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To

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(Supplementing Mason's 1940 Supplement)

Containing the text of the acts of the 1941 Session 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 Law Review Articles and digest of all common law decisions.

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with, or during such stay of execution as may be granted by the court, he shall be committed to the county jail, there to remain until he pays the same or is discharged according to law; provided, however, that no stay shall be granted unless the defendant shall give a bond to the county, in such sum and with such sureties as shall be approved by the court for the payment of such money judgment on or before the expiration of such stay. Upon due notice to the county welfare board or the director of social welfare and the duly appointed guardian, if any, the judge of the district court before whom the proceedings are pending shall make and enter an order, directing and requiring the father of such child to pay to the county welfare board, or the director of social welfare such sum of money or its equivalent, as may be proper and adequate for the care, maintenance, and education of such child. (As amended Apr. 9, 1941, c. 152, §1.)

Laws authorizing court to order blood grouping test in cases of disputed paternity. *Beach v. E.*, (AppDC), 114F(2d)479.

3266. Father to pay all expenses.

Uniform Illegitimacy Act of South Dakota, providing for imprisonment for failure to file bond for support of

child, does not violate any constitutional provision of that state. *Acker v. A.*, 293NW(SD)83.

3272. (a) Director of social welfare may make settlement.—The director of social welfare shall have authority to accept from the acknowledged or adjudicated father of the child such sum as shall be approved by the court having jurisdiction of proceedings to establish the paternity of the child, in full settlement of all obligations for the care, maintenance and education of such child; and shall hold or dispose of the same as ordered by said court. Such settlement shall discharge the father of all further liability, civil and criminal, on account of such child, provided that such settlement shall not affect any liability of the father under Section 3266. (As amended Apr. 9, 1941, c. 152, §2.)

(b) * * * * *

Names of mother and child should not be published in county annual financial statement in connection with expenditures for hospital care and maintenance. *Op. Atty. Gen.* (277c-1), Jan. 27, 1941.

CHAPTER 18

Public Examiner

3274. Department established—Powers and duties.

Water, light, power and building commission of a village has no authority to engage private auditor. *Op. Atty. Gen.*, (476a-1), April 1, 1940.

3281. School districts, towns and villages.

Neither village council nor commission should engage a private auditor to audit books and records in reference to municipal light plant, at least in absence of special circumstances. *Op. Atty. Gen.*, (476a-1), Dec. 5, 1939.

There is no authority for village to hire private auditors. *Op. Atty. Gen.*, (353a-3), Feb. 1, 1940.

3286. Assistants and employees and bonds to be given.

Public examiner has power to recommend that town-

ships use calendar year as their fiscal years. *Op. Atty. Gen.*, (353a-3), Jan. 11, 1940.

3286-6. State Auditor to certify amount due.

Section 3286-6 authorizes county auditor to make levy to pay for state's claim of public examination as an additional levy without regard to 17 mill limitation imposed by §2060-2. *Op. Atty. Gen.* (5190), Dec. 18, 1940.

3286-12. Shall collect information from municipalities.

City clerk may not be paid additional compensation for work in making out report of city affairs upon request of state public examiner. *Op. Atty. Gen.*, (60), March 1, 1940.

CHAPTER 19

Insurance

3287. Department of insurance.

Term of officer of commissioner of insurance is now 6 years, vacancies to be filled for unexpired portion of any term, and he cannot hold over until appointment and qualification of his successor. *Op. Atty. Gen.* Feb. 3, 1941.

3288. To enforce laws.

An annuity contract issued by a life insurance company, is not a "security" of sort dealt with by blue sky law, and is not subject to administrative powers of security commission. *Bates v. E.*, 238NW834. See *Dun. Dig.* 1125a.

3292. Examinations.

"Convention plan" of examination of insurance companies as adopted by National Association of Insurance Commissioners, and method of handling compensation of representatives given leave of absence, discussed. *Op. Atty. Gen.*, (250), Nov. 27, 1939.

3294. Commissioner may appoint examiner.

"Convention plan" of examination of insurance companies as adopted by National Association of Insurance Commissioners, and method of handling compensation of representatives given leave of absence, discussed. *Op. Atty. Gen.*, (250), Nov. 27, 1939.

GENERAL PROVISIONS

3306. Valuation of bonds, etc.—All bonds or other evidences of debt having a fixed term and rate held by an insurance company or fraternal beneficiary association authorized to do business in this state may, if amply secured and not in default as to principal

and interest, be valued as follows: If purchased at par, at the par value; if purchased above or below par, on the basis of the purchase price adjusted so as to bring the value to par at maturity and so as to yield in the meantime the effective rate of interest at which the purchase was made, provided that the purchase price shall in no case be taken at a higher figure than the actual market value at the time of purchase; and, provided further, that the commissioner of insurance shall have full discretion in determining the method of calculating values according to the foregoing rule. If notes or bonds secured by mortgage or trust deed in the nature thereof which the Federal Housing Administrator has insured or made a commitment to insure are purchased above par, they may, if not in default as to principal and interest, be valued during the first five years after purchase on the basis of the purchase price adjusted in equal annual installments to bring the value to par at the end of five years. (As amended Apr. 9, 1941, c. 141, §1.)

3314. Insurance defined—Unlawful contracts—Contracts deemed made in this state.

Non-profit hospital service plan corporations shall be subject to insurance plans of state. Laws 1941, c. 63.

Where there is a conflict between provisions of an insurance policy form and terms inserted in such form to cover a particular case, latter must be accepted as dis-