

CHAPTER 7

STATE TREASURER

7.01 DUTIES; BOND

HISTORY. 1858 c 59 s 2, 3, 5; PS 1858 c 5 s 49, 50, 52; GS 1866 c 6 s 23, 24; 1874 c 12 s 1; GS 1878 c 6 s 32, 33; GS 1894 s 339, 340; 1899 c 95; 1901 c 145; 1903 c 239; RL 1905 s 41; 1919 c 435 s 1; MS 1927 s 81.

The state treasurer has only such authority as has been conferred upon him by law. He is without authority to redeem mature highway bearer bonds and interest coupons upon the request of the director of the federal office of alien property, unless the bonds and coupons are surrendered. OAG July 14, 1950 (454-B).

A person or agency authorized by law to perform a treasurer's duties cannot lawfully become a depository of public money until he qualifies by furnishing the usual depository bond. OAG June 9, 1952 (140-F).

7.03 ACCOUNTS; DISBURSEMENTS

HISTORY. 1858 c 59 s 6, 10; PS 1858 c 5 s 53, 57; GS 1866 c 6 s 25; 1874 c 11 s 1; GS 1878 c 6 s 34; 1881 c 12 s 1; 1883 c 155 s 1; 1885 c 41 s 1, 2; GS 1894 s 341, 344; RL 1905 s 43; MS 1927 s 83.

7.04 RECEIPTS; WARRANTS

HISTORY. 1858 c 59 s 6, 7; PS 1858 c 5 s 53, 54; GS 1866 c 6 s 25, 26; GS 1878 c 6 s 34, 35; 1881 c 12 s 1; GS 1894 s 341, 342; RL 1905 s 44; MS 1927 s 84.

7.05 STATEMENTS

HISTORY. 1858 c 59 s 9, 12; PS 1858 c 5 s 56, 59; GS 1866 c 6 s 27; GS 1878 c 6 s 36; 1893 c 76 s 1; GS 1894 s 343, 344; RL 1905 s 45; 1919 c 435 s 1; MS 1927 s 85.

7.06 WARRANTS; DISCOUNTS

HISTORY. 1858 c 59 s 12, 15; PS 1858 c 5 s 59, 62; GS 1866 c 6 s 29, 30; GS 1878 c 6 s 38, 39; GS 1894 s 345, 346; RL 1905 s 46; MS 1927 s 86.

7.08 MAY BORROW FROM OTHER FUNDS

HISTORY. 1874 c 9 s 1; GS 1878 c 6 s 44; 1881 c 6 s 1; Ex1881 c 39 s 1; 1883 c 10 s 1; GS 1894 s 353; 1903 c 199; RL 1905 s 48; 1921 c 52; MS 1927 s 88; 1935 c 239; 1939 c 373 s 1.

If the state treasurer gives assurance that he will, when necessary, borrow temporarily from other public funds to supply deficiencies in the revenue fund as authorized by section 7.08, and if the amount so borrowed will not exceed in the aggregate \$9,000,000 and no fund is thereby so impaired that all proper demands thereon cannot be met, full allotments may be made for each quarter for the various purposes to be financed through appropriations made by the legislature. OAG Apr. 21, 1953 (454-E).

7.09 GIFTS; ACCEPTANCE

The director of public institutions may not make a case settlement for the future support of an inmate in a state institution without the consent of the governor, the state auditor, and the state treasurer. He may accept a gift under the terms of section 7.09 but cannot make any agreement that would relieve persons responsible

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for paying the amount fixed by statute from additional contribution. OAG Aug. 5, 1948 (88-A-4).

Acceptance by the State of Minnesota under provisions of section 7.09 must be determined and applied according to the terms of the will creating same. The gift provided that the house and grounds be used as a social meeting place for young women; consequently the house and grounds may not be used as a child's nursery. OAG July 6, 1949 (454-F).

7.193 DEPOSITS OF CERTAIN FUNDS OF PUBLIC CORPORATIONS, SECURITY

The metropolitan airports commission may not deposit moneys in banks outside of the state. OAG Sept. 28, 1948 (454-E).

CHAPTER 8

ATTORNEY GENERAL

8.01 APPEARANCE

HISTORY. 1858 c 68 s 3, 5; PS 1858 c 5 s 70, 72; 1864 c 65 s 3; GS 1866 c 6 s 35, 36; 1867 c 94 s 1; 1878 c 6 s 46, 47; GS 1894 s 355, 356; 1905 c 227 s 1; RL 1905 s 56; MS 1927 s 109.

Libel and slander, absolute privilege accorded attorney general's releases and opinions. 37 MLR 141.

Neither the American Legion Post which was a corporation composed of membership comprising large number of citizens of a village, nor a private citizen, would be proper party defendant in action to quiet title to realty devised to village for public park purposes, where no showing was made that the attorney general has refused or will refuse to perform his legal function of compelling compliance with conditions impressed upon a gift for charitable purposes. *Schaeffer v Newberry*, 227 M 259, 35 NW(2d) 287.

When the district court on appeal from the railroad and warehouse commission assumes to direct action which the attorney general regards as in excess of the court's jurisdiction, the state has sufficient interest in the litigation to justify it in asking, through the attorney general, for a writ of prohibition. *Arrowhead Bus v Black & White Cab*, 226 M 327, 32 NW(2d) 590.

The attorney general in addition to the powers expressly conferred upon him by statute, is possessed of extensive common law powers which are inherent in his office. *Dunn v Schmid*, M, 60 NW(2d) 14.

It is not the province of the attorney general to act as attorney for a city in the prosecution of condemnation proceedings to acquire land for the purpose of harboring small boats. OAG Sept. 9, 1947 (817-M).

8.02 DEPUTIES; ASSISTANTS

HISTORY. 1905 c 227 s 2; RL 1905 s 57; 1911 c 56 s 1; 1917 c 61 s 1; 1919 c 272 s 1; MS 1927 s 110; 1931 c 211 s 1.

8.023 ASSISTANT, DEPARTMENT OF TAXATION

HISTORY. 1953 c 66 s 1.

8.024 ASSISTANT, DEPARTMENT OF PUBLIC WELFARE

HISTORY. 1953 c 588 s 1.