

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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5670-3d. Fees to be paid to county treasurer.—On the first day of each month the Clerk of the Court 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 any other money belonging to said Board to pay the necessary expenses of equipping and maintaining said Library. (Act Apr. 15, 1935, c. 184, §5.)

5670-3e. Law library trustees.—The management of said Law Library 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 seven members, namely, two District Judges of said County to be selected by the District Judges thereof; 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 oldest bar association in said county affiliated with the Minnesota State Bar Association in the manner provided in the by-laws of said County Bar Association; 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, except that the first selection of said County Board shall be made as soon after the estab-

lishment of the public Law Library as practicable.

All members of said Board of Law Library 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.

The Board of Law Library Trustees shall elect one of their members president and another member secretary, and the board shall have authority to appoint a librarian and such assistants and clerical help as may be necessary, and to fix their compensation and to provide rules and regulations for the management thereof. (Act Apr. 15, 1935, c. 184, §6.)

5670-3f. May acquire libraries.—The Board of Law Library Trustees in the name of the County may acquire and maintain such library by gift, grant, donation, bequest, purchase, lease or loan, and title to such library shall vest and be in said county. Said Board of Law Library Trustees may sell or exchange such items in said library to such persons and upon such terms as said board may deem best. (Act Apr. 15, 1935, c. 184, §7.)

Act Apr. 20, 1939, c. 325, limited by its descriptive terms, to Polk, authorizes establishment of law library. It is probably unconstitutional as local and special.

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.)

County may not make appropriation to historical society to be used for purpose of erecting a building. Op. Atty. Gen. (107b-1), Aug. 2, 1938.

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 34

State Printing

5671. State printing commission.

Editorial note.—Commission abolished and powers and duties transferred to commissioner of administration. See §53-18u, ante.

"Drink more milk, eat more butter for your health and prosperity" must be printed on all state printing. Laws 1939, c. 29, app. Feb. 24.

5672. State expert printer.

Office of state expert printer abolished by §53-18u, ante. See note under §5671.

5676. Advertisement for bids.

State printer must advertise in five largest cities and wait 30 days thereafter to open bids. Op. Atty. Gen. (1980c-28), June 7, 1934.

5680-1. Appropriation for publication of official guide book.—There is hereby appropriated to the state auditor from any moneys in the state treasury not otherwise appropriated, the sum of \$1,500 for a revolving fund, the moneys of such fund to be used for the purpose of republishing the official state capitol guide books and history. (Apr. 24, 1937, c. 396, §1.)

In republishing official state capital guide book and history, state auditor has implied authority to bring it down to date and make necessary changes in wording and phraseology. Op. Atty. Gen. (24a), Jan. 21, 1938.

5680-2. To be sold at cost.—Said book shall be offered for sale at a price sufficient to defray the cost of printing, publishing and distribution. (Apr. 24, 1937, c. 396, §2.)

5680-3. Dairy slogans to be printed.—On all printed matter hereafter printed, used, and distributed by the State of Minnesota and all departments and officials thereof there shall be printed thereon wherever practical, in as conspicuous a place, and in as prominent a type as may be consonant with good taste, the following words or slogan:

"DRINK MORE MILK
EAT MORE BUTTER

FOR YOUR HEALTH AND PROSPERITY"

(Act Feb. 24, 1939, c. 29, §1.)

Slogan should not be printed on medical forms printed and used only within institutions in keeping of medical records, such as temperature sheets, nurses' notes, etc. Op. Atty. Gen. (340a), May 23, 1939.

5680-4. Definitions.—The term, printed matter, as herein used, shall include all letterheads, vouchers, motor vehicle application blanks, income tax blanks, all circulars, pamphlets, booklets, reports, literature and other like printed material used by the State of Minnesota and all departments and officials thereof. (Act Feb. 24, 1939, c. 29, §2.)

5680-5. State printer to designate where.—It shall be within the direction of the state expert printer, after consultation with the appropriate department heads, to determine upon what printed matter, as herein defined, it is reasonably and practicably possible to print said slogan and shall be the duty of said state expert printer to carry out the provisions of this law. (Act Feb. 24, 1939, c. 29, §3.)

5681. Publication of session laws.

Contract for printing regular session is not continuous for special session following, and state printer may advertise for bids for special session. Op. Atty. Gen. Nov. 25, 1933.

CHAPTER 35

Employments Licensed by State Boards or Officials

ATTORNEYS AT LAW

5685. Board of law examiners—Examinations.

Reciprocal and retaliatory legislation. 21MinnLawRev 371.

Where attorney accused of misconduct purposely absents himself at hearing before referee so as to prevent prosecutor of charges from calling him for cross-examination under statute, court will assume that those who secured personal injury cases for him were authorized by him to do what was done to secure them. McDonald, 204M61, 232NW677. See Dun. Dig. 680.

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 in 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 passage 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 examina-

tion 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.

Persons who engage in business of adjusting and settling claims for personal injuries and determine legal rights of injured person are guilty of practicing law. Fitchette v. T. 191M582, 254NW910. See Dun. Dig. 676.

One practicing law after being disbarred was sentenced to thirty days in jail for contempt. State Board of Law Examiners v. N., 203M593, 280NW5. See Dun. Dig. 1703.

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 without a fee or any consideration, to prepare (directly or through another) for another person, firm or corporation, any will or testamentary disposition or instrument of trust serving purposes similar to those of a will, or, for a fee or any consideration, to prepare for another person, firm or corporation, any other legal document, except as provided in subdivision (c) below.

(b) No corporation, organized for pecuniary profit by or through its officers or employees or anyone else, shall maintain, conduct or defend (except in its own behalf when a party litigant) any action or proceeding in any court in this state; or shall, by or through its