

MINNESOTA STATUTES 1953 ANNOTATIONS

574.35 BONDS, FINES, FORFEITURES

1488

Under its charter, fines and costs payable to the city of West St. Paul do not belong to the municipal court fund but should be paid into the city's general fund. OAG Dec. 6, 1951 (199-B-4).

574.35 PROSECUTION FOR FINES; COURT; COMMITMENT

HISTORY. RS 1851 c 109 s 12; 1852 Amend p 25 s 121; PS 1858 c 98 s 12; GS 1866 c 78 s 10; GS 1878 c 78 s 10; GS 1894 s 5960; RL 1905 s 4542; GS 1913 s 8252.

Concurrent state power. 34 MLR 338.

574.36 Renumbered 511.195.

CHAPTER 575

PROCEEDINGS SUPPLEMENTARY TO EXECUTION

575.01 PERSON INDEBTED MAY PAY SHERIFF

Where creditors of assignor of account receivable levied upon the account, and debtors gave sheriff check therefor, and thereafter the assignee brought action on the account alleging that it was due and payable, debtors could question title of assignee since presented with conflicting claims of ownership of the debt. Generally a debtor has no standing to question the validity of an assignment which is accepted as valid between the creditor and his assignee, but that rule is inapplicable where the debtor is faced with conflicting claims of ownership. General Underwriters, Inc. v Kline, 233 M 245, 46 NW(2d) 794.

575.04 EXAMINATION

Privilege against self-incrimination. 34 MLR 1.

575.05 PROPERTY APPLIED TO JUDGMENT, RECEIVER

In proceedings supplementary to execution, the evidence must be clear, direct and convincing that the judgment debtor has property in the hands of himself, or any other person, or due him, not exempt from execution at the time of disclosure. Johnson v Brajkovich, 229 M 529, 40 NW(2d) 273.

CHAPTER 576

RECEIVERS; PROPERTY OF ABSENTEES

576.01 RECEIVERS, WHEN AUTHORIZED

Where husbands and wives were made partners and a receiver was appointed to administer the non-exempt assets of the husbands, the wives could not attack the appointment after four years delay. London and Lancashire Co. v Nelson, 230 M 423, 41 NW(2d) 826.

576.02 Superseded, Rules of Civil Procedure, Rule 67.03.

576.04 ABSENTEES; POSSESSION, MANAGEMENT, AND DISPOSITION OF PROPERTY

Receivers; property of absentees. 33 MLR 36.