

GENERAL STATUTES
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1923

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COMPILED AND EDITED BY
HUBERT HARVEY, OF THE ST. PAUL BAR

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(21) Gender and number shall be disregarded in construing this chapter whenever it is necessary to carry out the spirit thereof. ('19 c. 400 § 140)

(16) 138-369, 165+132.

5650. Construction—This chapter is intended to be a restatement of existing law with such changes as clearly appear, and its provisions, so far as they are the same as those of existing statutes, shall be construed as continuations thereof and not as new enactments. Any of the provisions of this chapter inconsistent with the existing code of criminal procedure or of penal law shall be effective for the purposes of this chapter only. ('19 c. 400 § 141)

5651. Repeals—The several laws hereafter enumerated shall be expressly repealed from and after the taking effect of this chapter.

General Statutes, 1913—Sections 4756 to 4910, both inclusive, and section 8805.

Session Laws, 1915—Chapters 181, 237, 261, 276, 287, 288, 347, 348, 351, 352 and 355.

Session Laws, 1917—Chapters 84, 85, 96, 121, 176, 225, 226, 249, 252, 253, 281, 310, 333, 385, 386, 413, 452, 468, 478, 483, 497, 500, 501, 503 and 505. ('19 c. 400 § 142)

5652. Implied repeals—All acts and parts of acts inconsistent with the provisions of this act and not herein expressly repealed, are hereby repealed. ('19 c. 400 § 143)

5653. Salaries of game and fish commissioner and assistants—The yearly salaries of the state officers and employes named in this act shall be as herein fixed, and shall be payable in monthly installments:

Game and fish commissioner, thirty-five hundred (\$3,500.00) dollars; first assistant, two thousand (\$2,000.00) dollars; chief clerk, sixteen hundred (\$1,600.00) dollars; bookkeeper, twelve hundred (\$1,200.00) dollars; three clerks and stenographers at not more than the aggregate sum of thirty-six hundred (\$3,600.00) dollars; superintendent of fisheries, twenty-seven hundred (\$2,700.00) dollars; foreman of St. Paul fish hatchery, thirteen hundred and fifty (\$1,350.00) dollars; foreman of Glenwood fish hatchery, thirteen hundred and fifty (\$1,350.00) dollars; foreman of the Detroit fish hatchery, thirteen hundred and fifty (\$1,350.00) dollars; foreman of the French River fish hatchery, thirteen hundred and fifty (\$1,350.00) dollars; superintendent of game propagation, eighteen hundred (\$1,800.00) dollars. ('19 c. 370 § 1)

5654. To be in full payment, except actual expenses—The salaries provided for in this act for officers and employes named herein shall be in full payment for all services that may be rendered by said officers and employes either in the performance of their regular or special duties, but all such officers and employes shall be entitled to reimbursement for actual necessary expenses incurred in the performance of their duties. ('19 c. 370 § 2)

5655. Certain act repealed—Subdivision fifteen (15) of section one (1), chapter four hundred (400), General Laws of 1913, and all other acts or parts of acts inconsistent with this act are hereby repealed. ('19 c. 370 § 3)

CHAPTER 33

PUBLIC LIBRARIES

STATE PUBLIC LIBRARY COMMISSION

5656. Members—Term—The state public library commission shall be composed of the president of the state university, the state superintendent of public instruction, and the secretary of the state historical society, each ex officio, and two other members to be appointed by the governor upon the expiration of the terms of those now in office, each for the term of six years and until his successor qualifies. Vacancies shall be filled by like appointment for the unexpired terms. (2250) [4911]

5657. Compensation—No member of such commission shall receive any salary or compensation for his services as such, but each shall be paid his traveling and other expenses necessarily incurred in attending meetings of the commission, in visiting or establishing libraries, and in performing his duties connected with the work of the commission. (2251) [4912]

5658. Purchase of books—Office—The commission may purchase collections of books, to be the property of the state, and used as a state circulating library, from which any town, village, or community may borrow under prescribed regulations. It shall divide such books into groups, to be known as traveling libraries, catalogue and prepare them for circulation, and make rules for the conduct of its business, such as shall insure the care, preservation, and safe return of all books loaned. Suitable rooms shall be provided in the capitol for its use. (2252) [4913]

5659. To advise librarians, etc.—Said commission, without charge, shall give advice and instruction to the managers of any public library, and to the trustees or agents of any village, town, or community entitled to borrow from said collections, upon any matter pertaining to the organization, maintenance, or administration of libraries. It shall assist, by counsel and encouragement, in the formation of libraries where none exist, and may send its members to aid in organizing the same, or in improving those already established. (2253) [4914]

5660. Statistics — Reports — Disbursements — The commission shall keep statistics of the free public libraries of the state, and a record of the work done and the books loaned by it, and report the same to each regular session of the legislature with a statement of its expenditures, the use made of the traveling libraries, and such other matters as it deems proper. Upon presentation of itemized vouchers, approved by at least three members of the commission the state auditor shall issue his warrants for all proper expenditures hereunder. (2254) [4915]

PUBLIC LIBRARIES AND READING ROOMS

5661. Establishment and maintenance — Tax — The governing body of any city or village may establish and maintain a public library and reading room or either of them for the use of its inhabitants, and by ordinance may set apart for the benefit thereof real estate or other public property of the municipality.

In villages and cities of the second, third and fourth classes, it may levy an annual tax of not more than three mills, and in cities of the first class of not more than one mill, on the dollar, of all taxable property therein, the proceeds of which tax shall be known as the library fund. (R. L. § 2255, amended '13 c. 509 § 1) [4916]

See 1905 c. 257.

5662. When established by vote—Existing libraries—If such library or reading room be not otherwise established, the governing body of the municipality, upon the petition of fifty freeholders thereof, shall submit the question of such establishment to the voters at the next municipal election. If two-thirds of the votes cast on said question be in the affirmative, the governing body shall establish the library or reading room, and levy a yearly tax for its support, within the limits fixed by § 5661. All public libraries and reading rooms heretofore established and now existing in cities or villages are continued, and all ordinances setting apart public property for their support are hereby confirmed. Nothing in this chapter shall be construed as abridging any power or duty in respect to libraries conferred by any city or village charter. (2256) [4917]

5663. Directors—Term—Removal—When any such library or reading room is established, the mayor of the city or president of the village, with the approval of the council, shall appoint a board of nine directors, but not more than one of whom shall at any time be a member of such governing body. One-third of the members shall hold office for one year, one-third for two years, and one-third for three years from the third Saturday of July following their appointment, the term of office of each being specified by the appointing power; and annually thereafter such mayor or president shall appoint three directors for the term of three years and until their successors qualify. Such mayor or president, by and with the consent of the council, may remove any director for misconduct or neglect. (2257) [4918]

5664. Vacancies—Compensation—Vacancies in the board of directors shall be reported to the council, and filled by like appointment for the unexpired term. Directors shall receive no compensation for their services as such. (2258) [4919]

5665. Organization of board—Rules, etc.—Immediately after appointment, such board shall organize by electing one of its number as president and one as secretary, and from time to time it may appoint such other officers and employees as it deems necessary. The secretary, before entering upon his duties, shall give bond to the municipality in an amount fixed by the directors, conditioned for the faithful discharge of his official duties. The board shall adopt such by-laws and regulations for the government of the library and reading room and for the conduct of its business as may be expedient and conformable to law. It shall have exclusive control of the expenditure of all moneys collected for or placed to the credit of the library fund, of the construction of library buildings, and of the grounds, rooms, and buildings provided for library purposes. But all moneys received for such library shall be paid into the city or village treasury, be credited to the library fund, be kept separate from other moneys of the municipality, and be paid out only upon itemized vouchers approved by the board. The board may lease rooms for library use, fix the compensation of employees, and remove any of them at pleasure. With the approval of the council, the board may purchase grounds and erect a library building thereon. (2259) [4920]

5666. Nonresidents—Contracts to loan books—Tax—Any board of directors may admit to the benefits of its library persons not residing within the municipality,

under such regulations, and upon such conditions as to payment and security, as it shall by rule prescribe.

Said board may also contract with the board of county commissioners of the county in which the library is situated or of adjacent counties, or with the village trustees or governing body of any neighboring town, city or village to loan books of said library, either singly or in traveling libraries, to the residents of said county, town, city or village, upon such terms as shall be agreed upon in such contract.

All such boards or officers shall have the power to contract with the board of directors of any free public library for the use of said library by the people of the county, town, city or village not having the use of a free library, upon the same terms and conditions as those granted to residents in the city or village where the library is located, and to pay such library board such an amount annually as may be agreed upon therefor, and such county, town, city or village board may establish a library fund by levying an annual tax of not over one mill on the dollar of all the taxable property outside of any city or village wherein a free public library is located or which is already taxed for the support of any such library. (R. L. § 2260, amended '05 c. 257; '13 c. 509 § 2) [4921]

5667. Directors now in office—Report—The directors of any such library or reading room in office under existing laws shall so continue until the expiration of their terms, but their successors shall be appointed and vacancies filled under the provision of this chapter. At the first regular meeting of the board following the third Saturday of July in each year, the board shall report to the governing body of the municipality all amounts received during the preceding year, and the sources thereof, the amounts expended, and for what purposes, the number of books on hand, the number purchased and loaned, and such other information as it deems advisable. A copy of such report shall be filed with the state library commission. But nothing in this section shall apply to libraries in cities of the first class. (R. L. 2261, amended '11 c. 181 § 1) [4922]

5668. Title to property—Free use—All property given, granted, conveyed, donated, devised, or bequeathed to, or otherwise acquired by, any municipality for a library or reading room shall vest in, and be held in the name of, such municipality, and any conveyance, grant, donation, devise, bequest, or gift made to or in the name of any public library or library board shall be deemed to have been made directly to such municipality. Every library and reading room established under this chapter shall be forever free to the use of the inhabitants of the municipality, subject to such reasonable regulations as the directors may adopt. (2262) [4923]

5669. Gifts, etc.—Contracts—With the consent of the governing body of any city or village, expressed by ordinance or resolution, and within the limitations of this chapter as to the rate of taxation, the library board may accept any gift, grant, devise, or bequest made or offered by any person for library purposes, or for the establishment, enlargement, or maintenance of an art gallery or museum in connection with its library, and may carry out the conditions of such donation. And the municipality in all such cases is authorized to acquire a site, levy a tax, and pledge itself by ordinance or resolution to a perpetual compliance with all the terms and conditions of the gift, grant, devise, or bequest so accepted. All ordinances adopted in reference to such donations prior to the taking effect of the Revised Laws are hereby legalized and confirmed. (2263) [4924]

See following section.

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 a 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 fifteen hundred 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. (2264) [4926]

For act authorizing gifts to cities for libraries, see '01 c. 93 § 1, amended '05 c. 241 § 1.

For act requiring balance of deposits after termination of action to be paid over for law library, see '05 c. 108.

See also '19 c. 148, authorizing Minneapolis public library to accept gifts; also '19 c. 252; '19 c. 334; '19 c. 445.

CHAPTER 34

STATE PRINTING

5671. State printing commission—The auditor, treasurer and secretary of state shall constitute a state printing commission for the state of Minnesota, of which the secretary of state shall be chairman. With the aid of a state expert printer appointed by said commission, for such term, not exceeding three years, as it shall see fit, it shall have control of all printing, advertising and binding done under the provisions of this act, and the distribution thereof. ('19 c. 441 § 1)

('19 c. 441 § 9 repeals inconsistent acts which undoubtedly include G. S. '13 §§ 4930-4939, inclusive).

5672. State expert printer—The state expert printer shall be a man experienced in the printing trade, and competent to keep the records and accounts of the commission. He shall be the custodian of all material purchased by the commission for printing and binding purposes, and of all printing and binding matter ordered for and delivered to the state. He shall give orders for all printing, advertising and binding provided for under this act, see that the same is done in a workmanlike manner and delivered to the departments, in accordance with contracts. He shall obtain receipts from the departments from time to time as printing and binding is delivered to them, and shall keep an accurate record of all such purchases and deliveries, showing the amount and cost thereof, and a record of the cost of all printing, advertising and binding done for the respective departments and officials of the state, supervise all such work and handle the copy therefor. He shall receive and pass upon all bills for printing, advertising and binding for the state whether such bills are payable out of the fund appropriated by the legislature for printing, advertising and binding, or payable out of the funds of the depart-

ments; and vouchers for the payment of printing, advertising and binding accounts shall have thereon the approval of the state expert printer, or in case of his absence at least two members of the printing commission will be required to pass upon and approve such vouchers. The state expert printer shall be the clerk of the printing commission, keep a record of its proceedings and carry out its lawful rules and directions. He shall receive an annual salary of thirty-two hundred dollars, payable monthly, beginning May 1, 1919. ('19 c. 441 § 2)

5673. Clerk—The printing commission shall employ a clerk at an annual salary not to exceed \$1,200 payable monthly, for stenographic and clerical work in the office of state expert printer. ('19 c. 441 § 3)

CLASSES OF STATE PRINTING

5674. The state printing and binding is hereby divided into seven classes, as follows:

Class one—All bills for the senate and house of representatives, and all resolutions and other matters not in pamphlet or book form, that may be ordered printed by either or both houses, or by the officers of either.

Class two—The journals of the senate and house of representatives, including reports and other documents properly forming a part of such journals.

Class three—All other reports and documents ordered printed in pamphlet or book form by either branch of the legislature, or authorized or required by law to be so printed, including the volumes of executive documents and the legislative manual. The following documents may be published by the printing commission in the third class and in such form and quantity as it shall direct, but the commission may edit and condense