

## CHAPTER 226—H. F. No. 1448

*An act relating to the fixing of minimum compensation for clerks of District Court in certain counties.*

Be it enacted by the Legislature of the State of Minnesota :

Section 1. **Minimum compensation for clerk of district courts of certain counties.**—In all counties of this state containing not less than 13 nor more than 17 full or fractional congressional townships, with a population of not less than 7,000 nor more than 9,000 inhabitants according to the Federal census for 1930, and having an assessed valuation, exclusive of monies and credits, of not less than \$1,800,000 and not more than \$2,500,000, the minimum annual salary or compensation of the clerk of the district court shall be the sum of \$900.00 annually, regardless of any decrease in taxable valuation, any change in population or any other factor or on which such salary or compensation may have been based. Should the total amount of the salary, fees and other compensation received by the said clerk of District Court be less than the sum of \$1,700.00, the County Auditor is hereby authorized to draw a warrant to supply the deficiency.

Sec. 2. **Exceptions.**—Except for the minimum amount as herein provided, salary or compensation of the clerk of district court shall be as otherwise provided by law.

Sec. 3. **Application of Act.**—The provisions of this act shall not apply to any county where salary or compensation of the clerk of the district court has been, or may be, fixed by any other act heretofore or hereafter passed by the 1937 Legislature.

Approved April 14, 1937.

## CHAPTER 227—S. F. No. 1446

*An act to amend Extra Session Laws 1933-34, Chapter 46, Section 5, relating to intoxicating liquors.*

Be it enacted by the Legislature of the State of Minnesota :

Section 1. **Law amended.**—That Extra Session Laws 1933-34, Chapter 46, Section 5, be amended so as to read as follows :

“Sec. 5. **Sale of intoxicating liquors—licenses.**—That it shall be unlawful for any person, directly or indirectly, upon any pretense or by any device to manufacture, import, sell, exchange, barter, dispose of or keep for sale, any intoxicating liquor, without first having obtained a license therefor, as herein provided. *Provided, however,*

*that fermented malt beverages containing more than 3.2 per cent of alcohol by volume may be stored in counties or municipalities wherein the sale of intoxicating liquor is prohibited, by any person without a license provided that such fermented malt beverages are sold outside of this state.* Nothing herein shall prohibit the natural fermentation of fruit juices in the home for family use. All manufacturer's and wholesaler's licenses shall include the right to import and shall be granted by the Liquor Control Commissioner. The business of manufacturer and wholesaler may be combined and carried on under one license issued therefor. All licenses for retail 'Off sale' shall be granted by the local governing body subject to the approval of the Liquor Control Commissioner and shall not become effective until so approved.

The Liquor Control Commissioner may issue a license or permit to any railroad company, dining car company, or sleeping car company, water transportation company or other common carrier, operating in this state, to sell intoxicating liquors, referred to in this chapter upon any vessel, dining car, buffet, observation or cafe car where meals or lunches are served. Each such company applying for such license shall pay to said Liquor Control Commissioner a fee of Twenty-Five Dollars per annum. A duplicate of such license shall be posted in each car and for each duplicate of such license a fee of One Dollar shall be paid. Such license so granted shall cover and permit the sale of such intoxicating liquor in the State of Minnesota, or in any political subdivision thereof, in any vessel, dining car, buffet, observation or cafe car which is a part of a train or which is about to become a part of a train then being operated or to be operated in this state. Such liquor to be sold only to bona fide passengers or persons actually being transported.

'Off sale' licenses issued by any municipality shall not be effective until approved, together with the bond, by the Liquor Control Commissioner, but no fee shall be payable to such Commissioner for such approval.

All 'On sale' licenses shall be granted and the annual license fee therefor fixed by the respective local governing bodies of the various political subdivisions of the state, and such governing bodies shall have the right to revoke licenses issued by them, for cause. No 'On sale' licenses shall be issued contrary to any of the provisions of this Act. Not more than one 'On sale' license shall be issued in any city of the first class for every 1500 inhabitants. Not more than 200 'On sale' licenses shall be issued in any city of the first class. Not more than 15 'On sale' licenses shall be issued in any city of the second class. Not more than 10 'On sale' licenses shall be issued in any city of the third class. Not more than 5 'On sale' licenses shall be issued in any city of the fourth class. Not more than 10 'On sale' licenses shall be issued in any village of over 10,000 population. Not more

than 5 'On sale' licenses shall be issued in any village of 5,000 to 10,000 population. Not more than 4 'On sale' licenses shall be issued in any village of 2,500 to 5,000 population. Not more than 3 'On sale' licenses shall be issued in any village or borough of 500 to 2,500 population. Not more than 2 'On sale' licenses shall be issued in any village or borough of less than 500 population. 'On sale' licenses may be issued for the sale of intoxicating liquor in hotels, clubs and restaurants in cities of the first, second and third class and villages of over 10,000 inhabitants. Such licenses may be issued in cities of the fourth class, and other villages and boroughs for such sale of intoxicating liquor in hotels, clubs and/or exclusive liquor stores, which exclusive liquor stores the governing body of such municipalities may establish or permit to be established for dispensation of liquor either 'On sale' or 'Off sale,' or both. In cities and villages having over 5,000 and not more than 10,000 population, the municipality may license 'On sale' in restaurants in lieu of the establishment of exclusive liquor stores.

In cities of the first class not more than one 'Off sale' license shall be granted for every 5,000 inhabitants in any such city. In such cities, such licenses shall be issued only to proprietors of drug stores, general food stores and exclusive liquor stores. In all other cities, villages and boroughs, the number of 'Off sale' licenses to be issued therein shall be determined by the local governing body. In all cities, villages and boroughs other than cities of the first class 'Off sale' licenses shall be issued only to proprietors of drug stores and exclusive liquor stores. Not more than one 'Off sale' license shall be issued in any city, village or borough of less than 1,000 population.

The license fees to be paid before the issuance of licenses shall be as follows:

(a) Any manufacturer, as herein defined, shall pay to the state, an annual license fee in the sum of \$2500.00, except that brewers of intoxicating malt beverages shall pay to the state an annual license fee of \$500.00, and except that a manufacturer of wines containing not more than 25 per cent of alcohol by weight shall pay to the state an annual license fee of \$250.00.

(b) Any wholesaler, as herein defined, shall pay to the state an annual license fee in the sum of \$2500.00, except that wholesalers of wine containing not more than 25 per cent of alcohol by weight and wholesalers of beer containing more than 3.2 per cent of alcohol by weight, shall pay to the state an annual license fee of \$250.00.

(c) The maximum license fee for an 'Off sale' license in the cities of the first class shall be the sum of \$250.00; in all cities and villages of over 10,000 population, except cities of the first class, the maximum license fee for an 'Off sale' license shall be \$200.00; in all cities

and villages with a population between 5,000 and 10,000, the maximum license fee shall be \$150.00; in all cities, villages and boroughs of 5,000 population, or less, the maximum license fee shall be \$100.00. All such license fees for 'Off sale' licenses shall be payable to the municipalities issuing the license. Where such licenses shall be issued for less than one year, a fee may be a pro rata share of the annual license fee."

Approved April 14, 1937.

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#### CHAPTER 228—H. F. No. 1500

*An act to appropriate moneys for the payment of claims and the administering thereof approved under the provisions of Laws 1935, Chapter 213, to provide relief and assistance for certain officers, soldiers, sailors, marines, nurses, dieticians and the surviving wives or minor children of certain deceased officers, soldiers, sailors, and marines who have not heretofore received relief or assistance under the provisions of law.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Appropriation for soldiers' relief, etc.**—There is hereby appropriated out of the Spanish War Veterans' Relief Fund, created by Laws 1931, Chapter 405, Section 4, the sum of \$66,500.00 for the payment of claims approved under provisions of Laws 1935, Chapter 213, and for the administration thereof, to provide relief and assistance for certain officers, soldiers, sailors, marines, nurses, dieticians and the surviving wives, minor children, mothers and fathers of certain deceased officers, soldiers, sailors and marines who have not heretofore received relief or assistance under the provisions of law. The Adjutant General is charged with the administration of this act and the delivering of the warrants to the persons and parties entitled thereto.

Sec. 2. **To be concluded June 30th, 1939.**—The Adjutant General shall conclude the duties under the provisions of this act June 30, 1939.

Sec. 3. This act shall be in effect on and after its passage.

Approved April 14, 1937.