

CHAPTER 489

COURT COMMISSIONERS.

489.01 ELECTION; TERM.

Where a district judge filled a vacancy in the office of court commissioner by an appointment "until the next general election," if an election was held for that office at the next general election the person elected would hold office only for the balance of the regular term. OAG June 8, 1944 (128-D).

Office of assistant county attorney and court commissioner are incompatible. OAG Jan. 14, 1946 (358-b-1-a).

489.02 QUALIFICATIONS; POWERS.

A court commissioner is a judicial officer and as such is not liable in a civil action to anyone for his judicial acts. *Linder v Foster*, 209 M 43, 295 NW 299.

489.03 OATH.

HISTORY. 1860 c. 43 s. 3; G.S. 1866 c. 8 s. 195; G.S. 1878 c. 8 s. 226; G.S. 1894 s. 825; 1897 c. 311; R.L. 1905 s. 149; G.S. 1913 s. 290; G.S. 1923 s. 248; M.S. 1927 s. 248; 1945 c. 208 s. 1.

There is no statute requiring a court commissioner to file an official bond. OAG Jan. 9, 1947 (128).

489.05 VACANCY.

Where the statutory language is clear and unambiguous, there is no room for construction or interpretation.

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.

In reenacting a statute, however, intention to change the meaning may as clearly appear from the omission of old as by adding new language. Section 489.05 rather than section 382.02 controls in the appointment of a court commissioner to fill a vacancy. OAG Sept. 16, 1943 (128-D). *State ex rel v Washburn*, 224 M 269, 28 NW(2d) 652.