

Nineteen Hundred Thirty-One
Supplement

to

Mason's Minnesota Statutes

(1927 thru 1931)

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



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otherwise authorized by law. (As amended Apr. 21, 1931, c. 298, §1.)

The taking of muskrats in the waters of a lake forming the boundary between Minnesota and South Dakota within the closed season established by the laws of Minnesota is an offense against the laws of Minnesota irrespective of the location of the boundary line. Op. Atty. Gen., Jan. 6, 1930.

§5646. Reciprocal jurisdiction—Courts and wardens.

The taking of muskrats in the waters of a lake forming the boundary between Minnesota and South Dakota within the closed season established by the laws of Minnesota is an offense against the laws of Minnesota, irrespective of the location of the boundary line. Op. Atty. Gen., Jan. 6, 1930.

§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 clamming 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. (As amended Apr. 21, 1931, c. 298, §2.)

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.

§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.

§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 seven 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. (As amended Apr. 24, 1931, c. 327.)

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 been 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 there-

under 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 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