

CHAPTER 140

LAW LIBRARIES

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140.01 LAW LIBRARIES. In counties having a population of 200,000 or more, the district court may authorize and require the county board, or other body in charge of the court-house, to provide rooms therein for the uses of a law library when the owner of any such library offers 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 the 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 the 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 court-house 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 \$1,200, nor more than \$1,750, 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 provisions of this section and all orders of the court made thereunder.

[R. L. s. 2264; 1931 c. 327] (5670)

140.02 LAW LIBRARIES IN COUNTIES WITH 100,000 OR MORE INHABITANTS. In any county now or hereafter having a population of 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.

[1907 c. 77 s. 1] (5670-1)

140.03-148.18 [Local Hennepin County]

140.19-140.25 [Local Ramsey County]

140.26 LAW LIBRARIES ESTABLISHED IN CERTAIN COUNTIES. In each county now or hereafter having an assessed valuation excluding money and credits in excess of \$12,000,000 and having a population of not less than 15,000, and not more than 25,000, inhabitants according to the last federal census, and having not less than 20, or more than 22, full or fractional Congressional townships and also in each county now or hereafter having an assessed valuation, exclusive of moneys and credits, in excess of \$15,000,000, and having a population of not less than 31,000, and not more than 37,000, inhabitants according to the last federal census, and not having 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.

[1945 c. 397 s. 1]

140.27 WHO MAY USE. 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.

[1945 c. 397 s. 2]

140.28 SUPERVISION. Subdivision 1. **Board of trustees.** 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 elected 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.

Subd. 2. **Appointment by judge; vacancy; election.** 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.

Subd. 3. **Meetings.** 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 meeting thereafter it shall select from its members a president and a secretary, who shall each hold office until the following annual meeting.

[1945 c. 397 s. 3]

140.29 BY-LAWS, 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.

[1945 c. 397 s. 4]

140.30 FINANCING. 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. The provisions of this section 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.

[1945 c. 397 § 5]

140.31 CHARGE IN PROBATE CASES. It shall be the duty of the Judge of Probate Court, when such law library is established, in such 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 Minnesota Statutes 1941, Section 525.51, 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.

[1945 c. 397 s. 6]

140.32 DEPOSIT WITH 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.

[1945 c. 397 s. 7]

140.33 COUNTY BOARD MAY APPROPRIATE. The county board of such county may appropriate annually a sum not exceeding \$1,000 for such library purposes.

[1945 c. 397 s. 8]

140.34 ESTABLISHMENT OF COUNTY LAW LIBRARY. Any county may establish a county law library upon the filing of an order by the judge of the judicial district in which the county is situated with the clerk of court of the county.

[1949 c 184 s 1]

140.35 WHO MAY USE. Under proper regulations, the use of the library shall be free to the judges of the state, state officials, judges of the district, municipal, and probate courts of the county, city and county officials, members of the bar, and inhabitants of the county.

[1949 c 184 s 2]

140.36 MANAGEMENT. The management of any library so established shall be under a board of either three or five trustees, who shall serve without compensation.

A board of three trustees shall consist of:

(1) A judge of the district court or such person as the judge of the district court may select.

(2) A member of the county board selected by it at the next regular meeting thereof after the order establishing the library is filed and thereafter at the annual election of officers.

(3) One member of the state bar association residing in the county selected by members of the state bar association who reside in the county.

When the board consists of five trustees the additional members shall be a judge of the municipal court, and an additional member of the state bar association with the same qualifications as the first.

[1949 c 184 s 3]

140.37 BOARD OF TRUSTEES, MEETING. The trustees shall meet immediately after their selection and the board 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 its first meeting and at each annual meeting thereafter it shall select from its members a president and a secretary to hold office until the next annual meeting.

[1949 c 184 s 4]

140.38 BY-LAWS AND REGULATIONS. The board of trustees shall adopt by-laws and regulations for the conduct of its business and the government of the library and file same with the clerk of the court.

It may:

- (1) Amend its by-laws and regulations;
- (2) On behalf of the county accept any gift, grant, devise, or bequest or the loan of books or property for the library, and carry out the conditions thereof;
- (3) Purchase or lease books or library facilities, the purchase price to be paid out of the county law library fund.

The title to the library and the property thereof, except such books as are leased or loaned to it, is in the county establishing the library.

The board of trustees may sell or exchange items of property of the library.

[1949 c 184 s 5]

140.39 REPORT TO COUNTY AUDITOR. Before the second Monday of January each year the board of trustees shall file with the county auditor a report containing a detailed statement of the receipts and disbursements of the library for the preceding year, also an inventory showing the property belonging to the library or loaned or leased to it.

[1949 c 184 s 6]

140.40 QUARTERS. The county board shall provide suitable quarters for the use of the library.

[1949 c 184 s 7]

140.41 CONTRIBUTION FROM DISTRICT COURT CASES. Subdivision 1. When the law library is established the clerk of the district court shall collect in each civil suit, action, or proceeding filed in such court, as 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 at the time his appearance is entered or when the first paper on his part is filed therein.

Subd. 2. These library fees are taxable as costs in the case.

Subd. 3. The provisions of sections 140.34 to 140.46 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.

[1949 c 184 s 8]

140.42 CONTRIBUTION FROM MUNICIPAL COURT CASES. Subdivision 1. When the county law library is established the clerk of any municipal court in such county shall collect in each civil suit, action, or proceeding filed in such court, 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.

Subd. 2. These library fees shall be taxable as costs in the case.

Subd. 3. The provisions of this section shall not apply to actions or proceedings commenced by the state, county, or any municipality, or to garnishment proceedings.

[1949 c 184 s 9]

140.43 CONTRIBUTION FROM PROBATE COURT CASES. Subdivision 1. When the county law library is established the judge of the probate court in proceedings 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, except in any summary proceeding under MSA 525.51, to collect, as a county law library fee, the sum of \$1.00 from the petitioner instituting the proceeding at the time of the filing of the petition therein.

Subd. 2. Such disbursement shall be an item of expense of administration of the estate, entitling the petitioner to reimbursement therefor out of the estate.

[1949 c 184 s 10]

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140.44 DEPOSITS WITH COUNTY TREASURER. On the first day of each month, these fees shall be paid to the county treasurer, who shall give his receipt therefor. The county treasurer may disburse these funds and any other money belonging to this board only upon itemized vouchers, approved by the board.

[1949 c 184 s 11]

140.45 EXISTING LIBRARIES; JOINT LAW LIBRARIES. Nothing in sections 140.34 to 140.46 shall affect the existence or organization of the county law libraries now established, but such libraries may come under the provisions of sections 140.34 to 140.46 upon proper application.

Two or more counties may unite in the establishment of a joint law library.

[1949 c 184 s 12]

140.46 ANNUAL APPROPRIATION BY COUNTY BOARD. The county board may appropriate annually a sum not in excess of \$2,000 for such library purposes.

[1949 c 184 s 13]