

1934 Supplement  
To  
**Mason's Minnesota Statutes**  
1927

(1927 to 1934)  
(Superseding Mason's 1931 Supplement)

Containing the text of the acts of the 1929, 1931, 1933 and 1933-34 Special Sessions of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state, federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota



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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other state or Province of Ontario for taking fish in such waters, and thereafter and until said order is amended or repealed such open season for taking fish in such water shall be as in said order provided. 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 waters, and for locating the boundary line. ('21, c. 193, §1; Apr. 21, 1933, c. 392, §20.)

#### 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.

## 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.

##### 5663. Directors—Term—Removal.

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

##### 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.

**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 purposes, 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.)

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 neces-

sary and to fix their compensation. (Act Apr. 17, 1933, c. 291, §15.)

**5670-20. Fees to be paid to county treasurer.**—The Clerk of the District Court of said county shall hereafter 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.)

## 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.)

**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 35 Employments Licensed by State Boards or Officials

### ATTORNEYS AT LAW

**5686-1. Admission of attorneys to practice in certain cases.**—Any adult resident of the State of Minnesota, who has completed the prescribed course of study for admission to the practice of law in any state of the United States where said prescribed course of study is for a period of not less than three years, and who has duly examined as to his qualifications by the law examining body of said state and admitted to the practice of law therein, and who has served as an official court reporter in the State of Minnesota for not less than five years immediately following said examination under appointment of a district judge of this state, and who is recommended for his character, ability and learning by said judge, shall upon furnishing proof of the foregoing facts and payment of the usual fee be on motion before the supreme court of this state admitted within six months after the passage of this act to practice law in all of the courts of this state without examination. (Act Apr. 20, 1929, c. 267.)

This act is invalid. 178M335, 227NW180.

**5686-2. Admission to practice at law of certain persons.**—Any person who has studied law in the office of a practicing attorney of this State for a period of at least three years in compliance with the rules of the State Board of Bar Examiners in force at the time of such study and who has been a student in the Academic College of the University of Minnesota for a period of more than one year and who has served in the military or naval forces of the United States during the World War and received an honorable discharge therefrom and who was disabled therein or thereby within the purview of the Act of Congress approved June 7th, 1924, known as "World War Veteran's Act, 1924" and whose disability is rated at least ten per cent thereunder at the time of the pas-

sage of this act, shall on motion before the Supreme Court upon proof of such facts and that he is an adult resident of the State of Minnesota of good moral character, recommended by two district judges of this State, be admitted to practice law without examination upon payment of the usual fee for such examination. (Act Apr. 27, 1929, c. 424, §1.)

Laws 1929, c. 424, admitting certain disabled veterans and court reporters to practice of law, violate the equality provisions of the constitution. 178M331, 227NW179; 178M335, 227NW180.

An agreement to pay an attorney to act as vice president of a bank on a salary, the fees of the attorney to be assets of the bank, held invalid as in effect a practice of law by the bank, a corporation having no authority to practice law. 181M254, 232NW318. See Dun. Dig. 676.

Foreclosure of mortgages by advertisement, where an attorney's fee is charged, and the conducting of proceedings in the probate court in the matter of estates and guardianships, held "practice of law." 181M254, 232NW318. See Dun. Dig. 676.

### **5687. Unauthorized practice. [Repealed].**

Repealed. Laws 1931, c. 114, post, §5687-2.

### **5687-1. Unauthorized practice of law—penalty.**

(a) It shall be unlawful for any person or association of persons, except members of the Bar of Minnesota admitted and licensed to practice as attorneys at law, to appear as attorney or counsellor at law in any action or proceeding in any court in this state to maintain, conduct or defend the same, except in his own behalf as a party thereto in other than a representative capacity, or, by word, sign, letter, or advertisement, to hold out himself or themselves as competent or qualified to give legal advice or counsel or to prepare legal documents, or as being engaged in advising or counseling in law or acting as attorney or counsellor at law, or in furnishing to others the services of a lawyer or lawyers, or, for a fee or any consideration, to give legal advice or counsel, perform for or furnish to another legal services, or, for or