

1944 Supplement
To
Mason's Minnesota Statutes, 1927
and
Mason's 1940 Supplement

Containing the text of the acts of the 1941 and 1943 Sessions 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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ritorial limits of any city of the first class, and the government of which district is not provided for in charter of such city, to issue refunding bonds to refund outstanding bonds, and bonds hereafter issued, which do not mature serially in annual installments, and to levy taxes.

to pay such refunding bonds, and validates such outstanding bonds which do not so mature.

Act Apr. 18, 1941, c. 297, provides for relief of certain school districts by creating a School District Relief Fund. Laws 1941, c. 297, §2. Amended, Laws 1943, c. 436.

CHAPTER 10A

Depositories of Public Funds

1973-1. Depository bonds.

Editorial note:—The word "of" following "state" should probably be "or."

It is not essential that each individual bond offered as collateral security for deposit of county funds be approved, and it is sufficient if entire issue is approved, as in case of United States bonds or State of Minnesota bonds. Op. Atty. Gen. (140F-3), June 16, 1941, June 20, 1941.

Keeping collateral in a safety deposit box rented from bank furnishing collateral, requiring simultaneous use of two keys, one in possession of county treasurer and other in possession of bank, does not violate section. Op. Atty. Gen. (140F-3), Sept. 4, 1941.

A blanket assignment of F. H. A. mortgages may be used and recorded, but it must describe each individual mortgage. Op. Atty. Gen. (140f-6), Dec. 2, 1941.

Bank need not be a member of the Federal Deposit Insurance Corporation. Op. Atty. Gen. (140f-1), Dec. 3, 1941.

Commodity stamp funds. Op. Atty. Gen. (140a-7), Dec. 22, 1941; note under §3199-114.

Federal reserve bank as custodian of bonds assigned to city as collateral by depository bank has no right to substitute other like bonds for the particular bonds deposited pursuant to city charter of city of Austin, but this is not controlling any other municipality. Op. Atty. Gen. (140a-13), June 25, 1942.

1973-6. Depositories—Bank delinquent in payment of taxes on stock shares. [Repealed.]

Repealed. Laws 1943, c. 202.

Laws 1937 (Ex. Sess.), c. 64. Repealed. Laws 1943, c. 502.

National bank delinquent in payment of taxes assessed on stock shares cannot remain a county depository. Op. Atty. Gen. (140a), March 20, 1940.

1973-7. Same—National banks—Agreement to pay taxes due on shares of stock. [Repealed.]

Repealed. Laws 1943, c. 202.

1973-10. Depositories insured under federal act excluded from giving security to extent of insurance coverage.

An unincorporated volunteer fire department and an incorporated fire department relief association should be

considered as separate depositors, though membership of both organizations is the same. Op. Atty. Gen. (198B-2), Dec. 14, 1939.

Commodity stamp funds. Op. Atty. Gen. (140a-7), Dec. 22, 1941; note under §3199-114.

1973-12. Limitation of deposits dependent on capital and surplus.

This section repeals by implication provision in Mason's St., §846, Minn. St. 1941, §395.07, that amount deposited in any banks shall not exceed capital stock and permanent surplus thereof. Op. Atty. Gen. (140a-1), March 15, 1943.

1973-14. Deposit of town and school district funds with county treasurer in certain cases.—

Whenever the town board of any town or the school board of any school district in this state, by a unanimous resolution, deem it advisable, such town board or school board may invest such amount of funds in such town or school treasury as will not, in the opinion of such board, be needed by such town or school district during the fiscal year, in any of the bonds of any county, city, town, village, school district, drainage or other district created pursuant to law for public purposes in Minnesota, Iowa, Wisconsin and North and South Dakota, or in bonds of the United States of America, or in the bonds of any city, county, town, village, school district, drainage or other district created pursuant to law for public purposes in the United States, containing at least 3,500 inhabitants provided that the total bonded indebtedness of any such municipality or district shall not exceed ten per cent of its assessed valuation. (As amended Act Feb. 25, 1943, c. 77, §1.)

School district may not invest surplus funds in United States Defense Bonds, but may so invest sinking fund. Op. Atty. Gen. (159A-13), Oct. 1, 1941.

Proceeds of a bond issue for an addition to a school building may be invested at interest where priorities and the war have prevented building. Op. Atty. Gen. (159a-13), Apr. 24, 1942.

CHAPTER 11

Taxes

GENERAL PROVISIONS

1974. Property subject to taxation.

1. General rules.

Exercise by the United States of sovereignty over lands within the Dominion of Canada furnished no valid basis for taxation by state of Minnesota. Pettibone v. C., (DC-Minn.), 31FSupp881.

Land taxed is sole source to which state and its subdivisions may look for revenue, and there is no personal obligation on part of owner. State v. Washington County, 207M530, 292NW204. See Dun. Dig. 9281(29, 30).

Real estate taxes operate exclusively in rem and the statutes impose no personal obligation upon anyone to pay them. Spaeth v. Hallam, 211M156, 300NW600. See Dun. Dig. 9114a.

Taxation is primarily a legislative function, and steps taken under authority of legislature are administrative in character, in which judicial assistance may be invoked as a matter of convenience, but legislature may authorize such proceedings to be conducted from beginning to end before or by administrative officers or bodies, and their functions are not "judicial" in the strict sense. State v. Erickson, 212M218, 3NW(2d)231.

A tax, absent clear expression to the contrary should be construed as prospective in operation, but this does not mean that a tax upon an occupation or the receipts from a business may not be computed after the taxing period according to the statutory rate in effect while

taxpayer was engaged in the occupation or in earning the receipts. State v. Casualty Mut. Ins. Co., 213M220, 6NW(2d)800. See Dun. Dig. 9173.

Cases pertaining to possessory and improvement liens which attach to property irrespective of ownership of the property are not applicable or comparable to lien imposed to insure collection of excise taxes, which owe their existence and effect entirely to the statute creating them. State v. Heskin, 213M368, 7NW(2d)1. See Dun. Dig. 9160.

A tax is not a lien upon property except as made so by statute. Id. See Dun. Dig. 9160.

Tax liens owe their duration, force, and effect entirely to the statutes creating them. Id. See Dun. Dig. 9160, 9161, 9162.

Statutes impose a tax upon all personal property of a resident, whether within or without the state. State v. Northwest Airlines, 213M395, 7NW(2d)691. See Dun. Dig. 9128.

Possibility of taxation of same property by more than one state is no longer a constitutional objection. Id. See Dun. Dig. 9146.

Cases characterizing a tax as a "contribution" by the citizen in return for the protection afforded him by the state, set forth an erroneous theory, since the power to tax is not a statutory right, but an incident of sovereignty. S.R.A., Inc., 213M487, 7NW(2d)484. See Dun. Dig. 9114.

Taxes are pecuniary charges imposed by legislative power to raise money for public purposes, a burden imposed to supply the very lifeblood of the state. Id. See Dun. Dig. 9114.