

CHAPTER 80.

[H. F. No. 509.]

AN ACT TO AMEND SECTION FIVE (5) OF CHAPTER ELEVEN (11) OF THE GENERAL STATUTES ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT (1878) OF THE STATE OF MINNESOTA.

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

SECTION 1. That the ninth (9) subdivision of section five (5) of chapter eleven (11) of the general statutes of one thousand eight hundred and seventy-eight (1878) of the State of Minnesota, be and the same is hereby amended so as to be and read hereafter, as follows:

"NINTH. All public libraries, or libraries owned by corporations other than those for pecuniary profit, and real and personal property belonging to or connected with the same."

Public
libraries.

SEC. 2. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved March 7, 1887.

CHAPTER 81.

[S. F. No. 454.]

AN ACT TO AMEND CHAPTER SIXTEEN (16) GENERAL STATUTES OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT (1878), RELATING TO INTOXICATING LIQUORS.

129-81
38-M . 146
38-M . 152
41-nw 363

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

SECTION 1. That section ten (10) of said chapter be amended so as to read as follows: "Section ten (10). It shall be unlawful for any person to sell, give, barter, furnish or dispose of, in any manner either directly or indirectly or by agent, employes or otherwise, any spirituous, vinous, malt or fermented liquors in any quantity or for any purpose whatever, to any minor person, or to any student, or pupil in any public school, seminary, academy or any other institution of learning in this state, or to any habitual drunkard, or intemperate drinker of intoxicating liquors or to any intoxicated person, and any person violating any of

129-81
40-M . 65
41-M . 211

87 C 81
[103-M - 315]

Unlawful to
sell liquors—to
whom.

Penalty.

Notice may be given in writing prohibiting sale in certain cases.

Penalty for violation.

Act to apply to all municipal corporations.

Penalty for procuring liquor for habitual drunkard, etc.

the foregoing provisions of this section; shall be guilty of a misdemeanor, and on conviction thereof by any court having jurisdiction, shall be punished by fine of not less than twenty-five (25) dollars, nor more than one hundred (100) dollars and costs of prosecution or by imprisonment in the county jail not less than thirty (30) nor more than ninety (90) days, or until such fine and costs are paid, not exceeding ninety (90) days, and any parent, husband, wife, child, guardian, master or employer, or relation of any person, who is a habitual drunkard or an intemperate drinker of intoxicating liquors, or any one who is annoyed or injured by the means of the continued intoxication of such drunkard or intemperate drinker, or any parent, master, guardian, relative or employer of any minor person may give notice in writing signed by him or her, to any person forbidding him from directly or indirectly furnishing any such habitual drunkard, intemperate drinker, or minor named in such notice with any kind of intoxicating liquors, and if within one year after such notice, in cases of habitual drunkards and minors, and any time before such minor person shall become of full age, any one to whom such notice was given, sells, gives away or furnishes directly or indirectly, or causes to be furnished, any intoxicating liquors to the person named in such notice, he shall be deemed guilty of a misdemeanor, and upon conviction thereof by any court having jurisdiction shall be punished by fine not less than fifty (50) dollars nor more than one hundred (100) dollars and by imprisonment in the county jail for not less than thirty (30) days nor more than ninety (90) days, and in case of default in the payment of such fine, the court may in addition to the time of imprisonment fixed by its judgment, commit such person to the county jail until such fine is paid, the whole time however for which any person can be so committed to the county jail under the provisions of this section not to exceed ninety (90) days, and the license of such person shall be revoked as hereinafter stated; all the provisions of this section shall also apply to the municipal corporations, anything in the charters or ordinances thereof to the contrary notwithstanding. Any person who shall purchase or procure for any intemperate drinker of intoxicating liquors, habitual drunkard or minor, knowing them to be such, with money or its equivalent furnished by such person or by such drunkard, intemperate drinker, minor or other person for him, any intoxicating liquors shall be guilty of a misdemeanor and upon conviction shall be punished by fine of not less than twenty-five (25) dollars nor more than one hundred (100) dollars, together with costs of prosecution or by imprisonment in the county jail for not less than twenty (20) nor more than ninety (90) days, and in

case of default in payment of any fine, until such fine and costs are paid, not exceeding ninety (90) days. It shall be unlawful for any person in any city, village, town or borough in this state to sell, barter, furnish or dispose of in any manner either directly or indirectly or by agent, employe or otherwise, any intoxicating liquor in any quantity or for any purpose whatever on the Sabbath day, or on any general or special election day, and all places where the sale of intoxicating liquors shall be licensed, under the provisions of any law or ordinance, shall be closed during all hours of every Sabbath day and of every general or special election day, and any person violating any of the provisions of this section shall be guilty of a misdemeanor and on conviction thereof by any court having jurisdiction shall be punished by a fine of not less than thirty (30) dollars nor more than one hundred (100) dollars and costs of prosecution, and by imprisonment in the county jail not less than ten (10) days nor more than thirty (30) days."

Unlawful to
sell on Sabbath

Penalty.

SEC. 2. That section eleven (11) of said chapter be amended by adding thereto the following: "And in all prosecutions in this state for the sale of spirituous, vinous, fermented or malt liquors without a license therefor proof that the accused has paid the United States revenue tax for the sale of spirituous, or vinous, fermented or malt liquors, or has procured a receipt for such payment covering the time in which it is alleged the accused has sold without a license, shall be prima facie evidence that the accused has sold such liquor, and in all such prosecutions proof that the receipt aforesaid is found or posted up on the premises in which it is alleged such sale is made shall be prima facie evidence that the person or persons doing business upon said premises, either as principals, agent, proprietor, clerk or bar tender is selling such liquor. *Provided*, That the provisions of this section shall not apply to drug-gists engaged in the business of compounding and dispensing medicines upon prescription."

Paying of U. S.
revenue tax for
sale of liquor
is proof against
party accused
of violating
this act

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SEC. 3. That section twelve (12) of said act be amended so as to read as follows: "Section twelve (12). That in all cases where any person is convicted in any court, of selling or furnishing intoxicating liquor to a minor, habitual drunkard or intemperate person after written notice as aforesaid, his license shall thereupon become forfeited and void and thereafter he shall be liable for all penalties for selling liquor, the same as any person selling without a license."

Licenses
forfeited in
certain cases.

SEC. 4. That said chapter sixteen (16) be further amended by adding thereto the following new sections:

SEC. 24. It shall not be lawful for any person to keep any bagatelle or card or any other kind of table whatsoever,

Unlawful to keep bagatelle or card tables in saloons.

except billiard and pool tables, or to allow the same to be kept in any room where any of the liquors mentioned in this act are licensed to be sold or kept for sale, or to allow any games at cards, throwing of dice, or any other game of any kind or nature whatsoever to be played in such room; any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten (10) dollars nor more than fifty (50) dollars. The provisions of this section shall also apply and be in force in all municipal corporations.

Full amount of license must be paid.

SEC. 25. That no person shall in any manner be protected by any permit, or license issued by the county commissioners or by the authorities of any city, village or other municipal corporation, unless he shall have paid the full amount required by the law, or ordinance under which such license is granted, and no license shall have any force or effect unless the licensee shall have paid therefor a sum equal to the minimum rate fixed by the laws of this state for the town, village, borough or city where the same is granted; all licenses granted by said county commissioners or the authorities of any town, village, borough or city in this state shall be posted upon the room where such business is done and shall distinctly state the amount paid therefor.

Licenses must be posted.

Licenses shall contain description of premises.

SEC. 26. All licenses issued by the county commissioners, or by the authorities of any city, town, borough, village or other municipal corporation, for the sale of intoxicating liquors, shall contain a description of the premises and room where such liquors are licensed to be sold, and any person so licensed, who shall sell, barter or give away any intoxicating liquors outside of or in any place other than the room so named shall be guilty of a misdemeanor, and shall be liable to all the penalties provided in this act or under any law of this state for selling liquors without a license.

Duties of courts before whom convictions are had for violation of act.

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52-NW .387

SEC. 27. When any person holding a license for the sale of intoxicating liquors is convicted of the violation of any law relating to the business he is licensed to pursue, and when any person shall be convicted of selling liquor without a license, under any law of this state or ordinance of any city, village, borough or municipal corporation, the court in which or the magistrate before whom such conviction is had shall send to the board, council, trustees, or authorities which issued the license, or who would be authorized to issue a license in the district where such conviction is had, a certificate showing the offense charged, the conviction under such charges and the time and place of such conviction, and such certificate, if made by a magistrate, shall be under his hand, and if made by a court having a clerk, it shall be made by such clerk.

SEC. 28. The county commissioners of any county or the common council of any city, village or borough, and the authorities of any municipal corporation who are authorized to issue any license for the sale of intoxicating liquors, after notice to the person holding any such license and reasonable opportunity for him to be heard by them or by a committee of their number, may revoke any such license and declare the same forfeited upon proof satisfactory to them that he has violated any of the laws of this state regulating the sale of intoxicating liquors, or has violated any provisions of law regulating persons so licensed to sell, or places where such liquors are sold, or any of the conditions of the board required to be given by such licensee, and any such license shall cease to be in force from and after such revocation. The pendency of proceeding before a court of justice shall not suspend or interfere with the power herein given to revoke a license or declare a forfeiture. In all those cases where any such license is revoked or declared forfeited by reason of any violation of the law in relation to the sale of intoxicating liquor to a minor, habitual drunkard or intemperate drinker of intoxicating liquors, or after notice forbidding such sale, the licensee shall be disqualified to receive a license for the period of five (5) years thereafter, and in all other cases for the period of one (1) year after the expiration of the term of the license so forfeited, and if the licensee is the owner of the premises described in or covered by such license, no license shall be issued to be exercised on said premises for the residue of the term thereof.

Licenses may
be revoked for
violation of
act.

SEC. 29. All applications for a license to sell intoxicating liquors to the commissioners of any county or to the authorities of any municipal corporation in this state, authorized to grant the same, shall be in writing, and shall designate the place where such business is to be carried on. Upon receiving any such application the county auditor, or the clerk of any such municipal corporation, shall cause a notice of such application, containing the name of the applicant, or description of the premises, as stated in the application, and the time when the same will be heard, to be published in the official newspaper of said county or municipal corporation at least two (2) weeks immediately preceding the time of such hearing, or in case there be no such official paper then such notice shall be published in some newspaper of general circulation, printed and published in the county within which such license is granted; any person may appear at the time stated, and object to the granting of such license, and if it should appear to the board or municipal authorities empowered to grant such license, that the applicant has knowingly violated any of the laws

Applications
for license—
how made.

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of this state regulating the liquor traffic or of the municipality where such application is made within the year preceding such application, or any law relating to the sale of intoxicating liquors to minors, habitual drunkards or intemperate drinkers, after receiving a notice forbidding such sale within five (5) years preceding such application, such board or municipal authorities shall refuse to grant the license.

When act to
take effect.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 3, 1887.

CHAPTER 82.

[H. F. No. 350].

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FORTY-FIVE (145) OF THE GENERAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY FIVE (1885) ENTITLED "AN ACT TO PROVIDE FOR THE INCORPORATION OF VILLAGES," &c.

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

Constables and
marshal.

SECTION 1. That section thirty-five (35) of chapter one hundred and forty-five (145) of the general laws of one thousand eight hundred and eighty-five (1885) be and the same is hereby amended by inserting after the words "constables of said village or county," in the eighteenth (18th) line of said section, the words "or to the Marshal of said village. *Provided*, that said Marshal shall serve said process only within the limits of said village."

SEC. 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

When act to
take effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 8, 1887.