

1934 Supplement
To
Mason's Minnesota Statutes
1927

(1927 to 1934)
(Superseding Mason's 1931 Supplement)

Containing the text of the acts of the 1929, 1931, 1933 and 1933-34 Special Sessions of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state, federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota



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Mason's Minnesota Statutes

Part I. Jurisdiction, Divisions, Civil Polity and Internal Administration

CHAPTER 1

Sovereignty and Jurisdiction

1. Extent.

Fishing in the waters of Rainy Lake on the Minnesota side of the boundary line established by joint action of the governments of the United States and Canada is under the control of this state, until the International Fisheries Commission provided for by the Root-Bryce Treaty functions and assumes control. *State v. Dove*, 236NW322(2); 49F(2d)816. See *Dun. Dig.* 6933.

4. Lands of United States.

State courts have no jurisdiction over criminal offenses against state laws committed on Fort Snelling Military Reservation. *Op. Atty. Gen.*, July 21, 1933.

6-2. Same—Jurisdiction, etc.

Summons served under this section on army officer who was resident of Iowa while such officer was at training camp on military reservation in Minnesota, held not void, but voidable only. *N. W. Casualty Co. v. C.*, 210I 126, 230NW548 (Iowa).

Industrial commission cannot enter upon land owned by federal government where post office is being constructed and enforce safety measures provided by §§4141 to 4187, 4279. *Op. Atty. Gen.*, July 28, 1933.

CHAPTER 2

Territorial Divisions

LEGISLATIVE DISTRICTS

9. Boundaries of Legislative Districts.

Thirty-second District

The thirty-second district shall be composed of the eleventh and twelfth wards of the city of Minneapolis, including that portion of said twelfth ward which was formerly a part of the village of Richfield and has heretofore been annexed to said city, and shall be entitled to elect one senator and two representatives. (G. S. '13, §9; '13, c. 91, §2; '17, c. 217, §2; Mar. 9, 1929, c. 65, §1.)

Thirty-third District

The thirty-third district shall be composed of the seventh and thirteenth wards of the city of Minneapolis, including those portions of said wards, respectively, which were formerly part of the village of Richfield and have heretofore been annexed to said city, and shall be entitled to elect one senator and two representatives. (G. S. '13, §9; '13, c. 91, §2; '17, c. 217, §2; Mar. 9, 1929, c. 65, §2.)

Thirty-sixth District

The thirty-sixth district shall be composed of the county of Hennepin, outside of the city of Minneapolis, except the town of St. Anthony, excluding the territory which was formerly part of the village of Richfield and has heretofore been annexed to said city, and shall be entitled to elect one senator and two representatives.

The representative districts shall be divided as follows:

The villages of Dayton, Golden Valley, Hanover, Osseo and Robinsdale, and the towns of Brooklyr, Champlin, Corcoran, Crystal Lake, Dayton, Greenwood, Hassan, Maple Grove, Medina and Plymouth shall constitute one district and shall be entitled to elect one representative.

The villages of Deephaven, Edina, Excelsior, Long Lake, Minnetonka Beach, St. Bonifacius, Richfield, St. Louis Park, Tonka Bay, Wayzata and West Minneapolis, and the towns of Bloomington, Eden Prairie, Excelsior, Independence, Minnetonka, Minnetrista and Orono, excluding the territory which was formerly part of the village of Richfield and has heretofore been annexed to the city of Minneapolis, shall constitute one district and shall be entitled to elect one representative. (G. S. '13, §9; '13, c. 91, §2; '17, c. 217, §2; Mar. 9, 1929, c. 65, §3.)

JUDICIAL DISTRICTS

11. Boundaries and judges.

7. Judges increased to four by Laws 1931, c. 104.

CONGRESSIONAL DISTRICTS

13 to 22. [Superseded].

Superseded by Act Apr. 8, 1933, c. 185, post §§22-1 to 22-11.

These sections constituted Laws 1913, c. 513, §§1 to 10. Section 6 of the act was amended by Laws 1929, c. 64.

The governor vetoed a new apportionment act passed by the legislature at the 1931 session. The act was filed Apr. 27, 1931, with the Secretary of State on the theory that the act did not require the approval of the governor. The Supreme Court of the United States held that this apportionment act is invalid because it was not submitted to the governor for his approval; and that all representatives for Minnesota must be elected at large until there is a reapportionment. *Smiley v. Holm*, 285 US355, 52SCR397, rev'g 184M228, 238NW494. See *Dun. Dig.* 8831a, 8831b.

Officers of State Agricultural Society must be elected in accordance with the congressional districts designated in this act, but the manager from the 10th District holds office until the date of the election in January, 1932. *Op. Atty. Gen.*, Oct. 20, 1931.

Redistricting Act of 1931, being held invalid by United States Supreme Court, Secretary of State could not accept filings for representative in Congress by district, but could accept filings at large. *Op. Atty. Gen.*, Apr. 14, 1932.

A congressional district under new apportionment act is entitled to a representative on board of managers of state agricultural society and a vacancy exists for a district not represented, though number of directors exceeded number of congressional districts. *Op. Atty. Gen.*, May 11, 1933.

22-1. Congressional districts.—The State of Minnesota is hereby divided into nine congressional districts, each of which is entitled to elect one representative to the Congress of the United States. (Act Apr. 8, 1933, c. 185, §1.)

22-2. First district.—The Counties of Rice, Goodhue, Waseca, Steele, Dodge, Wabasha, Olmsted, Winona, Freeborn, Mower, Fillmore and Houston shall constitute the First Congressional District. (Act Apr. 8, 1933, c. 185, §2.)

22-3. Second district.—The Counties of McLeod, Carver, Sibley, Scott, Dakota, Nicollet, LeSueur, Brown, Cottonwood, Watonwan, Blue Earth, Jackson, Martin and Faribault shall constitute the Second Congressional District. (Act Apr. 8, 1933, c. 185, §3.)

22-4. Third district.—The Counties of Anoka, Chisago, Isanti, Washington, and all of Hennepin County outside of the City of Minneapolis, and the First, Second, Third, Ninth and Tenth Wards of the City of Minneapolis, and the First, Second, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh and Twelfth Precincts of the Fourth Ward of the City of Minneapolis shall constitute the Third Congressional District. (Act Apr. 8, 1933, c. 185, §4.)

22-5. Fourth district.—The County of Ramsey shall constitute the Fourth Congressional District. (Act Apr. 8, 1933, c. 185, §5.)

22-6. Fifth district.—The Fifth, Sixth, Seventh, Eighth, Eleventh, Twelfth and Thirteenth Wards of the City of Minneapolis and all of the Fourth Ward of the City of Minneapolis except precincts numbered 1, 2, 6, 7, 8, 9, 10, 11 and 12 shall constitute the Fifth Congressional District. (Act Apr. 8, 1933, c. 185, §6.)

22-7. Sixth district.—The Counties of Hubbard, Cass, Wadena, Crow Wing, Aitkin, Todd, Morrison, Mille Lacs, Kanabec, Pine, Stearns, Benton, Sherburne, Meeker and Wright shall constitute the Sixth Congressional District. (Act Apr. 8, 1933, c. 185, §7.)

22-8. Seventh district.—The Counties of Traverse, Grant, Douglas, Big Stone, Stevens, Pope, Swift, Lac

qui Parle, Chippewa, Kandiyohi, Yellow Medicine, Renville, Lincoln, Lyon, Redwood, Pipestone, Murray, Rock and Nobles shall constitute the Seventh Congressional District. (Act Apr. 8, 1933, c. 185, §8.)

22-9. Eighth district.—The Counties of Koochiching, Itasca, St. Louis, Lake, Cook and Carlton shall constitute the Eighth Congressional District. (Act Apr. 8, 1933, c. 185, §9.)

22-10. Ninth district.—The Counties of Kittson, Roseau, Lake of the Woods, Marshall, Beltrami, Pennington, Red Lake, Polk, Clearwater, Norman, Mahnomen, Clay, Becker, Wilkin, and Otter Tail shall constitute the Ninth Congressional District. (Act Apr. 8, 1933, c. 185, §10.)

22-11. Inconsistent acts repealed.—All Acts and parts of Acts inconsistent herewith are hereby repealed. (Act Apr. 8, 1933, c. 185, §11.)

Sec. 12 provides that the act shall take effect from its passage.

Abolishment of 10 congressional districts also abolished office held by member of board of managers of state agricultural society, and office of one elected for certain district became vacant where place of his residence became part of another district which is represented by another manager. Op. Atty. Gen., May 25, 1933.

23. [Superseded.]

This section is taken from Laws 1913, c. 513, §11. It was amended by Laws 1929, c. 64, §2.

Superseded by Act Apr. 8, 1933, c. 185, ante §§22-1 to 22-11.

CHAPTER 2½

Capitol Buildings and Grounds

23-1. Central mailing station established in Capitol.—Upon the erection of a state office building the Commission of Administration and Finance shall cause to be established a central mailing station in the State Capitol, or in such office building, under the direct supervision of the custodian of State Capitol buildings. (Act Apr. 24, 1929, c. 350, §1.)

23-2. Mail to be delivered unstamped.—All official mail of any state department or other state agency occupying quarters either in the State Capitol, or in adjoining state buildings, shall be delivered unstamped to the central mailing station. Account shall be kept of the postage required on such mail, which shall be a proper charge against the department or agency delivering such mail. (Act Apr. 24, 1929, c. 350, §2.)

23-3. Custodian to make use of labor saving devices.—In the handling of mail at the central mailing station the custodian shall make use of labor saving devices and machines when it is found economical to do so. (Act Apr. 24, 1929, c. 350, §3.)

Custodian cannot make purchases because of absence of appropriation. Op. Atty. Gen., Aug. 1, 1933.

23-4. Department to advance money for expenses.—To provide funds for the payment of postage each department or agency shall make advance payments from time to time to the custodian sufficient to cover

its postage obligations for at least thirty days. (Act Apr. 24, 1929, c. 350, §4.)

Custodian may not charge departments percentage as handling charge. Op. Atty. Gen., Aug. 1, 1933.

23-5. Billboards prohibited adjacent to Capitol.—No advertising billboards shall be erected or maintained on any lands adjoining the state capitol grounds, or within the distance of one-eighth of a mile from the center of the capitol building, except it be a billboard advertising a business conducted on the premises on which it is erected or maintained. (Act Apr. 26, 1929, c. 389, §1.)

23-6 Same; penalty.—Any person who shall violate the provisions of this act shall be guilty of a misdemeanor. (Act Apr. 26, 1929, c. 389, §2.)

23-7. Appropriation for state owned telephone system.—There is hereby appropriated out of all monies not otherwise appropriated from the State Treasury the sum of \$47,000 for the purpose of acquiring and installing a state-owned automatic telephone system to serve the State Capitol, Administration and Historical Society buildings, said monies to be dispensed under the supervision of the Department of Administration and Finance. (Act Apr. 21, 1933, c. 388.)

Laws 1929, c. 401, authorizes St. Paul Camp No. 1, Sons of Veterans, to erect statue of Abraham Lincoln on capitol grounds.

CHAPTER 3

The Legislature

40. Members of Legislature excused from court duties.—No member or officer of the Legislature shall be compelled to attend as a witness in any court of this state during the session of the legislature; unless the court in which the action is pending upon sufficient showing shall otherwise order with the consent of the presiding officer of the body of which such witness is an employee or the consent of the body of which such witness is a member. No cause or proceeding, civil or criminal, in court or before any commission or officer or referee thereof or motion or hearing therein, in which a member or officer of the legislature is a party, attorney or witness shall be tried or heard during such session of the legislature, but shall be continued until the legislature shall

have adjourned. Such member or officer of the legislature may, with the consent of the body of the legislature of which he is a member or officer, waive such privilege and in such case such cause or proceeding, motion, or hearing may be tried or heard at such time as will not conflict with legislative duties. ('09, c. 51, §1; G. S. '13, §40; '25, c. 18; '27, c. 47; Feb. 14, 1929, c. 19.)

Extradition is governed by the Constitution and laws of the United States, and Chapter 19, Laws 1929, cannot interfere or delay its operation. State ex rel. v. Moeller, 234NW649. See Dun. Dig. 1721, 8835.

45. Form of act—Submission.

The proposed constitutional amendments appearing in Laws 1931, Chapters 417 to 420, should appear on the