

Nineteen Hundred Thirty-One  
Supplement

to

# Mason's Minnesota Statutes

(1927 thru 1931)

Containing the text of the acts of the 1929 and 1931 Sessions of the  
Legislature, both new and amendatory, and notes showing repeals,  
together with annotations from the various courts, state  
and federal, construing the constitution, statutes,  
charters and court rules of Minnesota



Edited by  
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## ARTICLE XVIII

**§53-45. Board of Visitors etc., abolished.**—The soldiers bonus board, the Minnesota land and lakes attraction board, the land improvement board, the state forestry board, the state board of immigration, the horse-shoers' board of examiners, the statute compilation commission, the farmers institute, the colonization commission, the department of drainage and waters, and the offices of the state game and fish commissioner, state forester, commissioner of immigration, commissioner of drainage and waters, and the offices of secretary of the state board of pardons and

secretary of the state board of investment are hereby abolished. (As amended Apr. 20, 1929, c. 272.)

Laws 1917, c. 182 (§§4484, 4485), is repealed by Laws 1929, c. 273.

Laws 1929, c. 268, repeals Laws 1907, c. 441, relating to the State Board of Visitors.

## ARTICLE XX

**§53-48. Terms of office of officers, etc.**

The commission may discharge employees of the Department of Labor and Industry without cause. Op. Atty. Gen., July 3, 1931.

## CHAPTER 4

## Executive Department

## THE GOVERNOR

**§50-1. Governor to assign space in building.**—The governor shall determine the particular departments, officers and agents of the state government, to be assigned to the building to be erected hereunder, and in the order of such assignment may prescribe the reasonable rental charge to be paid for the space assigned therein to any department, the cost of maintenance of which is payable from the receipts of such department or agency, the amount of such rental to be applied toward the cost of maintenance of the building to be erected hereunder. (Act Apr. 23., 1929, c. 309, §6.)

The above provision constitutes §6 of Act, April 23, 1929, c. 309, creating the State Building Commission to serve during the erection of the state office building. The other sections of the act are temporary and are omitted from this compilation. Sections 1, 2 and 3 of the act were amended by Laws 1931, c. 61, and Laws 1931, c. 79. Section 2 was again amended by Laws 1931, c. 106.

Members of the state legislature are not eligible to serve as members of the state building commission. Op. Atty. Gen., June 5, 1931.

The office of a member of the 1929 legislature did not terminate until January 1, 1931, and he cannot be eligible to serve as a member of the state building commission created by Laws 1929, c. 301, until January 1, 1932. Op. Atty. Gen., June 5, 1931.

## STATE TREASURER

**§95-1. Disposition of certain moneys.**—All moneys received by the state treasurer in his official capacity from persons making such payment without disclosing their identity or without direction as to application shall be covered into the state treasury and credited to the general revenue fund. The treasurer shall keep a record of moneys so received and credited, noting therein the date of receipt, date of payment into the treasury, and such other information as he may have at hand concerning each item so received and credited. (Act Mar. 22, 1929, c. 85.)

## BOARDS OF AUDIT AND DEPOSIT

**§98. Designation as depositories of state funds.—Interest, etc.**

174M583, 219NW916, note under §106.  
179M143, 228NW613.

Op. Atty. Gen., Mar. 5, 1929; note under §1973-1.

Sureties on bonds securing state deposits held not released by the consolidation or merger of the bank with another bank. 173M406, 217NW360.

**§99. Surety bond—interest on daily balances—Maximum deposits.**

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**§102. Collateral security in lieu of bond.**

Where bank required to give bond in specified amount gives bond for half the amount and deposits securities for the balance the surety on the bond held not entitled to require the state to apply the securities in reduction of liability on the bond. 179M143, 228NW613.

While a state bank may give a bond to secure the government for deposit of postal savings, it may not pledge any portion of its assets. Op. Atty. Gen., May 22, 1931.

**§106. Security not to be subrogated to State's claim in insolvency of banks.**

This section does not delegate legislative power to the state board of deposit (now the executive council) in violation of Const., art. 3. 174M583, 219NW916.

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**§107. Depositories—Securities in lieu of bond.**

Where an unauthorized pledge of assets is made by bank and it becomes insolvent, receiver may recover assets pledged, or damages, if they have been converted. 174M286, 219NW163.

A bank has no power to pledge any of its assets to secure the repayment of the deposits, except as given by statute. 174M286, 219NW163.

A commercial bank has no power to pledge bills receivable to secure deposits, even though it be to induce an extension of a past-due deposit. 175M363, 221NW242.

## ATTORNEY GENERAL

**§109. Appearance.**

Mandamus will not lie to compel the attorney

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**§109. Appearance.**

Mandamus will not lie to compel the attorney

general to try a civil action brought by the state at the next term of court. 178M442, 227 NW891.

**§110. Attorney General—deputies—assistants.**—The attorney general may appoint, and at his pleasure remove, two deputy attorneys general and six assistant attorneys general who shall render such aid as he may require of them in the discharge of his official duty. He shall keep a record of his official correspondence and of all matters placed in his hands by the governor, auditor, secretary of state or treasurer, or any officer or board in charge of any of the business of the state upon which any official action is necessary; he shall also keep a record of all legal proceedings instituted by him or in which he appears, and of the several steps taken therein. All official opinions shall be in writing and copies thereof made and filed in his office. The deputy attorneys general and each of said assistants shall, to the extent authorized in writing by the attorney general, have authority to appear before grand juries or in any court of this state, as the attorney general himself might do.

The attorney general shall have power to employ such assistance, whether lay, legal, or expert, as he may deem necessary for the protection of the interests of the state through the proper conduct of its legal business. (As amended Apr. 18, 1931, c. 211, §1.)

Laws 1931, c. 211, §2, repeals Laws 1919, c. 272, authorizing appointment of additional assistant attorney general.

### §113. Advice—Opinions.

Ordinarily the Attorney General declines to give an opinion on a matter involved in a case pending in court. Op. Atty. Gen., April 27, 1931.

## GENERAL PROVISIONS

### §117-2. Same—Appropriations available.

Act appropriating money for expenses of state government. Laws 1931, c. 306.

### §118. Estimates and budgets.

Op. Atty. Gen., July 24, 1931.

**§122. Compromise of State claims.**—Whenever the strict enforcement by the state of a demand for money or other property against any person is deemed by the Attorney General to be impracticable or inequitable, he may submit the same to the executive council for compromise. The executive council shall consider the equities of the case, the situation and financial ability of the debtors, and the interests of the state, and determine in writing upon what terms the demand in question should be settled as against all or any of the parties thereto. Thereupon the Attorney General shall adjust the claim in accordance with such determination and shall execute in behalf of the state all papers necessary and proper to carry the compromise into effect and to release from such claim any and all parties thereto who shall seasonably comply with the conditions of the settlement so authorized. (As amended Feb. 13, 1929, c. 14.)

**§122-1. May cancel uncollectable drafts.**—The executive council upon the written recommendation of the comptroller, shall have

authority to cancel any uncollectible drafts or accounts due to the state. (Act Apr. 26, 1929; c. 406, §1.)

**§122-2. Certification by comptroller.**—As soon as practicable after the close of each fiscal year the comptroller shall certify to the council a list of uncollectible auditor's drafts and uncollectible accounts due to the state which have accumulated during the preceding year or years. (Act Apr. 26, 1929, c. 406, §2.)

**§122-3. Certification by executive secretary.**—Whenever any drafts or accounts are cancelled under this act the executive secretary shall make a certified list thereof to the auditor and treasurer whose duty it shall be to cancel the record thereof in their office. (Act Apr. 26, 1929, c. 406, §3.)

**§122-4. Time of cancellation.**—No draft or account for a sum in excess of \$25.00 shall be cancelled until more than six years after the issuance of such draft or the due date of such account, and nothing in this act shall be construed as a cancellation or abandonment of the state's claim against the person or corporation against whom the cancelled draft was drawn or account held, but the state shall nevertheless have authority to make collection thereof. (Act Apr. 26, 1929, c. 406, §4.)

**§125-7. Duplicate bonds, etc., may be issued in certain cases.**—When any bond, certificate of indebtedness, or other written obligation of the state issued by the state or by any department, bureau, board, or other agency of the state government according to law has been lost, destroyed, or stolen, a duplicate of such obligation, with unpaid interest coupons, if any, which were attached at the time of the loss, destruction, or theft, shall be issued to the owner, his guardian, or the representative of his estate as hereinafter provided, upon the furnishing of satisfactory proof of ownership and of such loss, destruction, or theft to the authority empowered to approve indemnity bonds, as hereinafter provided, and upon the certification of the approval of such proof by such authority to the state treasurer. (Act Apr. 15, 1929, c. 192, §1.)

**§125-8. Execution.**—Such duplicate obligation shall be prepared by the state treasurer and shall be an exact and complete copy of the original, including the signatures, but need not be a facsimile. Each such duplicate obligation shall have written or printed thereon a certificate, the form of which shall be approved by the attorney general, stating, in substance, that such obligation is a duplicate issued pursuant to this act, with like force and effect as the original. Such certificate shall be signed by the state treasurer, attested by the secretary of state, and sealed with the great seal of the state, and shall bear the approval of the attorney general as to the issuance of the duplicate and the form of the certificate. Each such duplicate shall have plainly written or printed thereon across the face or upon the margin the word "duplicate." Each coupon attached to such duplicate obligation shall have plainly writ-