

1936 Supplement
To
Mason's Minnesota Statutes
1927

(1927 to 1936)
(Superseding Mason's 1931 and 1934 Supplements)

Containing the text of the acts of the 1929, 1931, 1933 and 1935 General Sessions, and the 1933-34 and 1935-36 Special Sessions of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state and federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota together with digest of all common law decisions.



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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*, 183M272, 236NW322(2); 49F(2d)816. See *Dun. Dig.* 6933. State cannot license an Indian trader on an Indian reservation. *Op. Atty. Gen.*, Nov. 6, 1933.

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. Certificate of consent.

Recording of certificate of consent to acquisition of land by United States with the register of deeds is a sufficient compliance with this section notwithstanding that land involved may be registered land. *Op. Atty. Gen.* (373b-17f), Dec. 17, 1934.

Fees for filing of certificates of consent to acquisition of land by United States are payable by the secretary of state to the register of deeds. *Op. Atty. Gen.* (373b-10(k)), Dec. 18, 1934.

6-1. Acquisition by United States of lands for customs houses, etc.

In eminent domain in case of conflict between state public use and federal public use, the more necessary public use should be given preference. *Op. Atty. Gen.*, Dec. 11, 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, 210Iowa126, 230NW548.

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.

Judges increased to four by Laws 1931, c. 104. (14). See §162 respecting counties in this district.

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 exceed number of congressional districts. *Op. Atty. Gen.*, May 11, 1933.