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To

Mason's Minnesota Statutes

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1939 to 1941

(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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drainage system due to the increased cost of construction of such drainage system, deficiency in interest payable on bonds issued for construction of such drainage system, the expense of improvement, maintenance and repair of same, or for any other reason, and the time for appeals has expired and no appeals have been taken therefrom or from any such proceedings, or if such appeals have been taken that the same have been determined before the passage of this act, then the said proceedings and all assessments or

liens so levied or attempted to be assessed or levied for said purposes are hereby approved, legalized and declared to be valid, and in full force and effect and a lien upon and against said lands benefited by the establishment and construction of said drainage system until paid, at the time and in the manner as set forth in said act and amendments thereto. (Act Apr. 10, 1941, c. 174, §1.)

Act Apr. 10, 1941, §2 provides that this act shall not affect any action now pending.

CHAPTER 44A

Soil Conservation

6932-4. Creation of Soil Conservation Districts.

District may be organized exactly coinciding with boundaries of a county or township. Op. Atty. Gen., (705a-5), March 28, 1940.

A. Petition.

(3).

Where district takes in portions of certain townships, it is necessary to have a definite description by boundaries and metes and bounds. Op. Atty. Gen., (705a-5), April 26, 1940.

B. Notice—hearing—adjournment, etc.

It is not mandatory that state committee hold a public hearing, but it should hold hearings except in those instances where necessary facts and information may be

fully obtained in some other manner. Op. Atty. Gen. (705a-7), Mar. 7, 1941.

F. Supervisors, appointment and election, etc.

Certificate of officer authorized to take oath is necessary part of application. Op. Atty. Gen. (605a), May 22, 1940.

H. Annexation of territory, etc.

If a majority of those petitioning for attachment are not fee owners, it is necessary to first secure consent of the majority of fee owners before attachment may take place, but proposed amendment in 1941 would eliminate necessity for such consent. Op. Atty. Gen. (705a), Jan. 17, 1941.

Both state committee and district supervisors are to proceed in accordance with subsec. (F). Id.

CHAPTER 45

Seals

6933. Private seals abolished.

Requirement of a sealed instrument for conveying easement. 26 IowaLawRev 41.

CHAPTER 46

Notaries Public

6938. Term—Bond—Oath.

The only way a personal surety may be relieved of obligations is for him to prevail on notary to secure and file a new bond. Op. Atty. Gen., (320a), Dec. 2, 1939.

CHAPTER 47

Resignations—Vacancies—Removals

6952. Resignations.

Resignation by member of school board which has not become effective by an acceptance or by some act of relinquishment may be withdrawn. Op. Atty. Gen. (161a-22), Sept. 13, 1940.

6953. Vacancies.

Offices of school board member and president of village council are incompatible, and acceptance of a second incompatible office automatically vacates the first. Op. Atty. Gen., (358f), Feb. 9, 1940.

A city councilman may be a candidate for office of mayor without resigning, but election and acceptance of later office would work an automatic vacation of first office. Op. Atty. Gen., (358e-1), Feb. 16, 1940.

Subd. 2.

Resignation from town office does not become effective and no vacancy is created until accepted by town board. Op. Atty. Gen., (437a-18), March 9, 1940.

Subd. 4.

Whether absence of village president for six months in Florida vacates office is a question of fact. Op. Atty. Gen., (471h), Dec. 20, 1939.

If a vacancy in office of village president has been created by removal from village, no judicial action looking to removal is necessary, but council may adopt a

resolution declaring a vacancy and appointing a new president for remainder of term. Id.

Where a village president permanently removes outside village he automatically vacates his office and leaves a vacancy to be filled by council by appointment for balance of unexpired term. Op. Atty. Gen., (471h), Jan. 30, 1940.

Townships are included within meaning of statute. Op. Atty. Gen., (12c-4), March 21, 1940.

A supervisor who removes from township he serves thereby vacates his office, unless removal is only temporary. Op. Atty. Gen., (437a-21), April 1, 1940.

Mere incorporation of an area within a township as a village does not automatically affect a separation of such area from town, but separation must be voted on, and until there is such a vote town clerk residing in village may continue to act as town clerk. Op. Atty. Gen. (440f), June 10, 1940.

Subd. 5.

Violation of game and fish laws does not require removal of town supervisor. Op. Atty. Gen., (475G), April 25, 1940.

School board member convicted of misdemeanor of slander of women is not subject to removal. Op. Atty. Gen., (475E), May 2, 1940.

A county commissioner auditing and allowing a fraudulent claim is guilty of a felony and an infamous crime,