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.

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MASON PUBLISHING CO.
SAINT PAUL, MINNESOTA
1940
CHAPTER 33

Public Libraries

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 22, 1933.

Public Libraries and Reading Rooms

5662. When established by vote—Existing libraries.
Manner of choosing library board for public library in a city of fourth class with the 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.

5664. 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 claming 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. 296, $2.)


5665. Organization of board—Rules, etc.
No part of library fund may be used in remodeling village hall so as not to correspond with library building to be attached to it. Op. Atty. Gen., May 7, 1936.


5666. Revision of all acts.
All parts and 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, 1936, c. 388, §2.)

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 claming 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. 296, §2.)


A Minnesota fishing license should be required from a Canadian guide who crosses the border and takes Minnesota fishing parties into Minnesota waters even though he does not fish himself. Op. Atty. Gen. (269h), Aug. 15, 1934.

A Minnesota fishing license should be required from a Canadian guide who crosses the border and takes Minnesota fishing parties into Minnesota waters even though he does not fish himself. Op. Atty. Gen. (269h), Aug. 15, 1934.

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, 1936, c. 388, §2.)

PART XI.—DEFINITIONS AND CONSTRUCTION

5649. Definitions.


A Minnesota fishing license should be required from a Canadian guide who crosses the border and takes Minnesota fishing parties into Minnesota waters even though he does not fish himself. Op. Atty. Gen. (269h), Aug. 19, 1934.

Discussion as to what constitutes proof of possession of unlicensed net. Id.
poses, of 15,000 inhabitants, may establish and main-
tain a portable circulating library for the education, 
benefit and welfare of the people of such town.

For the 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 main-
tenance 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 limits now provided 
for the general fund of such town. 

(Act Apr. 8, 1933, c. 176, §1.)

§5609-2. 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 popu-
lation of two hundred thousand or more, the district 
court may and in order to the court board, or other body 
which is in charge of the courthouse, to provide 
rooms therein for the use of a law library, whenever 
the owner of any such library shall be required to furnish 
and maintain a suitable place for a law library, 
and to give the free use thereof, under proper regu-
lations, to all the Judges of the district, municipal, 
and probate courts of the county, and to all city and 
and county officials having offices at the county seat. Upon 
petition therefor being filed with the clerk, the court 
shall make an order therefor, prescribing the duties of the 
library association or corporation. (Act Apr. 17, 1933, c. 
291, §1.)

5670-2. 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 board of education, and to the board of health, in 
proportion to the number of inhabitants of the county, and 
the reasons for accepting the same, the 
library fees collected for the preceding month, tak-

§5670-2c. No fees paid In certain cases.—So long as 
the purpose of this Act shall not apply to actions commenced by the state or any su-
abstract wherein, to garnishment proceedings, or to 
to compensation awards. (Act Apr. 17, 1933, c. 291, 
§6.)

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 the name of 
the first paper therein and the sum of one dollar 
from the plaintiff or person Instituting 
only, or other party, or at the time when his or their ap-
pearance is entered in the case. Such law library 
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 su-
abstract therein, to garnishment proceedings, or to 
to compensation awards. (Act Apr. 17, 1933, c. 291, 
§6.)

5670-2e. Clerk to pay collections to association 
moneys.—On the first day of each month the clerk 
of the court making such collections shall pay to such 
library association or corporation all the law 
library fees collected for the preceding month, tak-
ing 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 Gen-
eral Statutes 1923, Section 5670-2, 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 corpo-
rations thus retain the title and 
library association or corporation. (Act Apr. 17, 1933, c. 291, §7.)
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.)

5070-2h. 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 time of the passage of this Act. (Act Apr. 17, 1933, c. 291, §9.)

5070-2i. 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. In Section 3 hereof, 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.)

5070-2j. 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 such portion so allotted to said stockholders, shall become 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.)

5070-2k. 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 hereof 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 thereafter the Clerk of such Court shall furnish to the taxpayers of such county the library fees collected therefor by him, or 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 of the case, and taxable as such, and shall be allotted for the support of said library. (Act Apr. 17, 1933, c. 291, §12.)

5070-2l. Board of law library trustees to manage library.—The management of said law 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; that is to say, two 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 elected by said Board of County Commissioners annually at the annual election of officers of said Board. (Act Apr. 17, 1933, c. 291, §13.)

5070-2m. 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 election and election of said Trustees they shall be divided into said classes by lot. (Act Apr. 17, 1933, c. 291, §14.)

5070-2n. 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 to fix their compensation. (Act Apr. 17, 1933, c. 291, §15.)

5070-2o. 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.)

5070-2p. Law library established.—In each county now or hereafter having not less than 250,000 and not more than 325,000 inhabitants, there is hereby established a Law Library. (Act Apr. 15, 1935, c. 184, §1.)

5070-2q. 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.)

5070-2r. Law library fees.—It shall be the duty of the Clerk of the County Court, in each county such county to collect in each civil suit, action or proceeding filed in such Court, in the manner in which other fees are collected therefor, 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.)


5070-2s. 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 compensation awards or to complaints in intervention in receivership proceedings. (Act Apr. 15, 1935, c. 184, §4.)
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 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 county 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, §2.)