

1944 Supplement  
To  
**Mason's Minnesota Statutes, 1927**  
and  
**Mason's 1940 Supplement**

Containing the text of the acts of the 1941 and 1943 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 Law Review Articles and digest of all common law decisions.

Edited by  
the  
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## CHAPTER 33 Public Libraries

### STATE PUBLIC LIBRARY COMMISSION

#### 5656 and 5657. [Repealed.]

Repealed. Laws 1941, c. 169 except as therein provided.

#### 5658. Purchase of books—Office. [Repealed.]

Repealed. Laws 1941, c. 169 except as therein provided. Reenacted as §3156-1(18).

State library has no authority to refund money paid for books borrowed, lost, paid for, and later found and returned. Op. Atty. Gen. (285), Jan. 9, 1941.

#### 5659 and 5660. [Repealed.]

Repealed. Laws 1941, c. 169, except as therein provided. Reenacted as §§3156-1(19) and 3156-1(20).

### PUBLIC LIBRARIES AND READING ROOMS

#### 5661. Establishment and maintenance.

City of Faribault cannot levy more than three mills. Op. Atty. Gen. (285a), June 19, 1942.  
Laws relating to county library. Op. Atty. Gen. (285b), March 3, 1943.

#### 5662. When established by vote—Existing libraries.

Cities or villages adopting home rule charter may provide therein for maintenance of existing library and manner of control. Op. Atty. Gen., (285a), Dec. 27, 1939.

#### 5663. Directors.—Subdivision 1. Term—Removal.

—When any such library or reading room is established in any city of the first, second or third class or in any village, or city of the fourth class not having a library board of five directors as hereinafter provided, 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 the mayor or president shall appoint three directors for the term of three years and until their successors qualify. The mayor or president, by and with the consent of the council, may remove any director for misconduct or neglect.

Subdivision 2. Cities of fourth class—Directors—Term—Removal.—When any such library or reading room has been or is hereafter established in any city of the fourth class or in any village, the council may by ordinance or resolution provide for a library board of five directors, not more than one of whom shall at any time be a member of such governing body. Such board shall be appointed by the mayor of the city or president of the village with the approval of the council. Of the members first appointed two shall hold office for one year, two for two years, and one for three years from the third Saturday of July following the appointment, the term of office of each being spec-

ified by the appointing power; and annually thereafter such mayor or president shall appoint for the term of three years and until their successors qualify, a sufficient number of directors to fill the places of those whose term or terms expire. The mayor or president, by and with the consent of the council, may remove any director for misconduct or neglect.

Subdivision 3. Terms of directors.—When an ordinance or resolution providing for a library board of five directors is adopted in any city of the fourth class or village in which there exists a library board established under subdivision 1 hereof, the terms of all directors thereto appointed shall expire on the third Saturday in July next following the adoption of such ordinance or resolution. (As amended Apr. 1, 1943, c. 245, §1.)

#### 5665. Organization of board—Rules, etc.

All claims against village library fund should first be approved and ordered paid by library board, and should then be forwarded to village council, where they should be paid in same manner as other claims are paid, council passing upon propriety and legality of claims, but not upon wisdom of library board action. Op. Atty. Gen., (285a), May 21, 1940.

City of Northfield may invest funds of library in special improvement certificates of the city. Op. Atty. Gen. (285), Oct. 11, 1940.

Library board has authority to increase salaries of employees during fiscal year and make increase retroactive, provided no limitations are imposed by charter provisions or fire laws or regulations and is within budget. Op. Atty. Gen. (285a), Feb. 28, 1941.

#### 5666. Nonresidents—Contracts to loan books—Tax.

Considering sections 673, 1591, and 5666 together, county cannot contract for library service for county through cities outside county if there is a public library in the county, though inconveniently located. Op. Atty. Gen., (285), Nov. 10, 1939.

#### 5667. Directors now in office—Report.

It is mandatory that every library should make its report in July. Op. Atty. Gen. (285), Aug. 28, 1940.

#### 5670. Law libraries.

Laws 1939, c. 96. Repealed. Laws 1941, c. 372.  
Act Apr. 22, 1941, c. 372, §2, 3, provides that money collected under provisions of Laws 1939, c. 96, shall be paid to county treasurer who, upon order of the district court may pay it out for the purchase of law books for the county, and section 4, provides for the reimbursement of one who has paid costs in any action to the clerk, under Laws 1939, c. 96.

Act Apr. 10, 1941, c. 193, provides that in counties having assessed valuation, excluding money and credit, in excess of \$19,000,000, population of 36,000 to 37,000, and 22 to 24 townships, a law library may be established by order of a judge of the district court of said county.

Laws 1943, c. 127, provides that in counties having assessed valuation in excess of \$20,000,000, a population of 42,000 to 43,000, with 20 to 22 full or fractional congressional townships, a law library shall be established indicating the manner of financing and conducting the same.

## CHAPTER 33A Historical Societies

#### 5670-11. County Board or City Councils may furnish room for Historical Societies.

City council may appropriate funds to library board for purpose of constructing an addition to library building to house county historical society, though it has attempted to convey land to trustees of library. Op. Atty. Gen., (285a), Oct. 6, 1939.

#### 5670-12. Appropriation.

While section might reasonably be construed as authorizing county historical society to employ a curator and pay his salary out of funds appropriated to it, neither county board of commissioners nor county welfare board has power to hire a curator. Op. Atty. Gen. (772f), June 10, 1942; June 16, 1942.