

1938 Supplement
To
Mason's Minnesota Statutes
1927

(1927 to 1938)
(Superseding Mason's 1931, 1934, and 1936 Supplements)

Containing the text of the acts of the 1929, 1931, 1933, 1935, and 1937 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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Said Board shall have authority to appoint a librarian and such assistants and clerical help as may be necessary and to fix their compensation. (Act Apr. 17, 1933, c. 291, §15.)

5670-20. 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.)

5670-8. Law library established.—In each county now or hereafter having not less than 220,000 and not more than 330,000 inhabitants, there is hereby established a Law Library. (Act Apr. 15, 1935, c. 184, §1.)

5670-3a. 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.)

5670-3b. Law library fees.—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 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.)

Fee provisions of Laws 1935, Sp. Sess., c. 72, apply to Ramsey County. Op. Atty. Gen. (144b-15), Feb. 3, 1935.

5670-3c. 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 the filing of transcripts, to compensation awards or to complaints in

intervention in receivership proceedings. (Act Apr. 15, 1935, c. 184, §4.)

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 establishment 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.)

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 34

State Printing

5676. Advertisement for bids.

State printer must advertise in five largest cities and wait 30 days thereafter to open bids. Op. Atty. Gen. (980c-23), June 7, 1934.

pitol guide books and history. (Apr. 24, 1937, c. 396, §1.)

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.)

5680-1. 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 ca-

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.

ity 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, 232 NW318. 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.

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 officers or employees or anyone else, give or assume to give legal advice or counsel or perform for or furnish to another person or corporation legal services; or shall, by word, sign, letter or advertisement, solicit the public or any person to permit it to pre-

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 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 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 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 equal-