

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



Edited by

WILLIAM H. MASON, Editor-in-Chief  
W. H. MASON, JR. }  
R. O. MASON } Assistant Editors  
J. S. O'BRIEN }

CITER- DIGEST CO.  
SAINT PAUL, MINNESOTA.  
1934

**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

ballot in November in the following order: Chapter 420, No. 1; Chapter 418, No. 2; Chapter 417, No. 3; Chapter 419, No. 4. Op. Atty. Gen., Jan. 19, 1932.

**48. "Standing appropriation" defined.**

Act providing for state's participation in Century of Progress Exposition at Chicago in 1933, and appropriation therefor. Laws 1931, c. 415.

Laws 1931, c. 415. Appropriation of \$15,000. Laws 1933, c. 299.

**49. Standing appropriations repealed.**

Act Ex. Ses., Dec. 23, 1933, c. 16, §2, post §5887-11a, amends this section insofar as it is inconsistent with §5887-11.

CHAPTER 3A

Organization of State Government.

ARTICLE I

**53-1. Departments and agencies of state government created, established, and enumerated.**

The title of this act satisfies the requirements of the constitution. 171M191, 213NW904.

Where contract is let to lowest bidder, who later discovers that he has omitted certain items in his calculations, officers may not modify the contract by adding the amount of such items, even though the total sum would be less than the next lowest bid, but must either let the contract to the next lowest bidder or call for new bids. Op. Atty. Gen., July 21, 1931.

ARTICLE II

**53-3. Same—Powers and duties—Meetings**

Act authorizing Executive Council to accept title to certain lands on behalf of state. Laws 1931, c. 235.

Act authorizing Executive Council to permit diversion or drainage of public waters. Laws 1931, c. 286, post §§6430-1 to 6430-3.

**53-3½ a. Capitol grounds commission abolished.—**

The Capitol Grounds Commissioners, created by Chapter 281, General Laws 1907, are hereby abolished. All duties conferred upon said Commissioners by said Chapter 281 and by Chapter 348, General Laws 1913, are hereby transferred to the Executive Council. (Act Apr. 1, 1929, c. 124, §1.)

State Executive Council has power to petition for vacation of city street for extension of capitol grounds. Op. Atty. Gen., Mar. 8, 1933.

**53-3½ b. Disposition of funds.—**All funds to the credit of said commissioners and any additional funds which may accrue subsequent to the passage of this act shall be used in improving and beautifying the New Capitol grounds, expenditures to made by the custodian of the New Capitol when authorized by the Executive Council. This act shall be subject to the provisions of Chapter 426, General Laws 1925. (Act Apr. 1, 1929, c. 124, §2.)

**53-3½ c. Capitol grounds commissioners to be appointed by the governor—rules governing same.—**

That within 30 days after the passage of this act, the governor shall appoint three resident freeholders of the State of Minnesota, for the term of three years, or such time as may be necessary for them to complete their duties as herein prescribed, who, together with the governor as an ex-officio member, shall constitute a board to be known as the "Capitol Grounds Commissioners." The persons so appointed shall within 10 days after their appointment, file with the secretary of state their written acceptances of such appointment, together with an oath to faithfully and honestly discharge the duties imposed upon them by this act. Said appointees shall forthwith, after their qualification, upon call of the governor, meet and organize. The governor shall be ex-officio president of said board and they shall elect from their number a vice president and secretary, and shall keep a record of their proceedings, which shall, after the completion of their duties, be returned to and filed with the secretary of state.

A majority of said commissioners shall constitute a quorum for the transaction of business, and they shall hold such stated and special meetings as they may by rule prescribe.

The members of said commission shall serve without compensation but shall be entitled to be paid from the state treasury the actual and necessary expenses incurred by them in the transaction of their business, upon the due audit and allowance of such

expenditures by said commissioners and upon due certification thereof to the state auditor.

It shall be the duty of the governor to fill all vacancies occurring in the membership of said board, prior to the making of its final report, with persons of like qualifications. (Act Apr. 22, 1907, c. 281, §1.)

**53-3½ d. Capitol commission given right to sell or remove buildings upon lands acquired for beautifying capitol grounds.—**

It shall be the duty of said board of capitol grounds commissioners to proceed as soon as may be to take the necessary steps as herein authorized to acquire and secure by purchase or by condemnation under the right of eminent domain, or both, such lands adjoining or adjacent to the present new state capitol grounds as will, in their judgment, be requisite and necessary for the proper extension and enlargement of the grounds for the new state capitol building of Minnesota, and in such manner as to render the same more symmetrical in form, provided, however, that said commissioners shall incur no obligation in that behalf beyond the limit of the appropriation or appropriations which shall be made therefor. Said commissioners shall have the right, if in their judgment it is necessary, in and about the acquisition and improvement of such lands, to sell, remove or dispose of any building or buildings situated upon the lands so purchased and to grade, improve and beautify such grounds, and to call to their assistance the services of a landscape artist or architect, and any moneys heretofore or hereafter received by said commissioners on account of rents received from said buildings, or from the sale thereof, may be expended in the improvement of said grounds by said commissioners.

Said commissioners are authorized to enter into contracts with the owners of the land sought to be acquired for the sale and conveyance thereof, to the state of Minnesota for the purpose aforesaid, when in their judgment the same can be secured at a fair and reasonable price, they are authorized to proceed to acquire the same for the state by condemnation under the right of eminent domain, in the manner and under and pursuant to the terms and provisions of Chapter 41 of the Revised Laws 1905, and it shall be the duty of the attorney general to render all legal assistance necessary to carry out such condemnation proceedings as said commissioners may desire to institute in that behalf. (Laws 1907, c. 281, §2, as amended by Act Apr. 18, 1913, c. 348, §1.)

**53-3½ e. Auditor to draw warrants.—**When lands are acquired under the provisions of this act, either by purchase or by condemnation, said board of capitol grounds commissioners shall certify to the state auditor the purchase price thereof, or the amount of damages awarded, and thereupon the state auditor shall draw his warrant therefor, payable to the owner or persons interested in the land so acquired, out of any moneys which may have been appropriated for that purpose, the same to be delivered upon receipt of a proper deed of conveyance to the state, of the lands so purchased, or upon delivery of a proper receipt for the damages awarded in cases of condemnation. (Act Apr. 22, 1907, c. 281, §3.)

**53-3½ f. If insufficient appropriation is made.—**In case the appropriation or appropriations made shall not be sufficient to pay for all lands purchased and