

tory cost are not allowed in such an action, and \$10 in any other court or on appeal.

Approved April 15, 1951.

---

CHAPTER 360—S. F. No. 943

*An act relating to the retirement of justices of the supreme court; amending Minnesota Statutes 1949, Section 490.025, Subdivision 2; and repealing Laws 1951, Chapter 455, Section 4.*

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

Section 1. Minnesota Statutes 1949, Section 490.025, is amended to read:

**490.025 Retirement; supreme court justices.** Subdivision 1. **Requisites.** When a justice of the supreme court arrives at the age of 70 years and has served at least one term or becomes incapacitated for the performance of his official duties to the extent that the public service suffers therefrom, and makes written application to the governor for his retirement, the governor, if he determines that such justice has arrived at such age and has served at least one term or that such disability exists, shall direct his retirement by written order which shall effect a vacancy in the office to be filled as provided by law.

Subd. 2. **Retirement compensation; amount.** Such justice shall receive the compensation allotted to his office for the remainder of the term for which elected. If such justice be retired for *age or disability* and, at the time of his retirement, has served as such justice for *two full terms or the equivalent thereof* or as such justice and as a judge of the district court for 15 years he shall, after the expiration of the term for which elected or appointed, receive for the remainder of his life one-half of the compensation allotted to his office plus two and one-half percent of the compensation allotted to his office for each year, not exceeding 10, which he served in his office in excess of two full terms, or the equivalent thereof, on the supreme court or in excess of 15 years as a justice of such court and as a judge of the district court. All such retirement pay shall be paid in the manner judicial salaries are paid.

Subd. 3. **Special case.** Where a justice of the supreme court has served for two full terms and during this period reaches the age of 70, upon the completion of this period, he may apply for and receive for the remainder of his life the

*equivalent of the retirement compensation granted justices of the supreme court under subdivision 2.*

*Subd. 4. Age limit. Unless at the time of this enactment a justice has already reached the age of 73, he shall not acquire an increase of two and one-half percent of the compensation allotted to his office in his retirement pay, as provided in subdivision 2, after he has reached the age of 73 years.*

Subd. 5. Upon retirement of a justice of the supreme court, the court may appoint him a commissioner of that court to aid and assist in the performance of such of its duties as may be assigned to him with his consent.

Subd. 6. Each justice and commissioner of the supreme court who has heretofore retired under the statutes in force at the time of his retirement shall, from the date of retirement, receive retirement compensation at the rate and for the time provided in the statutes in force at the time of retirement.

Sec. 2. Laws 1951, Chapter 455, Section 4, is hereby repealed.

Approved April 15, 1953.

---

#### CHAPTER 361—S. F. No. 954

*An act relating to attempts to commit crime; amending Minnesota Statutes 1949, Section 610.27.*

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

Section 1. Minnesota Statutes 1949, Section 610.27, is amended to read:

**610.27 Attempts; punishment.** An act done with intent to commit a crime and tending, but failing, to accomplish it, is an attempt to commit that crime; and every person who attempts to commit a crime, unless otherwise prescribed by statute, shall be punished as follows:

(1) If the crime attempted is punishable by life imprisonment, the person convicted of the attempt shall be punished by imprisonment in the state prison for not more than ten years;

(2) In every other case he shall be punished by imprisonment in the state prison for not more than half of the longest term, *not to exceed seven years*, or by fine of not more than half the largest sum, prescribed upon conviction for the commission of the offense attempted, or by both such fine and