

Sec. 2. **Municipal judge in Ely; election; term; oath; vacancy.** The qualified electors of the City of Ely, St. Louis County, Minnesota, shall at the general election held in and for the election of officers for said City elect a suitable person with the qualifications hereinafter mentioned to the Judge of the Municipal Court of said City, to be called Municipal Judge, who shall hold his office until the next general election to be held in and for said City. That thereafter the term of office of the Municipal Judge, who shall be a resident and qualified elector, shall be *four* years and until his successor is elected and qualified.

Before entering upon the duties of his office said Judge shall subscribe to an oath as prescribed by the General Laws for judicial officers, which oath shall be filed as required by the law. He shall have the general powers of judges of courts of record, and may administer oaths, take acknowledgments in all cases, and, as conservator of the peace, shall have the powers and authority over all actions or judgments arising in his Court, where no other provision is otherwise made, in this act, which is by law vested in District Courts of this State, or other judicial officers.

In case of a vacancy in the office of Municipal Judge the Governor of the State of Minnesota shall appoint some qualified person to said office until the next regular city election, at which time an election may be had to fill the unexpired term of the person who has vacated the office, after which time a judge shall be elected for the full term of *four* years.

Approved April 23, 1945.

CHAPTER 532—S. F. No. 768

An act to appropriate money to the teachers retirement fund to pay certain annuities and benefits under Laws 1915, Chapter 199.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Necessity for legislation.** Whereas Laws 1915, Chapter 199, was interpreted for many years to provide that annuities and benefits payable to persons under the provisions of said act should not be paid to any such person who had returned to the work of teaching in any public school, while so teaching, and therefore such annuities were not paid to retired teachers who returned to teaching in the public

schools of other states, while so teaching, and, whereas the supreme court of this state, in the case of Sarah Mattson versus H. E. Flynn, et al., held on January 21, 1944, that the provisions of said act for the suspension of payment of annuities applied only to persons returning to the work of teaching in the public schools of this state, and, whereas number of persons whose annuity payments were suspended in accordance with the prior consistent interpretation of the law and who had taken no action prior to the decision of Mattson versus Flynn are now demanding such payments, and, whereas the funds of the Teachers Insurance and Retirement Fund created by virtue of Laws 1915, Chapter 199, became exhausted in 1937, and annuities due under said act have since been paid from the Teachers Retirement Fund created by Laws 1931, Chapter 406, and it becomes necessary, in order that the Teachers Retirement Fund may not be depleted and persons entitled to annuities thereunder for which they have made payment deprived of the benefits of said act, that an appropriation be made to provide for such payments.

Sec. 2. Appropriation. There is hereby appropriated out of the general revenue fund in the state treasury to the Teachers Retirement Fund the sum of \$25,000, or so much thereof as may be necessary, to pay annuities and benefits to which members of the "Fund Association" created by Laws 1915, Chapter 199, became entitled upon retirement pursuant to said act and which were not paid while said persons were engaged in teaching in other states.

Sec. 3. Payment on order of board of trustees. The funds appropriated by this act shall be paid out on authority of the board of trustees of the Teachers Retirement Fund after careful investigation by said board of each claim submitted to it.

Approved April 23, 1945.

CHAPTER 533—S. F. No. 771

An act relating to elections and compensation of judges and clerks of election, and amending Minnesota Statutes 1941. Section 200.35, Subdivision (4) and (5), as amended by Laws 1943, Chapter 555.