

# MINNESOTA STATUTES 1953 ANNOTATIONS

1245

## CONCILIATION COURTS 491.04

A judge who is retired under Laws 1949, Chapter 640, cannot receive retirement pay while practicing law. This does not apply to judges who have retired under laws prior to the 1949 enactment. OAG Aug. 4, 1949 (141-D-5).

Laws 1949, Chapter 640, relates to retirement compensation of judges of the district court and justices of the supreme court. It contains specifications of conditions under which a judge has the right to retire. It specifies when the governor may direct that a judge retire because of incapacity. The compensation which a retired judge shall receive is stated; there are limitations. If the judge entitled to retire does not avail himself of the retirement benefits, he loses his rights to such benefits. The act imposes restrictions upon the professional activity of a retired judge who receives retirement pay. If a judge does not retire under the provisions of this Act when he has a right to do so, he suffers no disadvantage thereby except that he deprives himself of retirement pay unless incapacitated. He may serve out his term and may be a candidate for re-election. The legislature cannot add to the constitutional qualifications of public office. OAG Jan. 11, 1950 (141-D-5).

A retired district judge appointed as referee under section 546.33, would not be "practicing law" within the purview of section 490.102. OAG March 24, 1950 (141-D-5).

### **490.103 PRIOR RETIREMENT**

HISTORY. 1949 c 640 s 3.

### **490.104 RETIREMENT UNDER SECTIONS 490.04 TO 490.09**

HISTORY. 1949 c 640 s 4.

### **490.12 HALF PAY**

HISTORY. 1931 c 253 s 2; 1947 c 183 s 1; 1949 c 473 s 1; 1953 c 126 s 1, 2.

A probate judge, who has served as such for 40 years continually and attains the age of 70 years, may retire on half pay. If a veteran, the 40 years service need not be continuous. OAG Oct. 31, 1947 (347-I).

Where a judge of probate resigned on account of illness under Laws 1947, Chapter 183, Section 1, and under the governor's order permitting the retirement, he receives a state retirement compensation for the remainder of his term. Should he die the obligation of the county ceases upon his death and does not extend to the full unexpired term. OAG May 6, 1948 (347-I).

## CHAPTER 491

### CONCILIATION COURTS

#### **491.01 CONCILIATION AND SMALL DEBTORS' COURTS**

HISTORY. 1917 c 263; 1921 c 285; 1923 c 262; 1925 c 90; 1921 c 317 s 1.

#### **491.03 PROCEDURE**

HISTORY. 1921 c 317 s 3; 1949 c 330 s 1.

#### **491.04 JURISDICTION; JUDGMENT**

HISTORY. 1921 c 317 s 4; 1949 c 330 s 2.