, c. 351, §2.

106. Security not to be subrogated to State's claim in insolvency of banks.
This section does not delegate legislative power to the state board of deposit (now the executive council) in violation of Const. Art. 3. It does not violate the federal Constitution. 174M583, 217NW916.

Sureties cannot compel commissioner of banks to pay state's deposit claim as a preferred claim, where the state seeks recovery from the sureties. 174M583, 217NW916.

Where a bank required to give bond in specified amount gives bond for half the amount and deposits securities for the balance, the surety on the bond held not entitled to require the state to apply the securities in reduction of liability on the bond. 173M143, 228NW613.


Where an unauthorized pledge of assets is made by bank and it becomes insolvent, receiver may recover pledged assets, or damages, if they have been converted. 174M583, 217NW916.

A bank has no power to pledge any of its assets to secure the repayment of the deposits, except as given by statute. 174M583, 217NW916.

A commercial bank has no power to pledge bank receivables to secure deposits even though it be to induce an extension of a past-due deposit. 174M583, 221NW24.


107-1. State Treasurer to designate depositaries—
Where any statute of this State requires or permits a Bank or Trust Company to deposit securities with the State Treasurer, the latter, on the request of such depositor, may designate some other Bank or Trust

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Company as the depository of such securities under such depository agreement as may be prescribed and approved by him, and which will not deprive the State Treasurer of the control thereof and the charges of such depository shall be paid by the depository. If such Bank or Trust Company is a member of the Federal Reserve system, the Federal Reserve Bank in this State may be the depository designated by the State Treasurer. (Act Apr. 17, 1933, c. 287.)

ATTORNEY GENERAL


Where in a mandamus proceedings against state auditor on relation of a private party, he has signed and verified a return or statement signed by private legal counsel employed at his own expense, attorney general does not have absolute right to have such return or answer stricken, and counsel of auditor ousted from participating in proceeding, where real controversy is between different parties, notwithstanding refusal of attorney general to apply for writ or to consent to its filing, lies in sound discretion of court, and refusal of attorney general to apply for writ or to consent to its filing, lies in sound discretion of court, and attorney general is not required to apply for writ because cannot be made to compel him to do an unlawful act. State v. District Court, 196M44, 264 NW 227. See Dun. Dig. 8845.

Granting of leave to a municipal corporation to file an information in nature of quo warranto, notwithstanding refusal of attorney general to apply for writ or to consent to its filing, lies in sound discretion of court, and attorney general is not required to apply for writ because cannot be made to compel him to do an unlawful act. State v. District Court, 196M44, 264 NW 227. See Dun. Dig. 8845.

Supreme court has power to grant quo warranto over error of attorney general. State v. O'Neil, 286 NW 316. See Dun. Dig. 8845.

110. Attorney General—deputies—assistants.—The attorney general may appoint, and at his pleasure remove, two deputy attorneys general and six assistant attorneys general who shall render such aid as he may require of them in the discharge of his official duties. He shall keep a record of his official correspondence and of all matters placed in his hands by the governor, auditor, secretary of state or treasurer, or any officer or board in charge of any of the business of the state upon which any official action is necessary; he shall also keep a record of all legal proceedings instituted by him or in which he appears, and of the several steps taken therein. All official opinions shall be in writing and copies thereof made and filed in his office. The deputy attorneys general and each of said assistant attorneys general shall render such aid as he may require of them in the discharge of their official duties. The attorney general shall have power to employ such assistance, whether lay, legal, or expert, as he may deem necessary for the completion of the interests of the state through the proper conduct of its legal business. ("05, c. 227, §2; "11, c. 56, §1. G. S. "13, §101; "17, c. 61, §1; Apr. 18, 1951, c. 211, §1.)

Assistant attorney general member of rural credit bureau holds an office created by statute and thereby designated as "without term," and serves at pleasure of attorney general. State v. Poirier, 191M225, 248 NW 747.

Soldiers' preference acts are not controlling in respect of appointment to position of inheritance tax examiner by attorney general. State v. Peterson, 194M60, 259 NW 747. See Dun. Dig. 7286.

112. Public lands. In unlawful detainer action to recover land acquired by state for taxes, county attorney may appear as sole complainant, but there can be but one action for forfeiture for taxes for 1926 or 1927. Op. Atty. Gen. (525), Sept. 12, 1927.


It is not the function of the attorney general to determine a question of fact, but all his office may do is to advise as to applicability of the law to the facts submitted. Op. Atty. Gen. (635e-24), June 27, 1934; (10a-2), July 6, 1934.


Discretion generally left to court. Whether particular institutions are exempt from taxation until such a time as the question arises, either upon an application to the tax assessor for a certificate of exemption, or on account of assertion of a defense in tax proceedings, lies in sound discretion of court. Op. Atty. Gen. has no authority to advise in reference to power of court. Op. Atty. Gen. (314k-9), May 16, 1933.


Whether election of teacher and principal is valid held a matter of fact to the determination of which only evidence adduced in the proceeding is competent. Oil. Atty. Gen. (1060-4), Aug. 21, 1936.


Opinion to county, city, village or town attorney, etc. Where in a mandamus proceeding against state auditor on relation of a private party, he has signed and verified a return or answer also signed by private legal counsel employed at his own expense, attorney general does not have absolute right to have such return or answer stricken, and counsel of auditor ousted from participating in proceeding, where real controversy is between different parties, notwithstanding refusal of attorney general to apply for writ or to consent to its filing, lies in sound discretion of court, and refusal of attorney general to apply for writ because cannot be made to compel him to do an unlawful act. State v. District Court, 196M44, 264 NW 227. See Dun. Dig. 8845.


115. Opinion to county, city, village or town attorney, etc. Aside from its effect as a practical construction where a statute is involved as a whole, an opinion may afford a local officer acting pursuant thereto, opinion of attorney general on school district matters does not have the weight of a judicial decision. O'Tyler v. A., 195M37, 259 NW 645. Dun. Dig. 8845.


After election has been held and result declared, it is not province of attorney general to decide question of

If an election has been held and votes canvassed and
result declared, it is not in province of attorney general to

Attorney general will not decide question of validity of

Designation of depository by school district in ac-
cordance with law is rightful, and attorney general was lawful as
respected liability of treasurer notwithstanding later
opinions on that subject that such a designation

Attorney general will not determine whether certain acts
of a candidate or nominee for an office constitute a violation

Attorney general will not decide whether certain acts
of a candidate or nominee for an office constitute a violation

It is the policy of the attorney general to determine
opinions on questions that are being determined by a

Attorney general is not authorized to render opinions
directly to school district, but only to state commissioner

Attorney general cannot pass on questions of fact

Attorney general has no authority to advise in refer-

Attorney general will not express opinion on matters

Attorney general is not authorized to render opinions
directly to school district, but only to state commissioner

Attorney general cannot pass on questions of fact
(494a-2), July 29, 1938.

Attorney general is not authorized to render opinions
on school matters only at request of commissioner

It is outside scope of duties of attorney general to
(306f), June 24, 1939.

116-3. Attorney General to bring action to recover on bonds.—That the Attorney General of the State
of Minnesota be and he is authorized, with the ap-
proval of the Governor of this state, to commence
any action or proceedings in the name of the State of
Minnesota to recover any bonds of the state or any part
of any other state of the United States which may
now or hereafter be held or owned by the State of
Minnesota, or any of its boards or departments, and
any bonds held by any sinking fund or guaranty
funds deposited or pledged with the state for such
purposes and banks, fiduciary or insurance companies, or
held by the commissioner of banks as liquidator.
(Act Apr. 21, 1933, c. 359.)

GENERAL PROVISIONS

117-2. Same Appropriations available.
Act appropriating money for expenses of state govern-
ment, Laws 1933, c. 190.

Laws 1933, c. 190, transfers to department of conserva-
tion division of lands and minerals unexpended funds
in Items 3, 4 and 6.

118. Estimates and budgets.

121. Fees of departments to be paid into treasury.
A custom of the sheriff's office of serving papers with-
out collecting the fees in advance and then, without more,
merely holding the originals for payment of the fees
when they should be served. However, such a practice is now
more acceptable to pay the sheriff for serving papers or...
funds of such institutions; shall hereafter be paid into the state treasury and credited to the general revenue fund of the state. (Act Apr. 22, 1939, c. 435, §1.)

Moos Lake Hospital is one of the "institutions under the management, direction, and supervision of the state board of control." Op. Atty. Gen. (9a-10), May 29, 1939.

Ten per cent tax on boxing matches is to be paid into general fund along with other dedicated receipts. Op. Atty. Gen. (9a-10), May 31, 1939.

121-2. Same—Designations of fund to be credited—Amendment. Each law of the state of Minnesota naming or establishing the funds set forth in section 1 hereof and/or providing for payments into or credits to the same, whether such laws name, designate or refer to such funds by the exact names given above or similar names, but the effect of which laws are to provide for payments into or credits to said funds, are hereby amended and superseded to the extent that all payments provided by said laws to be paid into said funds shall hereafter be paid into the state treasury and credited to the general revenue fund, and each and every section, clause and paragraph providing for such payments into or credits to said funds designated in section 1 hereof is hereby stricken from the laws of this state. (Act Apr. 22, 1939, c. 435, §2.)

121-3. Same—Shall be paid out on legislative appropriations only. Each law of the state of Minnesota naming or establishing the funds set forth in section 1 hereof, whether such laws name, designate or refer to such funds by the exact names given above or similar names, but the effect of which laws are to provide for payments from said funds, is hereby amended and superseded to the extent that such payments shall not be made from such designated funds, but shall be made only from and in accordance with appropriations hereafter made by the legislature for such purposes. (Act Apr. 22, 1939, c. 435, §3.)

Money received in payment for inmate labor in reformatory, reformatory for women, and the state prison, shall be paid into state treasury and be thereafter credited to the general revenue fund. (Act Apr. 22, 1939, c. 435, §4.)

122. Compromise of State claims. — Whenever the strict enforcement by the state of a demand for money or other property against any person is hereby declared to be illegal and be cause for immediate removal of such official or head of a state department from the position he holds with the government of this state, or if proof is made of such charge before any judge of any District Court of this state such Court may cause such official or head of a state department to be removed upon proving duly made of the misappropriation or for any other purpose than which the appropriation was made in accordance with the provisions of this act and then only with the approval of the Commission of Administration and Finance. (Act Apr. 22, 1939, c. 422, §38.)

123. Officials not to exceed appropriation. Though state has no Octane testing machine and pipe line company installs such machine and agrees to charge for state tests what state charges therefor, there is no way for the state to pay over test fees to the pipe line company without an appropriation from the legislature. Op. Atty. Gen., Dec. 27, 1938.


125-1. Shall not expend money except for purposes for which it is appropriated. — It is hereby made illegal for any official or head of any State department or any employee thereof to use moneys appropriated by this act or fees collected for any other purpose than the purpose for which such moneys have been appropriated and any such act by any head of a department or any state official is hereby declared to be illegal and be cause for immediate removal of such official or head of a state department from the position he holds with the government of this state, or if proof is made of such charge before any judge of any District Court of this state such Court may cause such official or head of a state department to be removed upon proving duly made of the misappropriation or for any other purpose than which the appropriation was made in accordance with the provisions of this act and then only with the approval of the Commission of Administration and Finance. (Act Apr. 22, 1939, c. 422, §38.)


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125-2. Certification by comptroller. — As soon as practicable after the close of each fiscal year the comptroller shall certify to the council a list of uncollectible auditor's drafts and uncollectible auditor's drafts and uncollectible accounts due to the state which have accumulated during the preceding year or years. (Act Apr. 26, 1929, c. 406, §2.)

125-3. Certification by executive secretary. —Whenever any drafts or accounts are cancelled under this act the executive secretary shall make a certified list thereof to the auditor and treasurer whose duty it shall be to cancel the record thereof in their office. (Act Apr. 26, 1929, c. 406, §3.)

125-4. Time of cancellation. — No draft or account for a sum in excess of $25.00 shall be cancelled until more than six years after the issuance of such draft or the due date of such account, and nothing in this act shall be construed as a cancellation or abandonment of the state's claim against the person or corporation against whom the cancelled draft was drawn or account held, but the state shall nevertheless have authority to make collection thereof. (Act Apr. 26, 1929, c. 406, §4.)
125-7. Duplicate bonds, etc., may be issued in certain cases. — When any bond, certificate of indebtedness, or other written obligation of the state issued by the state or by any department, bureau, board, or other agency of the state government according to law has been lost, destroyed, or stolen, a duplicate of such lost, destroyed, or stolen bond, certificate of indebtedness, or other written obligation, shall be issued pursuant to the authority empowered to approve indemnity bonds, and delivered as hereinbefore provided, shall have plainly written or printed thereon a certificate, the form of which shall be approved by the attorney general, stating, in substance, that such obligation is a duplicate issued pursuant to the authority empowered to approve indemnity bonds, as hereinafter provided, and upon the certification of the approval of such bond by such authority shall have plainly written or printed thereon a certificate, the form of which shall be approved by the attorney general, stating, in substance, that such obligation is a duplicate issued pursuant to the authority empowered to approve indemnity bonds, as hereinafter provided, and the form of the certificate. Each such duplicate shall have plainly written or printed thereon a certificate, the form of which shall be approved by the attorney general, stating, in substance, that such obligation is a duplicate issued pursuant to the authority empowered to approve indemnity bonds, as hereinafter provided, and the form of the certificate. Each such duplicate shall have plainly written or printed thereon a certificate, the form of which shall be approved by the attorney general, stating, in substance, that such obligation is a duplicate issued pursuant to the authority empowered to approve indemnity bonds, as hereinafter provided, and the form of the certificate.

125-8. Execution. — Such duplicate obligation shall be prepared by the state treasurer and shall be an exact and complete copy of the original, including the signatures, but need not be a facsimile. Each such duplicate obligation shall have written or printed thereon a certificate, the form of which shall be approved by the attorney general, stating, in substance, that such obligation is a duplicate issued pursuant to the authority empowered to approve indemnity bonds, as hereinafter provided, and the form of the certificate. Each such duplicate shall have plainly written or printed thereon a certificate, the form of which shall be approved by the attorney general, stating, in substance, that such obligation is a duplicate issued pursuant to the authority empowered to approve indemnity bonds, as hereinafter provided, and the form of the certificate.

125-9. Delivery to owner. — Bond. — Such duplicate obligation when executed shall be delivered by the state treasurer to the owner of the original obligation, his guardian, the representative of his estate, provided such owner, guardian or representative shall first file with the state treasurer a bond in the full amount of such obligation and unpaid interest thereon, with like force and effect as the original. Such certificate shall be signed by the state treasurer, attested by the secretary of state, and sealed with the great seal of the state, and shall bear the approval of the attorney general as to the issuance of the duplicate and the form of the certificate. Each such duplicate shall have plainly written or printed thereon a certificate, the form of which shall be approved by the attorney general, stating, in substance, that such obligation is a duplicate issued pursuant to the authority empowered to approve indemnity bonds, as hereinafter provided, and the form of the certificate. Each such duplicate shall have plainly written or printed thereon a certificate, the form of which shall be approved by the attorney general, stating, in substance, that such obligation is a duplicate issued pursuant to the authority empowered to approve indemnity bonds, as hereinafter provided, and the form of the certificate. Each such duplicate shall have plainly written or printed thereon a certificate, the form of which shall be approved by the attorney general, stating, in substance, that such obligation is a duplicate issued pursuant to the authority empowered to approve indemnity bonds, as hereinafter provided, and the form of the certificate.

125-10. Bond may be cancelled after six years. — The authority empowered to approve the indemnity bond required by Section 3 of this act may waive such bond, in its discretion, at any time six years after the date of the maturity of such lost, destroyed, or stolen bond, certificate of indebtedness, or other written obligation of the state, in any special case where it deems that the person entitled to a duplicate is unable to furnish such indemnity bond without hardship and that it is improbable that the original obligation will ever be found or presented for payment. Such waiver shall be certified to the state treasurer. (Act Apr. 15, 1929, c. 192, §4.)

125-11. Certificates of indebtedness to pay warrants on revenue fund. — Whenever it becomes necessary in order to meet the current demands upon the revenue fund for the payment of warrants issued or to be issued against said fund for the payment of appropriations, the executive council at any time prior to June 30, 1937, upon adopting a resolution determining such necessity, may issue and sell certificates of indebtedness of the state payable out of said revenue fund in such amount as may be necessary to pay such warrants, such certificates to be numbered serially and to be of such denomination and bear such dates of issue and of maturity and such rate of interest as the said council shall determine, provided that no such certificate shall mature more than six (6) months after the date of its issuance and sale, whichever is later, and providing further that the aggregate amount of such certificates at any time outstanding shall never exceed $9,000,000. If funds are not available to retire any such certificates at maturity, the same may be refunded by the issuance of new certificates or may be extended by agreement with the holders thereof. Certificates issued and sold pursuant to the authorization of this act shall be legal in all the out of the receipts of the revenue fund appropriated to the payment of such warrants against said fund but taken up with the proceeds of such certificates.

125-12. May not hire publicity representative. — No state department, bureau or division, whether the same operates on funds appropriated or receipts or fees of any nature whatsoever, including, but not limited to, the Department of Rural Credits, Highway Department and Game and Fish Division, shall use any of such funds for the payment of the salary or expenses of a publicity representative. No any of such department, bureau or division shall be personally liable for funds spent contrary to this provision.

125-13. Reimbursement of employees compensation revolving fund. — In all cases where any state department owes the Employees Compensation Revolving Fund created by Laws 1933, Chapter 161 ($§ 4337-6 to 4337-10), for claims paid its employees and no direct appropriation is made therefor, such department shall reimburse the revolving fund from the funds available to it for supplies and expense. (Act Apr. 29, 1935, c. 391, §39.)

125-14. Certain acts illegal. — It is hereby made illegal for any official of any state department or any employee thereof to use monies appropriated by this act or fees collected for any other purpose than the purpose for which such moneys have been appropriated and any such act by any head of a department or any state official is hereby declared to be illegal and be cause for immediate removal of such official or head of a state department from the position he holds with the government of this state, or if proof is made
of such charge before any judge of any District Court of this state such court may cause such official or head of a department to be removed upon proof being duly made of the misappropriation or for any other purpose than for which the appropriation was made, except in an emergency and then only with the approval of Commission of Administration and Finance. (Apr. 24, 1937, c. 457, §30.)

Sec. 41 of Act Apr. 24, 1937, cited, provides that the Act shall take effect from its passage.

Appropriation can only be expended for purposes stated except in emergency, and what constitutes an emergency is a matter for both official or head of department and commission of administration and finance to agree upon. Op. Atty. Gen. (5a-3), June 7, 1937.

120. Board of Relief. *

2. Certificates of indebtedness for relief of distress authorized.—The state board of relief is hereby authorized to take any measures necessary to prevent or avert any impending disaster which threatens to destroy life or property in this state, to grant relief or temporary assistance to communities in this state stricken by disease, flood, storm, fire (or) action of the elements, or extreme economic distress causing destitution of families or individuals or disabled persons, or prevent the occurrence or spread of any such calamity or disaster which might entail loss of life or property or result in great suffering and hardship among the people of this state, and in any such event, it shall have the authority to commandeer and take for use, in any such emergency, any property, vehicle, motor car or any means of transportation by rail or water or any means of communication or any public service, which in the opinion of the board might be necessary to save life or property or prevent or avert any such impending disaster or furnish assistance or relief to communities in this state, so stricken, or for the prevention of any such calamity or disaster so taken shall be given a receipt for the same and shall be paid for the use of such property or for any damage which might be caused to the same while in the service of the state board. (As amended Apr. 21, 1933, c. 555.)

6. Loan Authorized.—For the purpose of carrying out the provisions of this act, whenever an emergency exists, the board of relief hereby created is authorized to borrow such a sum of money, not exceeding seven hundred fifty thousand dollars ($750,000), as shall be in its judgment be necessary and sufficient. (As amended Apr. 21, 1933, c. 555.)

This act does not authorize the State Board of Relief to take a note for seed grain furnished by the state to a farmer without such grain or means to procure it because of the excessive floods which occurred in Marshall county in the year 1913. 172M544, 215NW510.

By receiving the grain from the state and by giving his note therefor, defendant held not to have become estopped from denying liability on the note. 172M544, 215NW510.

CHAPTER 5
Judicial Department

SUPREME COURT


Deduction of inheritance tax because of disallowance of claim on estate cannot be reached by certiorari. 173M232, 228NW326.

Act creating Lincoln-Lyon tornado relief commission, limiting powers respecting relief to tornado swept district. Laws 1931, c. 130.

128-1. Holding two appointive offices—Compensation.


128-2. State Geographic Board established.—There is hereby established a State Geographic Board which shall consist of the Commissioner of Conservation, the Commissioner of State Highways, and the Superintendent of the Minnesota Historical Society. (Mar. 8, 1937, c. 63, §1.)

128-3. Powers and duties.—It shall be the duty of the State Geographic Board and it shall have power and authority:

(a) To determine the correct and most appropriate names of the lakes, streams, places and other geographic features in the state, and the spelling thereof;

(b) To pass upon and give names to lakes, streams, places and other geographic features in the state for which no single generally accepted name has been in use;

(c) In cooperation with the county boards and with their approval, to change the names of lakes, streams, places and other geographic features, with the end in view of eliminating, as far as possible, duplication of names within the state;

(d) To prepare and publish an official state dictionary of geographic names and to publish the same, either as a completed whole or in parts when ready;

(e) To serve as the state representatives of the United States geographic board and to cooperate with the said board to the end that there shall be no conflict between the state and federal designations of geographic features in the state. (Mar. 8, 1937, c. 63, §12.)


128-4. Names given to be official.—Whenever the State Geographic Board shall have given a name to any lake, stream, place and other geographic feature within the State, such name shall be used in all maps, records, documents and other publications issued by the State or any of its departments and political subdivisions, and such name shall be deemed the official name of such geographic features. (Mar. 8, 1937, c. 63, §§.)

128-5. County boards naming geographic features must have approval of Geographic Board.—No County Board shall order the change of or establish the name of any lake, river, or other body of water without the written approval of the State Geographic Board endorsed on any resolution determining or fixing said name, which endorsement must be made on the same prior to recording with the Register of Deeds. (Mar. 8, 1937, c. 63, §4.)

128-6. Inconsistent acts repealed.—All acts or parts of acts now in effect inconsistent with the provisions of this act are hereby superseded, modified or amended to conform to said give full force and effect to the provisions of this act. (Mar. 8, 1937, c. 63, §5.)

Sec. 6 of Act Mar. 8, 1937, provides that the act shall take effect from its passage.