

CHAPTER 127—H. F. No. 498.

An act relating to the establishment and maintenance of law libraries in certain counties, and providing for the collection of fees for the acquisition and maintenance thereof.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Certain counties may establish law libraries.—In each county now or hereafter having an assessed valuation excluding money and credits in excess of \$20,000,000 and having a population of not less than 42,000 and not more than 43,000 inhabitants according to the last federal census, and having not less than 20 or more than 22 full or fractional Congressional Townships, a law library shall be established upon filing with the clerk of district court of such county the order therefor of a judge of said district residing in said county.

Sec. 2. Who may use law library.—The use of such library shall be free to the judges of the state, to state officials, to all 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.

Sec. 3. Law library trustees to manage.—The management of any library so established 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 five members, namely: The judge of district court residing in said county, or if no such judge resides in said county, then the senior judge of district court, one member of the board of county commissioners of said county to be selected by the said county board at its annual election of officers, and three members of the oldest county bar association of said county to be elected by the members of such county bar association, which said election shall be held under the supervision of and rules prescribed by the said judge of district court.

The judge of district court shall appoint one of the members of the board so elected to a term of three years, one to a term of two years and one to a term of one year. At the expiration of their respective terms, each shall be elected for a term of one year. Vacancies shall be filled by election for the unexpired term.

The board shall meet immediately after its appointment or election, and shall hold its annual meeting thereafter on the first day of the first regular term of the district court in the county in each year, at which first meeting and at each annual meeting thereafter it shall select from its members a president and a secretary, who shall each hold office until the following annual meeting.

Sec. 4. Board of trustees to make rules and regulations.—

The board of trustees shall adopt and may from time to time thereafter amend and alter such by-laws, rules and regulations for the conduct of its business, the government of such library and the use thereof as shall be expedient and conformable to law. It may accept on behalf of the county any gift, grant, devise or bequest, or the loan of books or other property for the use or purposes of such library, and carry out the conditions of such donation or loan: It may purchase books or other library facilities upon conditional sales contracts or otherwise, the purchase price therefor to be paid out of the county law library fund. The title to such library and the property thereof, except such books as shall be leased or loaned to it, shall vest and be in the county establishing such library. The board of trustees may sell or exchange items of the property of such library which it deems no longer suitable or advantageous for the purposes of such library, upon such terms as it may deem best. It shall, before the second Monday of January of each year, file with the county auditor a report containing a detailed statement of the receipts and disbursements for the preceding year and a detailed inventory of the property belonging to such library and the property loaned or leased to it. The county board shall provide suitable quarters for the use of such library.

Sec. 5. Fees for maintenance of law library.—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 \$1.00 from the plaintiff or person instituting such suit, action or proceeding at the time of filing the first paper therein, and the sum of \$1.00 from the defendant or other adverse or intervening party 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.

Such county law library fees shall be costs in the case and taxable as such. Provided, however, that the provisions of this section 5 shall not apply to actions or proceedings commenced by the state, the county or any municipality, to garnishment proceedings, to the filing of transcripts, to compensation awards or to complaints in intervention in receivership proceedings.

Sec. 6. Probate court fees—same.—It shall be the duty of the Judge of Probate Court, when such law library is established, in each proceeding in his court in the matter of the estate of a deceased person looking to the entry of a decree of distribution of such estate, excepting in summary proceedings instituted pursuant to Mason's Supplement 1940, Section 8992-125, to collect, as a

county law library fee, the sum of \$1.00 from the petitioner instituting such proceeding at the time of the filing of the petition therein. Such disbursement shall be an item of expense of administration of the estate, entitling the petitioner to reimbursement therefor out of the estate.

Sec. 7. Collections to be turned over to County Treasurer.—On the first day of each month, the official 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 other money belonging to said board to pay the necessary expenses of equipping and maintaining such library.

Sec. 8. County Board may appropriate funds.—The county board of such county may appropriate annually a sum not to exceed \$1,000 for such library purposes.

Approved March 15, 1943.

CHAPTER 128—H. F. No. 513.

(AMENDING SECTION 163.06 MINNESOTA STATUTES 1941.)

An act relating to the town dragging fund and tax; amending Mason's Minnesota Statutes of 1927; Section 2574.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Law amended.—Mason's Minnesota Statutes of 1927, Section 2574, is amended to read as follows:

2574. Town dragging fund and tax.—The auditor of each county shall annually extend upon the tax lists of his county in the same manner as is provided by law for, extending the county school tax a tax of one mill on the dollar of the taxable property in each town outside the corporate limits of any borough, village, or city in any such town; provided, that in towns having an assessed valuation of \$1,000,000 or more, the amount of such tax shall not exceed \$1,000. The tax so levied shall be collected and the payment thereof enforced in the same manner as is provided by law for the collection and enforcement of other town taxes extended by the county auditor. The county treasurer shall settle with and pay over to the town treasurer such taxes when collected