

sion fund all such rewards, and it shall be the duty of the chief of police of any such city to place to the credit of the police pension fund all moneys falling into the hands of the police that shall remain unclaimed for a period of six months, and to sell all unclaimed property falling into the hands of the police when the same shall have been unclaimed for a period of six months and place the proceeds thereof to the credit of the said police pension fund.

An amount or sum sufficient to pay pensions due and payable in the following fiscal year, provided said sum shall not be less than three-fifths (3/5) mill, nor in excess of one (1) mill, in addition to the rate allowed to be levied by the charter of any city affected by this act, shall be annually assessed and levied at the time and in the manner that taxes for the other funds of such city are levied by the proper officers of each city where a police relief association now exists, upon each dollar of all the taxable property in such city as the same appears on the tax records of such city and such levy of said sum for the benefit of such police relief association shall be collected and apportioned by the proper officers of any county in which such city is located, in the same manner as are all taxes of such city, and all annual surpluses shall remain in said police pension fund."

Approved March 29, 1935.

CHAPTER 77—S. F. No. 689.

An act to amend Mason's Minnesota Statutes of 1927, Section 5903, relating to hotels, restaurants, lodging houses, boarding houses and places of refreshment, and defining the same.

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

Section 1. Defining hotels, restaurants, lodging houses, boarding houses and places of refreshments.—That Mason's Minnesota Statutes of 1927, Section 5903, be and the same is hereby amended so as to read as follows:

"5903. Every building or structure, or any part thereof, kept, used as, maintained as, or advertised as, or held out to the public to be a place where sleeping accommodations are furnished to the public whether with or without meals and

furnishing accommodations for periods of less than one week shall for the purpose of this act be deemed an hotel.

Every building or other structure, or any part thereof and all buildings in connection, kept, used or maintained as, or advertised as, or held out to the public to be a place where meals or lunches are served without sleeping accommodations, and furnishing accommodations for periods of less than one week, shall for the purpose of this act be deemed to be a restaurant, and the person or persons in charge thereof, whether as owner, lessee, manager or agent, for the purpose of this act, shall be deemed the proprietor of such restaurant, and whenever the word "restaurant" shall occur in this act, it shall be construed to mean such structure as described in this section.

Every building or structure, or any part thereof, kept, used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished for regular roomers, for periods of one week or more, and having accommodations for ten or more persons, shall, for the purpose of this act, be deemed a lodging house.

Every building or structure, or any part thereof, used as, maintained as, or advertised as, or held out to be a place where food is furnished to regular boarders for periods of one week or more, and having accommodations for ten or more boarders, shall, for the purpose of this act, be deemed a boarding house.

Every building or other structure or any part thereof, kept, used as, maintained as, or advertised as, or held out to be a place where confectionery, ice cream, sandwiches, or drinks of various kinds are made, sold or served at retail, shall, for the purpose of this act, be deemed to be a place of refreshment. *Provided, however, that a general merchandise store or grocery store retailing or serving ice cream, soft drinks or foods of any kind, if such foods and soft drinks are sold and delivered to the public in an original container and the purchaser thereof consumes the contents directly from the original container, shall not be deemed a place of refreshment within the meaning of this act. The term "original container", as used in this act, shall be construed to mean any carton, box, wrapper, package, pail, can, jar, keg, glass, bottle, or other thing in which the manufacturer, wholesaler, or distributor has placed and entirely enclosed said ice cream, drinks, or other refreshments, before delivery to the retailer and shall also be construed to include any straw, spoon, fork, or other eating and drinking utensil, placed in*

the container by the manufacturer, wholesaler, or distributor at his place of business and before delivery to the retailer.

This act shall not be construed to apply to any building or premises operated or controlled by any sectarian corporation, society or organization.

Sec. 2. **Inconsistent Acts repealed.**—That all laws or parts of laws inconsistent herewith are hereby repealed.

Approved March 29, 1935.

CHAPTER 78—H. F. No. 496.

An act authorizing and empowering the governing body of any city of the first class in this State now or hereafter existing, and which city has increased its population 100,000 or more between the years 1900 and 1930, as shown by the United States census for said years, and which city contains within its corporate limits any territory in which sales of intoxicating liquor have been heretofore prohibited by any law of this state, to grant licenses to sell intoxicating liquors in such territory in a limited number, notwithstanding any provisions to the contrary in any city charter or law of this state and providing in certain cases for an election by the voters of any such city.

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

Section 1. **Certain cities may issue liquor licenses.**—The governing body of any city of the first class now or hereafter existing, and which city contains within its corporate limits any territory in which sales of intoxicating liquors have been heretofore prohibited by any law of this state, and which city has enjoyed such a substantial increase in business, manufacturing and population that it has increased its population 100,000 or more between the year 1900 and the year 1930, as shown by the United States census for said years, resulting in the extension into such prohibited territory aforesaid of a substantial portion of the business, commercial and industrial activities of such city, is hereby authorized and empowered by a three-fifths vote of the governing body, thereof to grant licenses to sell intoxicating liquors in such prohibited territory provided that no greater number of licenses shall be issued therein than has been heretofore issued in such territory under authority granted by Chapter 74, Laws of 1933-34, notwithstanding any provision to the contrary in any city charter or law of this state.