

MASON'S MINNESOTA STATUTES

1927

PUBLISHED UNDER THE TERMS OF THE CONTRACT MADE BY THE
STATUTE COMPILATION COMMISSION FOR THE PUBLICATION OF
THE GENERAL STATUTES OF 1923

EMBRACING THE ORGANIC LAWS, THE CONSTITUTION, AND THE STAT-
UTES CONTAINED IN THE GENERAL STATUTES OF 1923, EXCEPT
THOSE WHICH HAVE BEEN REPEALED OR SUPERSEDED
BY THE SUBSEQUENT LEGISLATION OF 1925
AND 1927

AND ALSO EMBRACING LAWS OMITTED FROM THE GENERAL STATUTES
1923, AND THE LAWS OF THE 1925 AND 1927 SESSIONS OF THE
LEGISLATURE UNDER APPROPRIATE CLASSIFICATION.

COMPILED AND EDITED BY THE EDITORIAL STAFF OF THE
CITER-DIGEST COMPANY

WILLIAM H. MASON,
Editor in Chief.
MARTIN S. CHANDLER,
RICHARD O. MASON,
Assistant Editors.

Citer-Digest Company
St. Paul
1927

CHAPTER 33

PUBLIC LIBRARIES

State Public Library Commission, §§ 5656-5660.

Members—Term	Sec. 5656
Compensation	5657
Purchase of books—Office	5658
To advise librarians, etc.	5659
Statistics—Reports—Disbursements	5660

Public Libraries and Reading Rooms, §§ 5661-5670.

Establishment and maintenance—Tax	5661
When established by vote—Existing libraries	5662
Directors—Term—Removal	5663
Vacancies—Compensation	5664
Organization of board—Rules etc.	5665
Nonresidents—Contracts to loan books—Tax	5666
Directors now in office—Report	5667
Title to property—Free use	5668
Gifts, etc.—Contracts	5669
Law libraries	5670
Same	5670-1

STATE PUBLIC LIBRARY COMMISSION

5656. **Members—Term**—The state public library commission shall be composed of the president of the state university, the state superintendent of public instruction, and the secretary of the state historical society, each ex officio, and two other members to be appointed by the governor upon the expiration of the terms of those now in office, each for the term of six years and until his successor qualifies. Vacancies shall be filled by like appointment for the unexpired terms. (2250) [4911]

5657. **Compensation**—No member of such commission shall receive any salary or compensation for his services as such, but each shall be paid his traveling and other expenses necessarily incurred in attending meetings of the commission, in visiting or establishing libraries, and in performing his duties connected with the work of the commission. (2251) [4912]

5658. **Purchase of books—Office**—The commission may purchase collections of books, to be the property of the state, and used as a state circulating library, from which any town, village, or community may borrow under prescribed regulations. It shall divide such books into groups, to be known as traveling libraries, catalogue and prepare them for circulation, and make rules for the conduct of its business, such as shall insure the care, preservation, and safe return of all books loaned. Suitable rooms shall be provided in the capitol for its use. (2252) [4913]

5659. **To advise librarians, etc.**—Said commission, without charge, shall give advice and instruction to the managers of any public library, and to the trustees or agents of any village, town, or community entitled to borrow from said collections, upon any matter pertaining to the organization, maintenance, or administration of libraries. It shall assist, by counsel and encouragement, in the formation of libraries where none exist, and may send its members to aid in organizing the same, or in improving those already established. (2253) [4914]

5660. **Statistics—Reports—Disbursements**—The commission shall keep statistics of the free public libraries of the state, and a record of the work done and the books loaned by it, and report the same to each regular session of the legislature with a statement of its expenditures, the use made of the traveling libraries, and such other matters as it deems proper.

Upon presentation of itemized vouchers, approved by at least three members of the commission the state auditor shall issue his warrants for all proper expenditures hereunder. (2254) [4915]

PUBLIC LIBRARIES AND READING ROOMS

5661. **Establishment and maintenance—Tax**—The governing body of any city or village may establish and maintain a public library and reading room or either of them for the use of its inhabitants, and by ordinance may set apart for the benefit thereof real estate or other public property of the municipality. In villages and cities of the second, third and fourth classes, it may levy an annual tax of not more than three mills, and in cities of the first class of not more than one mill, on the dollar, of all taxable property therein, the proceeds of which tax shall be known as the library fund. (R. L. § 2255, amended '13 c. 509 § 1) [4916]
See 1905 c. 257.

5662. **When established by vote—Existing libraries**—If such library or reading room be not otherwise established, the governing body of the municipality, upon the petition of fifty freeholders thereof, shall submit the question of such establishment to the voters at the next municipal election. If two-thirds of the votes cast on said question be in the affirmative, the governing body shall establish the library or reading room, and levy a yearly tax for its support, within the limits fixed by § 5661. All public libraries and reading rooms heretofore established and now existing in cities or villages are continued, and all ordinances setting apart public property for their support are hereby confirmed. Nothing in this chapter shall be construed as abridging any power or duty in respect to libraries conferred by any city or village charter. (2256) [4917]

5663. **Directors—Term—Removal**—When any such library or reading room is established, the mayor of the city or president of the village, with the approval of the council, shall appoint a board of nine directors, but not more than one of whom shall at any time be a member of such governing body. One-third of the members shall hold office for one year, one-third for two years, and one-third for three years from the third Saturday of July following their appointment, the term of office of each being specified by the appointing power; and annually thereafter such mayor or president shall appoint three directors for the term of three years and until their successors qualify. Such mayor or president, by and with the consent of the council, may remove any director for misconduct or neglect. (2257) [4918]

5664. **Vacancies—Compensation**—Vacancies in the board of directors shall be reported to the council, and filled by like appointment for the unexpired term. Directors shall receive no compensation for their services as such. (2258) [4919]

5665. **Organization of board—Rules, etc.**—Immediately after appointment, such board shall organize by electing one of its number as president and one as secretary, and from time to time it may appoint such other officers and employees as it deems necessary.

The secretary, before entering upon his duties, shall give bond to the municipality in an amount fixed by the directors, conditioned for the faithful discharge of his official duties. The board shall adopt such by-laws and regulations for the government of the library and reading room and for the conduct of its business as may be expedient and conformable to law. It shall have exclusive control of the expenditure of all moneys collected for or placed to the credit of the library fund, of the construction of library buildings, and of the grounds, rooms, and buildings provided for library purposes. But all moneys received for such library shall be paid into the city or village treasury, be credited to the library fund, be kept separate from other moneys of the municipality, and be paid out only upon itemized vouchers approved by the board. The board may lease rooms for library use, fix the compensation of employees, and remove any of them at pleasure. With the approval of the council, the board may purchase grounds and erect a library building thereon. (2259) [4920]

5666. Nonresidents—Contracts to loan books—Tax—Any board of directors may admit to the benefits of its library persons not residing within the municipality, under such regulations, and upon such conditions as to payment and security, as it shall by rule prescribe.

Said board may also contract with the board of county commissioners of the county in which the library is situated or of adjacent counties, or with the village trustees or governing body of any neighboring town, city or village to loan books of said library, either singly or in traveling libraries, to the residents of said county, town, city or village, upon such terms as shall be agreed upon in such contract.

All such boards or officers shall have the power to contract with the board of directors of any free public library for the use of said library by the people of the county, town, city or village not having the use of a free library, upon the same terms and conditions as those granted to residents in the city or village where the library is located, and to pay such library board such an amount annually as may be agreed upon therefor, and such county, town, city or village board may establish a library fund by levying an annual tax of not over one mill on the dollar of all the taxable property outside of any city or village wherein a free public library is located or which is already taxed for the support of any such library. (R. L. § 2260, amended '05 c. 257; '13 c. 509 § 2) [4921]

5667. Directors now in office—Report—The directors of any such library or reading room in office under existing laws shall so continue until the expiration of their terms, but their successors shall be appointed and vacancies filled under the provision of this chapter. At the first regular meeting of the board following the third Saturday of July in each year, the board shall report to the governing body of the municipality all amounts received during the preceding year, and the sources thereof, the amounts expended, and for what purposes, the number of books on hand, the number purchased and loaned, and such other information as it deems advisable. A copy of such report shall be filed with the state library commission. But nothing in this section shall apply to libraries in cities of the first class. (R. L. 2261, amended '11 c. 181 § 1) [4922]

5668. Title to property—Free use—All property given, granted, conveyed, donated, devised, or bequeathed to, or otherwise acquired by, any municipality for a library or reading room shall vest in, and be held in the name of, such municipality, and any con-

veyance, grant, donation, devise, bequest, or gift made to or in the name of any public library or library board shall be deemed to have been made directly to such municipality. Every library and reading room established under this chapter shall be forever free to the use of the inhabitants of the municipality, subject to such reasonable regulations as the directors may adopt. (2262) [4923]

5669. Gifts, etc.—Contracts—With the consent of the governing body of any city or village, expressed by ordinance or resolution, and within the limitations of this chapter as to the rate of taxation, the library board may accept any gift, grant, devise, or bequest made or offered by any person for library purposes, or for the establishment, enlargement, or maintenance of an art gallery or museum in connection with its library, and may carry out the conditions of such donation. And the municipality in all such cases is authorized to acquire a site, levy a tax, and pledge itself by ordinance or resolution to a perpetual compliance with all the terms and conditions of the gift, grant, devise, or bequest so accepted. All ordinances adopted in reference to such donations prior to the taking effect of the Revised Laws are hereby legalized and confirmed. (2263) [4924]

See following section.

33 5670
— 291

5670
31 — 327

5670. Law libraries—In counties having a population of two hundred thousand or more, the district court may authorize and require the county board, or other body in charge of the courthouse, to provide rooms therein for the uses of a law library, whenever the owner of any such library shall offer to furnish and maintain the same for a term of at least ten years, and to give the free use thereof, under proper regulations, to all the judges of the district, municipal, and probate courts of the county, and to all city and county officials having offices at the county seat. Upon petition therefor being filed with the clerk, setting forth a proposal and plan for the furnishing of such library, and the reasons for accepting the same, the court shall fix a time for a hearing thereon, and direct that a copy of its order, and of said petition, be served upon the county attorney, and upon the attorney of the city constituting the county seat, at least eight days before the date so fixed. Such attorneys shall appear and oppose such petition, if they or either of them believe that the public interests would not be subserved by granting the same. The court shall hear all parties appearing, and inquire as to the character of the library offered, and as to the ability of its owner to carry out the terms of the offer made and to meet the conditions proper to be imposed. If satisfied that such library should be installed, the court shall make an order therefor, prescribing the duties of the owner in respect thereto, directing that suitable rooms be provided in the courthouse for its accommodation, with necessary light, heat, and janitor service, and requiring the county board and city council to appropriate annually, until the further order of the court, not less than twelve hundred dollars nor more than fifteen hundred dollars for the salary of a librarian and other necessary expense of caring for such library; which sum shall be apportioned, by the order, between such city and county. The owner shall retain the title and management of the library, appoint the librarian thereof, and make rules and regulations for its use; but no such rules shall restrict the access of public officials thereto, unless the same are approved by a judge of the district court. The library shall be maintained by the owner in reasonable repair and efficiency, and upon

his failure so to do the court may cancel any or all orders made hereunder, and require the library to be removed. The several officials of the city and county shall take all necessary steps for carrying out the provision of this section, and all orders of the court made thereunder. (2264) [4926]

For act authorizing gifts to cities for libraries, see '01 c. 93 § 1, amended '05 c. 241 § 1.

For act requiring balance of deposits after termination of action to be paid over for law library, see '05 c. 108.

See also '19 c. 148, authorizing Minneapolis public library to accept gifts; also '19 c. 252; '19 c. 334; '19 c. 445.

5670-1. Law libraries in counties with 100,000 or more inhabitants—In any county now or hereafter having a population of one hundred thousand (100,000) or over, the county board or other body in charge of the court house of such county, or the construction thereof, is hereby authorized to provide rooms therein for the use of law libraries, and such county board or other body in charge of such court house may install such libraries therein by purchase, leasing or securing the same from an individual or association upon such terms and conditions as to them shall be deemed for the interest of the people. [4929]

CHAPTER 34

STATE PRINTING

5671
Et seq.
34 — 59

State printing commission	5671
State expert printer	5672
Clerk	5673
Classes of state printing	5674
Same—State Re-organization Act not affected ..	5674-1
Rules to be adopted	5675
Advertisement for bids	5676
Printing, lithographing, etc.	5677
To be delivered to expert printer	5678
Legislative manual—Standing appropriation ..	5679
Manual to be printed	5680
Publication of session laws	5681
Treasurer's report, how published	5682
Detailed report of treasurer	5683
Printing commission may remit penalties in certain cases	5684

Powers, etc., of state printing commission transferred to Commission of Administration and Finance. See § 53-9, herein.

5671. State printing commission — The auditor, treasurer and secretary of state shall constitute a state printing commission for the state of Minnesota, of which the secretary of state shall be chairman. With the aid of a state expert printer appointed by said commission, for such term, not exceeding three years, as it shall see fit, it shall have control of all printing, advertising and binding done under the provisions of this act, and the distribution thereof. ('19 c. 441 § 1)

('19 c. 441 § 9 repeals inconsistent acts which undoubtedly include G. S. '13 §§ 4930-4939, inclusive).

5672. State expert printer—The state expert printer shall be a man experienced in the printing trade, and competent to keep the records and accounts of the commission. He shall be the custodian of all material purchased by the commission for printing and binding purposes, and of all printing and binding matter ordered for and delivered to the state. He shall give orders for all printing, advertising and binding provided for under this act, see that the same is done in a workmanlike manner and delivered to the departments, in accordance with contracts. He shall obtain receipts from the departments from time to time as printing and binding is delivered to them, and shall keep an accurate record of all such purchases and deliveries, showing the amount and cost thereof, and a record of the cost of all printing, advertising and binding done for the respective departments and officials of the state, supervise all such work and handle the copy therefor. He shall receive and pass upon all bills for printing, advertising and binding for the state whether such bills are payable out of the fund appropriated by the legislature for printing, advertising and

binding, or payable out of the funds of the departments; and vouchers for the payment of printing, advertising and binding accounts shall have thereon the approval of the state expert printer, or in case of his absence at least two members of the printing commission will be required to pass upon and approve such vouchers. The state expert printer shall be the clerk of the printing commission, keep a record of its proceedings and carry out its lawful rules and directions. He shall receive an annual salary of thirty-two hundred dollars, payable monthly, beginning May 1, 1919. ('19 c. 441 § 2)

5673. Clerk—The printing commission shall employ a clerk at an annual salary not to exceed \$1,200 payable monthly, for stenographic and clerical work in the office of state expert printer. ('19 c. 441 § 3)

CLASSES OF STATE PRINTING

5674. The state printing and binding is hereby divided into seven classes, as follows:

Class one—All bills for the senate and house of representatives, and all resolutions and other matters not in pamphlet or book form, that may be ordered printed by either or both houses, or by the officers of either.

Class two—The journals of the senate and house of representatives, including reports and other documents properly forming a part of such journals.

Class Three. All other reports and documents, except those designated in classes one and two, ordered printed in book or pamphlet form by either branch of the legislature, or authorized or required by law to be so printed, including the volumes of executive documents and the legislative manual. Biennial reports of the following named state department officials, only may be published by the printing commission in such form and quantity as it shall direct, and the state expert printer is empowered to edit and condense any of them, or he may decline to publish such portions as he shall decide may be omitted without injury to the state viz., Governor, Secretary of State, State Auditor, State Treasurer, Railroad and Warehouse Commission, State Tax Commission, Board of Control, Commissioner of Highways and Grand Army of Republic. The State Department of Insurance and the State Horticultural Society may have published annual reports upon application to the Printing Commission in the same manner and under the same rules as prescribed for the publication of biennial reports. The Printing Commission may publish from time to time opinions of the

1940 Supplement
To
Mason's Minnesota Statutes
1927

(1927 to 1940)
(Superseding Mason's 1931, 1934, 1936 and 1938
Supplements)

Containing the text of the acts of the 1929, 1931, 1933, 1935, 1937 and 1939 General Sessions, and the 1933-34, 1935-36, 1936 and 1937 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.



Edited by
William H. Mason
Assisted by
The Publisher's Editorial Staff

MASON PUBLISHING CO.
SAINT PAUL, MINNESOTA
1940

5647. Reciprocity in licenses.—Whenever, so long as, and in so far as the state of South Dakota, confers upon the licensees of this state reciprocal rights, privileges, and immunities, any license to take water fowl, any license to take fish by angling or spearing, and any commercial fishing or clamming license issued by such state shall entitle the licensee to all the rights, privileges, and immunities in and upon the waters of Big Stone Lake and this state, enjoyed by the holders of equivalent licenses issued by this state; subject, however, to the duties, responsibilities, and liabilities imposed on its own licensees by the laws of this state. ('19, c. 400, §139; Apr. 21, 1931, c. 298, §2.)

Reciprocal and retaliatory legislation. 21MinnLawRev 371.

5648. Open season for fishing in boundary waters.—In all cases where the date for the opening of the season for taking fish in waters forming a common boundary between this and other states and the Province of Ontario, is later, or where the day for the closing of the season for taking fish in such waters is earlier in Minnesota than it is in any other state or states or Province of Ontario bounded by such waters, then and in such case the director of game and fish may promulgate and publish an order fixing the days for the opening and the closing of the season for taking fish in such waters coincident with the opening and closing days of the season of such other state or Province of Ontario for taking fish in such waters, and thereafter and until said order is amended or repealed such open season for taking fish in such water shall be as in said order provided. Provided, further, that those waters lying within the State of Minnesota and forming a common boundary between the state of Minnesota and the Province of Ontario and/or Manitoba, not already closed, shall be closed to commercial fishing when the proper authorities of the province of Ontario and/or Manitoba shall close to commercial fishing that portion of such boundary waters forming a common boundary between the State of Minnesota and the province of Ontario and/or Manitoba as lie within the province of Ontario and/or Manitoba. It is provided further that these

waters may be closed separately in the event that the proper authorities of the province of Ontario and/or Manitoba close one or more body or bodies of water and not all such boundary waters. The director of game and fish is hereby authorized and empowered to enter into arrangements jointly with the proper authorities of such other state or Province of Ontario bounded by such waters for the supervision of fishing therein, for the closing thereof, for the stocking thereof, for the enforcement of fishing laws of both states or Province of Ontario in such water, and for locating the boundary line. ('21, c. 193, §1; Apr. 21, 1933, c. 392, §20; Apr. 29, 1935, c. 388, §1.)

Two states may contract for the removal of rough fish from waters forming part of common boundary and divide the proceeds. Op. Atty. Gen., Nov. 20, 1933.

An Iowa license cannot be recognized on Minnesota side of a lake constituting common boundary except under reciprocity arrangement. Op. Atty. Gen. Jan. 24, 1934.

A Minnesota fishing license should be required from a Canadian guide who crosses border and takes Minnesota fishing parties into Minnesota waters even though he does not fish himself. Op. Atty. Gen. (209h), Aug. 19, 1934.

An order closing to commercial fishing waters lying entirely on Minnesota side of boundary would be valid, there being no reciprocal "arrangement" with Canadian province. Op. Atty. Gen. (211b-2), Jan. 15, 1935.

5648-1. Inconsistent acts repealed.—That all acts and parts of acts inconsistent herewith are hereby modified and amended so far as may be necessary to give full force and effect to the provisions of this act. (Act Apr. 29, 1935, c. 388, §2.)

PART XI.—DEFINITIONS AND CONSTRUCTION

5649. Definitions.

Op. Atty. Gen., Jan. 18, 1932; note under §5585.

"Set line" defined. Op. Atty. Gen., June 15, 1933.

(7).

Commissioner may authorize hunting of deer by bow and arrow, but cannot limit such taking to certain area and exclude use of rifle therein. Op. Atty. Gen., July 28, 1933.

A Minnesota fishing license should be required from a Canadian guide who crosses border and takes Minnesota fishing parties into Minnesota waters even though he does not fish himself. Op. Atty. Gen. (209h), Aug. 19, 1934.

Discussion as to what constitutes proof of possession of unlicensed net. Id.

CHAPTER 33

Public Libraries

PUBLIC LIBRARIES AND READING ROOMS

5661. Establishment and maintenance.

Where library board has the funds for a building, the village council may set aside village land for the building without submission of matter to electors. Op. Atty. Gen., July 23, 1929.

Member of library board may not enter into contract of employment with such board. Op. Atty. Gen. (59a-26), May 8, 1934.

A library board may not be abolished in absence of statute permitting it, and it is immaterial that village has been incorporated as a city of the fourth class. Op. Atty. Gen. (624e-11), Oct. 4, 1934.

Village cannot contract with school district for establishment and maintenance of public library under supervision of school district, but village may place library books in school library and retain title. Op. Atty. Gen. (476a-6), Feb. 19, 1936.

A township or village should not appropriate money out of general fund for library purposes, but should make provision by a levy. Op. Atty. Gen. (285B), June 30, 1939.

5662. When established by vote—Existing libraries.

Manner of choosing library board for public library in a city of fourth class with commission form of government under home rule charter which does not describe manner of choosing the board, discussed. Op. Atty. Gen., Nov. 29, 1933.

5663. Directors—Term—Removal.

Positions of member of library board and member of school board are not incompatible. Op. Atty. Gen., Aug. 1, 1933.

Appointment or election of members of library board should be prescribed by terms of home rule charter. Op. Atty. Gen. (285a), Aug. 24, 1937.

All appointments to board of directors must be approved by council. Op. Atty. Gen., (69a-26), Aug. 25, 1938.

5665. Organization of board—Rules, etc.

Op. Atty. Gen., July 23, 1929; note under §5661.

No part of library fund may be used in remodeling village hall so as to correspond with library building to be attached to it. Op. Atty. Gen., May 7, 1929.

The Home Rule Charter of St. Cloud would indicate that the library board could not extend money in excess of actual cash received. Op. Atty. Gen., Jan. 5, 1931.

Member of library board may not appoint himself as librarian. Op. Atty. Gen., Jan. 10, 1934.

Part of library fund may be used to defray part of cost of building and furnishing village hall, a portion of which will be used by library board for library and reading room purposes. Op. Atty. Gen. (481b-2), June 12, 1935.

County may levy a tax for the purpose of assisting in maintenance of public library of a city. Op. Atty. Gen. (285B), March 25, 1939.

Library board members should not be employed and paid by same board of which he is a member. Op. Atty. Gen. (285B), June 30, 1939.

5669-1. Certain villages and towns to establish portable and circulating libraries.—The Board of Supervisors of any organized town containing 5 or more government townships, and having a total population including villages therein which are not separated from the town for election and assessment pur-

poses, of 15,000 inhabitants, may establish and maintain a portable circulating library for the education, benefit and welfare of the people of such town.

For this purpose the board may purchase and equip a motor vehicle and may furnish a driver, a librarian, and such further clerical assistance as it shall deem reasonably necessary for the maintenance of such library, and the library board of such village is hereby authorized to cooperate with the town in the maintenance thereof, and to loan books and periodicals to the town on such terms as it shall prescribe.

All expenditures made for the purpose of this Act shall be within and not above the limitations now prescribed by law for the general fund of such town. (Act Apr. 8, 1933, c. 176, §1.)

5669-2. Expenditures legalized.—Expenditures heretofore made by the town board of any such town for the purposes authorized by this Act are hereby validated and legalized. (Act Apr. 8, 1933, c. 176, §2.)

5670. Law libraries.—In counties having a population of two hundred thousand or more, the district court may authorize and require the county board, or other body in charge of the courthouse, to provide rooms therein for the uses of a law library, whenever the owner of any such library shall offer to furnish and maintain the same for a term of at least ten years, and to give the free use thereof, under proper regulations, to all the judges of the district, municipal, and probate courts of the county, and to all city and county officials having offices at the county seat. Upon petition therefor being filed with the clerk, setting forth a proposal and plan for the furnishing of such library, and the reasons for accepting the same, the court shall fix a time for hearing thereon, and direct that a copy of its order, and of said petition, be served upon the county attorney, and upon the attorney of the city constituting the county seat, at least eight days before the date so fixed. Such attorneys shall appear and oppose such petition, if they or either of them believe that the public interests would not be subserved by granting the same. The court shall hear all parties appearing, and inquire as to the character of the library offered, and as to the ability of its owner to carry out the terms of the offer made and to meet the conditions proper to be imposed. If satisfied that such library should be installed, the court shall make an order therefor, prescribing the duties of the owner in respect thereto, directing that suitable rooms be provided in the courthouse for its accommodation with necessary light, heat, and janitor service, and requiring the county board and city council to appropriate annually, until the further order of the court, not less than twelve hundred dollars nor more than seventeen hundred fifty dollars for the salary of a librarian and other necessary expense of caring for such library; which sum shall be apportioned, by the order, between such city and county. The owner shall retain the title and management of the library, appoint the librarian thereof, and make rules and regulations for its use; but no such rules shall restrict the access of public officials thereto, unless the same are approved by a judge of the district court. The library shall be maintained by the owner in reasonable repair and efficiency, and upon his failure so to do the court may cancel any or all orders made hereunder, and require the library to be removed. The several officials of the city and county shall take all necessary steps for carrying out the provision of this section and all orders of the court made thereunder. (R. L. '05, §2264; G. S. '13, §4926; Apr. 24, 1931, c. 327.)

Laws 1937, c. 129, provides that in counties having assessed value in excess of \$22,800,000, population of 27,000 to 28,000, and area of 90 to 92 townships, the county board may establish a law library.

Act Mar. 28, 1939, c. 96, provides that counties having 41 to 43 congressional townships, and assessed valuation of \$7,000,000 to \$8,000,000, law libraries are established, and indicating method of financing and conduct of same.

Counties under 100,000 inhabitants cannot appropriate money for law libraries. Op. Atty. Gen., Apr. 13, 1933.

5670-2. Law libraries in certain counties.—In each county now or hereafter having more than 475,000 inhabitants there may be established a county law library. (Act Apr. 17, 1933, c. 291, §1.)

Counties under 100,000 inhabitants cannot appropriate money for law libraries. Op. Atty. Gen., Apr. 13, 1933.

5670-2a. To be public libraries.—The use of such county law library shall be free to the judges of the state, to state officials, to all the judges of the district, municipal and probate courts of the county, to all the city and county officials, to the members of the bar, and to the inhabitants of the county, under proper regulation. (Act Apr. 17, 1933, c. 291, §2.)

5670-2b. Existing law libraries may be turned over to counties.—In each county to which this Act is applicable when any law library association or corporation owning or maintaining a law library at, or convenient to, the courthouse in such county shall give written notice to the judges of the district court in and for such county that it will permit the free use of its library in accordance with the provisions of Section two (2) of this act upon the payment to it of the fees herein provided for, and when the certificate of a majority of such judges setting forth the fact that such law library association or corporation will permit such free use of its law library shall be filed in the office of the clerk of such district court, such law library shall become and be a county law library and entitled to receive the fees herein provided. (Act Apr. 17, 1933, c. 291, §3.)

5670-2c. Fees in civil actions to be collected for upkeep of library.—After the filing of such certificate, it shall be the duty of the clerk to collect in each civil suit, action, or proceeding filed in such court, in the manner in which other fees are collected therein and in addition thereto, as law library fees, the sum of one dollar from the plaintiff or person instituting such suit, action, or proceeding at the time of the filing of the first paper therein and the sum of one dollar from each defendant, respondent, intervenor, or other party who shall appear therein, either separately or jointly, to be collected at the time of the filing of the first paper by such defendant, respondent, intervenor, or other party, or at the time when his or their appearance is entered in the case. Such law library fees shall be costs in the case and taxable as such. (Act Apr. 17, 1933, c. 291, §4.)

5670-2d. Not to apply to certain actions.—The provisions of Section four (4) of this Act shall not apply to actions commenced by the state or any municipality therein, to garnishment proceedings, or to compensation awards. (Act Apr. 17, 1933, c. 291, §5.)

5670-2e. Clerk to pay collections to association monthly.—On the first day of each month the clerk of the court making such collections shall pay to such law library association or corporation all the law library fees collected for the preceding month, taking its receipt therefor. (Act Apr. 17, 1933, c. 291, §6.)

5670-2f. No fees paid in certain cases.—So long as such payments are made by the clerk to the law library association or corporation, no cash payments required to be made under the provisions of the General Statutes 1923, Section 5670, as amended by Laws 1931, Chapter 327, shall be made to such law library association or corporation. (Act Apr. 17, 1933, c. 291, §7.)

5670-2g. Library association to retain title and management.—The law library association or corporation shall retain the title and management of the county law library, appoint the librarian thereof, and make rules and regulations for its use, which may provide that no books shall be removed from the

library except by the judges of the district, municipal and probate courts of the county, without the payment of such dues or making such deposit as the law library association or corporation may provide. (Act Apr. 17, 1933, c. 291, §8.)

5670-2h. Library association to maintain library.—The county law library shall be maintained by the law library association or corporation in a manner satisfactory to a majority of the judges of the district court in and for such county. Upon its failure so to do, whenever a certificate of a majority of the judges of the district court in and for such county setting forth the fact that the law library association or corporation has so failed is filed with the clerk of said court, the law library fees herein provided for shall cease, and such law library shall thereafter be subject to such laws for its support as exist at the date of the passage of this Act. (Act Apr. 17, 1933, c. 291, §9.)

5670-2i. To become public library, when.—When any law library association or corporation owning such a library shall give the written notice provided in Section 3 hereof, said library shall become a public library as provided in Sections 1 and 2 hereof but such public use of said library and the support thereof as herein provided shall cease at the end of one year from the commencement of such arrangement, except in the event hereinafter set out. (Act Apr. 17, 1933, c. 291, §10.)

5670-2j. Liquidation of library association.—If and when during said one year period at least 95% of the stockholders of such association or corporation shall deposit with the District Court of said County their shares of stock endorsed to said county so that title of 95% of the stock of said association shall be vested in said county, it shall thereupon become the duty of the officers of said corporation to bring an action in the District Court of said County to liquidate said corporation. The owners of the remaining stock not endorsed to said county shall be made defendants and the court upon the hearing of trial of said action shall decree a dissolution of said corporation and shall decree to said stockholders who have not endorsed their stock to said county such portion of the assets of said corporation in kind in proportion as the number of shares owned by such stockholders bears to the whole number of stock outstanding. Such division shall be made by the court or by a referee appointed by the court for that purpose. Upon such division being made all of the personal property of such library association or corporation except the portion so allotted to said stockholders, shall become the property of said county and said library shall thereafter be owned and maintained by said county in the manner following. (Act Apr. 17, 1933, c. 291, §11.)

5670-2k. County board may provide for maintenance in certain cases.—For the support of said library there shall be allotted the fees prescribed in Section 4 herein and such other amounts as are now provided by law; provided, however, that the board of county commissioners of such county may, in their discretion, provide for the support and maintenance of such county law library out of county funds, and if such provision for such support and maintenance is made the county commissioners shall certify that fact to the Clerk of the District Court of such county, and thereupon the collection of fees provided for in Section 4 hereof shall cease. (Act Apr. 17, 1933, c. 291, §12.)

5670-2l. Board of law library trustees to manage library.—The management of said library shall be under a Board of Law Library Trustees to be chosen for the terms and in the manner following:

Said board shall consist of seven members;

Two district judges of said county to be selected by the District Judges of said county;

One municipal judge to be selected by the Municipal Judges of the principal city in said county;

Three members of the bar to be elected by the members or stockholders of the oldest incorporated bar association in said county;

One member of the Board of County Commissioners to be selected by said County Board annually at its annual election of officers of said Board. (Act Apr. 17, 1933, c. 291, §13.)

5670-2m. Term of office.—All members of said Trustees except the County Commissioner shall hold office for four years except the first Board, which shall be divided into two classes, with three trustees in each class, one class holding office for four years and one class holding office for two years. Immediately after the selection and election of said Trustees they shall be divided into said classes by lot. (Act Apr. 17, 1933, c. 291, §14.)

5670-2n. Title of library to be in county.—The title to said library shall be in said county and said Board of Trustees may sue and be sued in the name of said county. Said Trustees shall serve without compensation. The Board shall elect one of their number, president and the librarian shall act as secretary. Said Board shall have authority to appoint a librarian and such assistants and clerical help as may be necessary and to fix their compensation. (Act Apr. 17, 1933, c. 291, §15.)

5670-2o. Fees to be paid to county treasurer.—The Clerk of the District Court of said county shall thereafter pay all the library fees collected by him, pursuant to Section four thereof, to the County Treasurer of said County, who is hereby authorized to disburse the same and any other moneys belonging to said library, upon the order of said Trustees to pay the necessary expenses of said library. (Act Apr. 17, 1933, c. 291, §16.)

5670-3. Law library established.—In each county now or hereafter having not less than 220,000 and not more than 330,000 inhabitants, there is hereby established a Law Library. (Act Apr. 15, 1935, c. 184, §1.)

5670-3a. Who may use.—The use of such Law Library shall be free to the Judges of the state, to state officials, to all the Judges of the District, Municipal and Probate Courts of the county, to all the city and county officials, to the members of the bar, and to the inhabitants of the county, under proper regulation. (Act Apr. 15, 1935, c. 184, §2.)

5670-3b. Law library fees.—It shall be the duty of the Clerk of the District Court of such county to collect in each civil suit, action or proceeding filed in such Court, in the manner in which other fees are collected therein and in addition thereto, as Law Library fees, the sum of 50 cents from the plaintiff or person instituting such suit, action or proceeding, at the time of the filing of the first paper therein, and the sum of 50 cents from the defendant or other adverse or intervening party, or any one or more of several defendants, or other adverse or intervening parties appearing separately from the others to be collected when his or their appearance is entered in such action or proceeding or when the first paper on his or their part is filed therein; provided that for the period of one year from the passage of this act the fee shall in each case be one dollar instead of 50 cents. Such Law Library fees shall be costs in the case, and taxable as such, and shall be allotted for the support of said library. (Act Apr. 15, 1935, c. 184, §3.)

Fee provisions of Laws 1935, Sp. Sess., c. 72, apply to Ramsey County. Op. Atty. Gen. (144b-15), Feb. 3, 1935.

5670-3c. Limitations.—The provisions of Section 3 of this act shall not apply to actions or proceedings commenced by the State or any municipality therein, to garnishment proceedings, to the filing of transcripts, to compensation awards or to complaints in intervention in receivership proceedings. (Act Apr. 15, 1935, c. 184, §4.)

5670-3d. Fees to be paid to county treasurer.—On the first day of each month the Clerk of the Court making collection of such fees shall pay the same to the County Treasurer of said county, taking his receipt therefor, and said County Treasurer is authorized and directed upon itemized vouchers approved by the Board of Law Library Trustees to disburse the same and any other money belonging to said Board to pay the necessary expenses of equipping and maintaining said Library. (Act Apr. 15, 1935, c. 184, §5.)

5670-3e. Law library trustees.—The management of said Law Library shall be under a Board of Law Library Trustees, who shall serve without compensation, to be chosen for the terms and in the manner following: Said Board shall consist of seven members, namely, two District Judges of said County to be selected by the District Judges thereof; one Municipal Judge to be selected by the Municipal Judges of the principal city in said county; three members of the bar to be elected by the oldest bar association in said county affiliated with the Minnesota State Bar Association in the manner provided in the by-laws of said County Bar Association; one member of the Board of County Commissioners, to be selected by said County Board annually at its annual election of officers of said board, except that the first selection of said County Board shall be made as soon after the estab-

lishment of the public Law Library as practicable.

All members of said Board of Law Library Trustees except the County Commissioner shall hold office for four years, except the first board, which shall be divided into two classes, with three trustees in each class, one class holding office for four years, and one class holding office for two years. Immediately after the selection and election of said trustees they shall be divided into said classes by lot.

The Board of Law Library Trustees shall elect one of their members president and another member secretary, and the board shall have authority to appoint a librarian and such assistants and clerical help as may be necessary, and to fix their compensation and to provide rules and regulations for the management thereof. (Act Apr. 15, 1935, c. 184, §6.)

5670-3f. May acquire libraries.—The Board of Law Library Trustees in the name of the County may acquire and maintain such library by gift, grant, donation, bequest, purchase, lease or loan, and title to such library shall vest and be in said county. Said Board of Law Library Trustees may sell or exchange such items in said library to such persons and upon such terms as said board may deem best. (Act Apr. 15, 1935, c. 184, §7.)

Act Apr. 20, 1939, c. 325, limited by its descriptive terms, to Polk, authorizes establishment of law library. It is probably unconstitutional as local and special.

CHAPTER 33A

Historical Societies

5670-11. County Board or City Councils may furnish room for Historical Societies.—That the county board of any county or the governing body of any municipal corporation, or public library in the State of Minnesota, are hereby authorized and empowered to furnish a room, or rooms, in the court house of the county, or in the municipal building, or public library, as the case may be, for the use of the historical society of such county, and to furnish light and heat for such room or rooms. (Act Apr. 24, 1929, c. 324, §1.)

County may not make appropriation to historical society to be used for purpose of erecting a building. Op. Atty. Gen. (107b-1), Aug. 2, 1938.

5670-12. Appropriation.—That the county board of any county in the State of Minnesota, having a population of less than twenty-five thousand inhabitants, according to the last United States census, is hereby authorized and empowered to appropriate out of the revenue fund of such county, such sum not exceeding one thousand dollars annually, and in counties where the population is not less than twenty-five thousand inhabitants nor more than seventy-five thousand inhabitants, the county board of such county is hereby authorized to appropriate a sum not exceeding the

sum of two thousand dollars annually, and in counties where the population is more than seventy-five thousand inhabitants the county board is hereby authorized to appropriate a sum not exceeding three thousand dollars annually, as it may deem advisable, to be paid to the Historical Society of such counties respectively, to be used for the promotion of historical work within the borders thereof, and for the collection, preservation and publication of historical material, and to disseminate historical information of the county, and in general to defray the expense of carrying on the historical work in such county.

Provided, that no county board is authorized to appropriate any funds for the benefit of any county Historical Society unless such society shall be affiliated with and approved by the Minnesota Historical Society. (Act Apr. 24, 1929, c. 324, §2.)

5670-13. Application.—This act shall not affect any other act relating to historical work, nor apply to any county which is now authorized by law to make appropriations for such work. (Act Apr. 24, 1929, c. 324, §3.)

CHAPTER 34

State Printing

5671. State printing commission.

Editorial note.—Commission abolished and powers and duties transferred to commissioner of administration. See §53-18u, ante.

"Drink more milk, eat more butter for your health and prosperity" must be printed on all state printing. Laws 1939, c. 29, app. Feb. 24.

5672. State expert printer.

Office of state expert printer abolished by §53-18u, ante. See note under §5671.

5676. Advertisement for bids.

State printer must advertise in five largest cities and wait 30 days thereafter to open bids. Op. Atty. Gen. (1980c-28), June 7, 1934.

5680-1. Appropriation for publication of official guide book.—There is hereby appropriated to the state auditor from any moneys in the state treasury not otherwise appropriated, the sum of \$1,500 for a revolving fund, the moneys of such fund to be used for the purpose of republishing the official state capitol guide books and history. (Apr. 24, 1937, c. 396, §1.)

In republishing official state capital guide book and history, state auditor has implied authority to bring it down to date and make necessary changes in wording and phraseology. Op. Atty. Gen. (24a), Jan. 21, 1938.