in the law. No legislative history is available relating to the 1967 amendments. One change made by the 1967 law, as previously noted, was the limitation of the deduction under subd. 6 of all payments for temporary or permanent disability previously made to the amount of $17,500. During oral argument, counsel for the employer, with commendable candor, admitted that as a matter of administrative practice, the Workmen's Compensation Commission has excluded medical benefits from the deduction authorized by Minn. St. 1965, § 176.101, subd. 6. As heretofore mentioned, this amendment came into the law in 1915, and it is rather singular that until this case, to our knowledge, the administrative practice was never questioned. It may be that decisions construing the word "compensation," as applied to other sections of the act, have furnished some impetus, or it may be that the legislature, as long as it was amending subd. 6, wanted to be certain that this statute clearly reflected the administrative practice, or both. We cannot speculate on the reasons therefor. No one should have just cause for complaint if the legislature clarifies a law. A clarification is far removed from an unnecessary and meaningless act.

For the reasons heretofore stated, we hold that Minn. St. 1965, § 176.101, subd. 6, does not authorize a deduction for medical benefits.

Respondent is allowed $250 attorney's fees and his costs and disbursements in this court.

Affirmed.

MR. JUSTICE FRANK T. GALLAGHER took no part in the consideration or decision of this case.

JEROME DALY v. SAVAGE STATE BANK AND ANOTHER.

171 N. W. (2d) 218.

November 14, 1969—No. 42157.

Courts—justice of peace court—demand for removal—effect.

Petition in this court for a writ of prohibition by Savage State Bank to compel Martin V. Mahoney, justice of the peace of Credit River Township, Scott County, to refrain from enforcing certain orders and from further proceedings in an action brought by one Jerome Daly against petitioner and Eugene T. Kearney, postmaster at Savage, Minnesota. Application dismissed.

Fredrikson, Byron & Colborn, Ltd., James L. Baillie, and *Keith Libbey,* for petitioner.

PER CURIAM.

Petition for a writ of prohibition in the above-entitled matter instituted before Martin V. Mahoney, Justice of the Peace of Credit River Township, Scott County, Minnesota.

The death of Mr. Mahoney on August 22, 1969, makes these proceedings moot as to him.

However, to avoid the necessity of further proceedings to vacate and set aside any action taken herein by Mr. Mahoney or by any successor in office (see, 42 Am. Jur., Prohibition, § 47), we declare all proceedings in this matter in the justice court subsequent to relator's demand for removal of August 15, 1969, a nullity. Minn. St. 531.115 provides for removal as a matter of right from a justice of the peace court to a court presided over by a salaried judge, and it requires the justice of the peace to transmit the file of such action "forthwith." See, Smith v. Tuman, 262 Minn. 149, 114 N. W. (2d) 73.

The application for the writ of prohibition is dismissed.