

ing June 30, 1941, or so much thereof as may be necessary, is hereby appropriated from any moneys in the state treasury not otherwise appropriated to be used to make the payments provided for in this act.

Sec. 6. **To be in force for ten years.**—This act shall be in force for ten years from and after April 22, 1939.

Approved April 20, 1939.

CHAPTER 325—H. F. No. 1044

An act authorizing and relating to the establishment and maintenance of a law library in any county now or hereafter having a population of more than 35,500 and less than 50,000 inhabitants and containing not less than 60 full and fractional congressional townships; providing for the acquisition, maintenance and management of any such library; and requiring in any county where a law library is so established, the clerk of district court, the clerk of each municipal court, the judge of probate, and each justice of the peace, to collect fees for the acquisition and maintenance of such library.

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

Section 1. County law libraries to be established in certain counties.—A county law library may be established by resolution of the county board in any county now or hereafter having a population of more than 35,500 and less than 50,000 inhabitants and containing not less than 60 full and fractional congressional townships, for the use of the judges of the district, municipal and probate courts, all county and municipal officials, the members of the bar and the inhabitants of the county.

Sec. 2. Management.—The management of any library so established shall be under a board of three trustees, to be known as the "Board of Trustees of the County Law Library", the members of which board shall serve without compensation and shall be appointed by the judges of the district, probate and municipal courts in the county. The board shall first meet immediately after its appointment 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 his office until the following annual meeting. When the board is first appointed there shall be appoint-

ed one trustee whose term shall extend until the first annual meeting, one trustee whose term shall extend until the second annual meeting, and one trustee whose term shall extend until the third annual meeting of the board after such appointment. Immediately prior to each annual meeting there shall be appointed a trustee whose term shall commence at the annual meeting and extend until the third annual meeting after the annual meeting he takes his office. Vacancies in office shall be filled for the unexpired term.

Sec. 3. Board of Trustees to make by-laws.—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 contract, 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 and property 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 rooms in the court house for the use of such library.

Sec. 4. Fees for expenses.—In any such county where a law library is so established, it shall be the duty of the clerk of the district court and the duty of the clerk of each municipal court to collect in each civil suit, action or proceeding filed in his court, in the manner in which other fees are collected therein, and in addition thereto, as a county law library fee:

(a) The sum of \$1.00 from the plaintiff or person instituting such suit, action or proceedings at the time of the filing of the first paper therein, and ✓

(b) The sum of \$1.00 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.

Such county law library fees shall be costs in the case and taxable as such. Provided, however, that the provisions of this section 4 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. 5. Probate judge to collect fees.—In any county where a law library is so established it shall be the duty of the judge of probate in each proceeding in his court in the matter of the estate of a deceased person looking to the entry of a decree determining the descent of real estate or of a decree of distribution of such estate, excepting in summary proceedings instituted pursuant to section 125 of the Minnesota probate code, 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 first 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. 6. Costs and disbursements to include library fee.—In any such county where a law library is so established and maintained, there shall be included in the costs or disbursements assessed against the defendant convicted in the district court, in a municipal court, or by a justice of the peace, of the violation of any statute or municipal ordinance, in all criminal prosecutions in which, upon conviction, the defendant may now or hereafter be subject to the payment of the costs or disbursements of the prosecution in addition to a fine or other penalty, the sum of \$1.00, as a county law library fee. Upon the payment of such costs or disbursements it shall be the duty of the clerk of the district court, the clerk of each municipal court, and of each justice of the peace, in whose court such costs or disbursements are collected or paid, to report and remit such library fee at the time and in the manner specified in section 7 of this act. Provided, such item of costs or disbursements may not be assessed for any offense committed prior to the establishment of such county law library, and, provided further, that such item of costs or disbursements may not be assessed in any criminal case where the fine assessed is \$10.00 or less.

Sec. 7. Fees to be allotted to law library.—All such county law library fees shall be allotted for the acquisition and maintenance of such law library. The clerk of the district court, the clerk of each municipal court, the judge of probate, and each justice of the peace, making collection of such fees, shall, prior to the fifth day of each month, make and file a report with the county auditor of all actions, proceedings and prosecutions in which such fees shall have been collected in his court during the preceding month, and the amount of such fees so collected, and pay such fees to the county treasurer, taking his receipt therefor. The county treasurer shall place all moneys so paid to him and all other moneys paid to him for the uses, benefit or purposes of such library in the county law library fund, and shall be authorized to disburse such moneys upon the order of the board of trustees, to pay the necessary expenses of acquiring, equipping and maintaining such library.

Sec. 8. Provisions severable.—The provisions of this act shall be deemed to be severable and if any provisions of this act shall be held invalid, such invalidity shall not affect the validity of the remaining provisions of this act.

Approved April 20, 1939.

CHAPTER 326—H. F. No. 1067

An act relating to separation from villages of certain lands included within the corporate limits of such villages in certain cases.

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

Section 1. Subdivision 1. Separation of land from villages in certain cases.—In any county of this state having a population according to the 1930 census of not less than 9,000 and not more than 11,000 inhabitants, and having an assessed value for the year 1935, exclusive of moneys and credits, of not less than \$4,000,000 and not more than \$5,000,000 and having a land area of not less than 340,000 and not more than 360,000 acres, the owner or owners of any platted or unplatted tract of land which is located in any village in such county of not less than 300 nor more than 500 inhabitants, which village has an assessed valuation of not less than \$80,000 and not more than \$100,000, may petition the board of county com-