

MINNESOTA STATUTES 1953 ANNOTATIONS

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ATTORNEY GENERAL 8.024

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.

MINNESOTA STATUTES 1953 ANNOTATIONS

8.03 ATTORNEY GENERAL

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8.03 PROSECUTIONS

HISTORY. 1858 c 68 s 7, 8; PS 1858 c 5 s 74, 75; GS 1866 c 6 s 37, 39; GS 1878 c 6 s 48, 50; GS 1894 s 357, 359; 1905 c 227 s 3; RL 1905 s 58; MS 1927 s 111.

8.04 PUBLIC LANDS

HISTORY. 1858 c 68 s 6; PS 1858 c 5 s 73; 1864 c 65 s 2; GS 1866 c 6 s 38; GS 1878 c 6 s 49; GS 1894 s 358; 1905 c 227 s 4; RL 1905 s 59; MS 1927 s 112.

8.05 FORMS PREPARED; OPINIONS

HISTORY. 1858 c 68 s 10, 11, 13, 15, 17; PS 1858 c 5 s 77, 78, 80, 82, 84; GS 1866 c 6 s 40 to 43; 1868 c 40 s 1; GS 1878 c 6 s 51-54; GS 1894 s 360, 363; 1905 c 227 s 5; RL 1905 s 60; MS 1927 s 113.

Although opinions of the attorney general are not binding upon the Supreme Court, with respect to questions properly submitted, such opinions, especially when of long standing and when accompanied with administrative reliance thereon, are entitled to careful consideration. *County of Hennepin v County of Houston*, 229 M 418, 39 NW(2d) 858.

An opinion of the attorney general of North Dakota construing a North Dakota Statute has no higher standard in Minnesota than it has in its own state. It will be given only such persuasive force as his reasoning and his presumed familiarity with the North Dakota law might warrant. *Sorenson v Standard Construction Co.*, M, 55 NW(2d) 630.

Reenactment of a statute verbatim indicates a legislative approval of the construction found in the opinion of the attorney general. *Peterson v Joint Independent Consolidated School*, M, 58 NW(2d) 465.

8.06 SPECIAL COUNSEL; STATE OFFICERS AND BOARDS

HISTORY. 1905 c 227 s 6; RL 1905 s 61; 1911 c 56 s 2; MS 1927 s 114.

The opinions of the attorney general to the industrial commission are entitled to the highest respect but cannot control or become a material factor in the exercise of the commission's discretion as to allowance or denial of disability benefits. *Senske v Fairmont Canning Co.*, 232 M 350, 45 NW(2d) 640.

8.07 OPINIONS; COUNTY, CITY, VILLAGE, TOWN ATTORNEY; COMMISSIONER OF EDUCATION

HISTORY. 1858 c 68 s 17; PS 1858 c 5 s 84; GS 1866 c 6 s 43; GS 1878 c 6 s 54; GS 1894 s 363; 1905 c 227 s 7; MS 1927 s 115.

Although opinions of the attorney general are not binding upon the supreme court, with respect to questions properly submitted, such opinions, especially when of long standing and when accompanied by administrative reliance thereon, are entitled to careful consideration. *County of Hennepin v County of Houston*, 229 M 418, 39 NW(2d) 858.

It is not the province of the attorney general to advise officials, prospectively or retrospectively, how to escape, or protect themselves against the consequences of unauthorized acts, but it is the duty of the attorney general to advise that certain conduct is unauthorized so that they may desist. OAG Aug. 1, 1947 (166-A-7).

8.08 REPORT

HISTORY. 1862 c 30 s 1, 2; GS 1866 c 6 s 44; GS 1878 c 6 s 55; 1893 c 14 s 1; GS 1894 s 364; 1905 c 227 s 8; RL 1905 s 62; MS 1927 s 116.