

1936 Supplement  
To  
**Mason's Minnesota Statutes**  
1927

(1927 to 1936)  
(Superseding Mason's 1931 and 1934 Supplements)

Containing the text of the acts of the 1929, 1931, 1933 and 1935 General Sessions, and the 1933-34 and 1935-36 Special 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 digest of all common law decisions.



Edited by

WILLIAM H. MASON, Editor-in-Chief  
W. H. MASON, JR. }  
R. O. MASON } Assistant Editors  
J. S. O'BRIEN }

MASON PUBLISHING CO.  
SAINT PAUL, MINNESOTA  
1936

CHAPTER 28B

Department of Banking—Division of Banking in  
Department of Commerce

**5323. Powers and duties of superintendent.**

179M217, 228NW926.  
Duluth Morris Plan Company comes within provisions of section and gives commissioner of banks power and duty to safeguard rights of those dealing with it. Op. Atty. Gen., Jan. 19, 1933.  
Whether Duluth Morris Plan Company may purchase of its own stock to hold for resale is a matter resting within discretion of commissioner of banks. Op. Atty. Gen., Jan. 19, 1933.

**5324. Supervision over banks and other financial corporations.**

179M217, 228NW926.  
Op. Atty. Gen., Jan. 19, 1933; note under §5323.

**5325. Refusal to obey directions of examiner.**

One is not excused by the absence of guilty knowledge or intention and his consequent moral innocence. 178M9, 225NW927.

This section applies whether the duty violated was imposed by the action of 1909 or by a prior statute. 179M217, 228NW926.

The offense consists in knowingly and intentionally or negligently failing to report, and it is error to reject evidence tending to show good faith and lack of knowledge that the report was false. 179M217, 228NW926.

Offense, held committed in Isanti County though report was sent by mail to Commissioner in Ramsey County. 179M217, 228NW926.

Rulings on evidence considered. 179M217, 228NW926.

**5328. State bank examiners or employees prohibited from holding bank stock.**—No person who is a bank examiner or other officer or employee of the division of banking of the department of commerce of this state shall be interested, either directly or indirectly, as a stockholder, director, officer, trustee, assignee, employee, or otherwise, in any bank, savings bank, trust company, financial institution, or corporation holding the stock of any such a corporation within this state, or which carries on a banking business within this state, either directly or indirectly, or through an affiliated group or chain bank operating within this state. If the wife, or any other member of the household of a bank examiner or other officer or

employee shall be so interested, it shall be conclusively presumed that said bank examiner or other officer or employee is indirectly interested in the corporation within the meaning of this act; but the meaning of the words "directly or indirectly" is not otherwise qualified. The provision of this section shall not apply to the Commissioner of Banks. ('15, c. 164, §1; Mar. 7, 1931, c. 43, §1.)

**5328-1. Penalty for violation.**—Any person violating the provisions of this act shall be disqualified from holding any office or employment in the division of banking of the department of commerce, and shall be removed from such office or employment by the commissioner of banks immediately upon knowledge of such violation. (Act Mar. 7, 1931, c. 43, §2.)

**5332-1. Examiners powers enlarged.**—The examiner in charge of liquidation in the banking division of the department of commerce is hereby authorized to sign the name of the commissioner of banks and to act for him in all matters connected with the liquidation of insolvent corporations under the supervision and control of the commissioner of banks, with the same force and effect as though the commissioner himself had signed or acted. Provided, that said examiner shall have no authority to order an assessment against the stockholders of an insolvent state bank or trust company under the provisions of Laws 1927, Chapter 254 [§§7699-20 to 7699-247]. (Act Apr. 9, 1931, c. 137.)

Examiner in charge of liquidation may sign examiner's name, including affidavits incident to borrowing of money from Reconstruction Finance Corporation. Op. Atty. Gen., Jan. 22, 1934.

**5334. Certain securities to be deposited with State treasurer.**

Securities deposited with commissioner of banks by national bank desiring to act in a fiduciary capacity must be re-deposited with state treasurer. Op. Atty. Gen., Jan. 13, 1934.

CHAPTER 29

Public Health

**5339. General duties of board—Reports.**

Op. Atty. Gen., June 28, 1933; note under §5345.

**5345. State board of health, general and special rules.**

Op. Atty. Gen., June 20, 1933; note under §9580.  
Resolution by state board of health that plans and specifications must be prepared by person not prohibited from doing so under Laws 1933, c. 404, is not bound to act according to such resolution, it being merely a declaration of policy. Op. Atty. Gen., June 28, 1933.

City may not construct a swimming pool until plans and specifications are approved by the state board of health. Op. Atty. Gen. (225m), Apr. 30, 1935.

Court will not take judicial notice of health regulations. Op. Atty. Gen. (225b-4), May 21, 1935.

(7).

A venereal disease is a communicable disease and expense and care of a pauper family afflicted with such disease should be divided equally between village and county, and municipality should first pay such expense and apply to county for reimbursement of half thereof. Op. Atty. Gen. (225f-3), Nov. 14, 1934.

(8).

Board of control cannot administer toxin-antitoxin and scarlet fever serum without obtaining consent of relatives of children committed to home school for girls. Op. Atty. Gen., Mar. 24, 1934.

School district funds cannot be used to vaccinate school children to prevent spread of small pox during an epidemic. Op. Atty. Gen. (611a-9), Feb. 1, 1935.

**5348. Local boards—Health officers.**

Member of town board may receive compensation as health officer as well as member of board. Op. Atty. Gen., Feb. 7, 1929.

Town board cannot appoint as health officer one who is not a duly licensed physician. Op. Atty. Gen., Apr. 16, 1931.

Action of voters at town meeting in attempting to elect a health officer is nugatory. Op. Atty. Gen., Apr. 16, 1931.

Village is not compelled to establish its own board of health, but where it does establish one, village is liable for costs and expenses lawfully incurred under its direction. Op. Atty. Gen., Apr. 28, 1932.

Where village has no board of health, it is, nevertheless, liable for costs and expenses lawfully incurred under direction of town board in connection with public health affairs. Op. Atty. Gen., Apr. 28, 1932.

A town chairman appointed health officer pursuant to this section is entitled to compensation in addition to his compensation as a board member. Op. Atty. Gen., Apr. 6, 1933.

There is no statute authorizing a town to employ a milk inspector and pay salary out of town funds. Op. Atty. Gen. (442a-17), Oct. 13, 1934.

Town board may revoke permit for rendering plants without rendering town or themselves liable for damages, but they must act in good faith. Op. Atty. Gen. (434a-6), Mar. 22, 1935.