

488.25 APPEALS TO DISTRICT COURT

Where an appeal is taken from the municipal court to the district court stay provisions apply to Acts required by section 169.95 of the Highway Traffic Regulation Act and section 171.16 of the drivers license law. OAG Aug. 4, 1952 (291-F).

488.26 COURTS IN CITIES OF THIRD OR FOURTH CLASS

Where defendant voluntarily entered a plea of guilty to a charge of assault in the third degree in municipal court and paid a fine before any attempt was made to appeal to the district court, judgment was discharged and appeal could not be taken therefrom. State v Boulton, 229 M 576, 40 NW(2d) 417.

Where the city council provided for the payment of the salary to a judge of the municipal court organized under Laws 1895, Chapter 229, the council may provide that fees and fines collected be paid into the city treasury; but collections in cases prosecuted involving violation of the statute should under section 574.34 be paid into the county treasury. OAG Jan. 6, 1948 (307-I).

Section 488.26 does not apply to municipal courts located in a village. The section applies only to cities of the third and fourth class. OAG Nov. 13, 1950 (308-B).

488.27 FEES TO BE CHARGED BY MUNICIPAL COURTS

In criminal cases in the municipal court of the village of Baudette, the costs prescribed by section 488.27 must be added where the statute prescribes the inclusion of costs; and in taxing costs the sheriff and constable fees should be included. OAG May 3, 1949 (306-B-3).

CHAPTER 489

COURT COMMISSIONERS

489.01 ELECTION; TERM

HISTORY. 1858 c 48 s 1; PS 1858 c 7 s 80; 1860 c 43 s 1, 6; GS 1866 c 8 s 193, 197; 1867 c 12; 1868 c 18; 1872 c 16; 1877 c 41, 42; GS 1878 c 8 s 224, 228; 1885 c 26 s 1; 1885 c 163; 1891 c 35; GS 1894 s 823, 827; 1897 c 311 s 5; RL 1905 s 147; GS 1913 s 228, 809; 1915 c 168 s 1, 2.

A revision of an existing statute is presumed not to change its meaning, even if there be alterations in the phraseology, unless such intention to change the law clearly appears from the language of the revised statute. In re-enacting a statute, however, intention to change the meaning may as clearly appear from the omission of old as by adding new language. Enactment of statutes lies wholly within the legislative field, and what the legislature has authority to enact it has like authority to amend or even repeal. When in 1945 the legislature adopted and enacted the compilation and revision of the general statutes of this state as the "Minnesota Revised Statutes," it thereby recognized and declared the same to be an official compilation, revision, and code. As such, the language chosen and used in the revised statutes must be given effect as the latest expression of the legislative will. Where the statutory language is clear and unambiguous, there is no room for construction or interpretation. State ex rel v Washburn, 224 M 269, 28 NW(2d) 652.

In drafting and adopting sections 489.01 to 489.05 in the 1945 revision of the Minnesota statutes it was the intention of the legislature to continue the election of court commissioners during the same years as other county officials may be elected. State v Fitzsimmons, 227 M 557, 33 NW(2d) 854.

The next general election at which a court commissioner may be elected is not in 1948 but in 1950; and the present holder of the office appointed by the court holds the office until the first Monday in January, 1951. OAG June 4, 1948 (128-D).

MINNESOTA STATUTES 1953 ANNOTATIONS

489.02 COURT COMMISSIONERS

1244

489.02 QUALIFICATION, POWERS

A court commissioner may engage in the private practice of law if such practice does not interfere with or conflict with his official duties. OAG March 6, 1950 (128-B).

489.05 VACANCY

When in 1945 the legislature adopted and enacted the compilation and revision of the general statutes of this state as the "Minnesota Revised Statutes," it thereby recognized and declared the same to be an official compilation, revision, and code. As such, the language chosen and used in the revised statutes must be given effect as the latest expression of the legislative will. Where the statutory language is clear and unambiguous, there is no room for construction and interpretation. State ex rel v Washburn, 224 M 269, 28 NW(2d) 652.

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CHAPTER 490

RETIREMENT OF JUDGES

490.01, 490.02 Repealed, 1949 c 640 s 5.

490.025 RETIREMENT OF SUPREME COURT JUSTICES

HISTORY. 1943 c 595 s 1-4; 1953 c 360 s 1; 1953 c 455 s 1, 2.

490.026 INTERPRETATION

HISTORY. 1949 c 645 s 4.

490.027 Repealed, 1949 c 640 s 5; 1949 c 645 s 3.

490.03 ALLOWANCES TO CERTAIN JUDGES

HISTORY. Ex1937 c 83; 1949 c 640 s 6; 1949 c 645 s 2.

490.031 RETIREMENT COMPENSATION, CERTAIN JUDGES

HISTORY. 1951 c 621 s 1.

490.10 Repealed, 1949 c 640 s 5.

490.101 RETIREMENT OF DISTRICT JUDGE, WHEN

HISTORY. 1949 c 640 s 1.

The judge of the district court who has served 15 or more years as a judge of the court of record may, when he arrives at the age of 70 years, apply to the governor for retirement, whereupon the governor shall direct his retirement by written order. OAG July 29, 1949 (141-D-5).

490.102 COMPENSATION ALLOWANCE

HISTORY. 1949 c 640 s 2.