

collected and payment thereof enforced when and in like manner as state and county taxes are paid.

Approved April 22, 1943.

CHAPTER 568—H. F. No. 313.

(AMENDING SECTION 340.12 MINNESOTA STATUTES 1941.)

An act relating to intoxicating liquor licenses, and amending Mason's Minnesota Supplement 1940, Section 3200-26.

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

Section 1. **Law amended.**—Mason's Minnesota Supplement 1940, Section 3200-26, is hereby amended to read as follows:

3200-26. **Application for license.**—Every person desiring a license from the liquor control commissioner, shall file with him a verified written application in the form to be prescribed by the commissioner. All applicants for manufacturer's and wholesaler's licenses to sell intoxicating liquor shall file with the liquor control commissioner a bond with corporate surety, to be approved by the liquor control commissioner, before granting such license, or, in lieu thereof, cash or United States Government bonds in the sum of \$10,000, according to the character of the license, made payable to the State of Minnesota. All applicants for a license to sell intoxicating liquors on any railroad, train or other common carrier, shall file with the liquor control commissioner a bond with corporate surety to be approved by the liquor control commissioner before granting such license, or, in lieu thereof, cash or United States Government bonds in the sum of \$1,000.00. All manufacturers and wholesalers of wines containing not more than 25 per cent of alcohol by weight and manufacturers and wholesalers of beer containing more than 3.2 per cent of alcohol by weight, shall file with the liquor control commissioner, a bond with corporate surety to be approved by the liquor control commissioner before granting such license, or, in lieu thereof, cash or United States Government bonds in the sum of \$5,000.00.

Every person desiring a license from a local governing body shall file with the clerk of the municipality a verified written application in the form to be prescribed by the commissioner, with such additional information as the local governing body shall require. An applicant for an "Off sale" license shall file with the clerk of the proper municipality a bond with corporate surety, or a li-

ability insurance policy or, in lieu thereof, cash or United States Government bonds in a sum, not less than \$1,000.00 and not more than \$3,000.00 as the local governing body of such municipality shall determine, which bond *or policy* shall be approved by such local governing body and the liquor control commissioner.

An applicant for an "On sale" license shall file with the clerk of the proper municipality a bond with corporate surety, *or a liability insurance policy* or, in lieu thereof, cash or United States Government bonds in a sum, not less than \$3,000.00 nor more than \$5,000.00 as the local governing body of such municipality shall determine, which bond shall be approved by such local governing body.

Bonds of manufacturers, wholesalers and common carriers shall run to the State of Minnesota. Bonds *or liability insurance policies* of "On sale" and "Off sale" retail dealers shall run to the municipality in which the license is issued. All such bonds *or policies* shall be conditioned as follows:

As to manufacturers, wholesalers and common carriers:

(a) That the licensee will obey the law relating to such licensed business.

(b) That the licensee shall pay to the state when due all taxes, license fees, penalties and other charges payable by him under this act, or any other law relating to the manufacture, distribution or sale of intoxicating liquor.

(c) That in the event of any violation of the provisions of law, such bond shall be forfeited to the State of Minnesota as hereinafter provided.

As to "Off sale" and "On sale" dealers:

(a) That the licensee will obey the law relating to such licensed business.

(b) That the licensee will pay to the municipality when due all taxes, license fees, penalties and other charges provided by law.

(c) That in the event of any violation of the provisions of any law relating to the retail "Off sale" and retail "On sale" of intoxicating liquor, such bond *or policy* shall be forfeited to the municipality in which such license was issued.

(d) That the licensee, will pay to the extent of the principal amount of such bond *or policy*, any damages for death or injury caused by or resulting from the violation of any provisions of law relating thereto, and in such cases recovery under this sub-

division “(d)” may be had from the surety on this bond *or policy*. The amount specified in such bond *or policy* is declared to be a penalty, the amount recoverable to be measured by the actual damages; provided, however, that in no case shall such surety be liable for any amount in excess of the penal amount of the bond *or policy*.

All such bonds *or policies* shall be for the benefit of the obligee and all persons suffering damages by reason of the breach of the conditions thereof. In the event of the forfeiture of any such bond *or policy* for violation of law, the district court of the county wherein such licensed business was carried on may forfeit the penal sum of said bond *or policy*, or any part thereof, to the state or municipality named as obligee in such bond *or policy*.

Sec. 2. Nothing herein contained or omissions shall be construed as repealing any prior amendments to the foregoing sections by the 1943 session of the legislature.

Approved April 22, 1943.

CHAPTER 569—H. F. No. 832.

(AMENDING SECTION 94.52 MINNESOTA STATUTES 1941.)

An act relating to the distribution and appropriation of amounts received from the federal government as proceeds from the United States national forests in Minnesota; amending Mason's Supplement 1940, Section 6536-11.

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

Section 1. **Law amended.**—Mason's Supplement 1940, Section 6536-11, is amended to read as follows:

6536-11. **Expenditure of state's percentage of proceeds of sale of land to the United States.**—*Subdivision 1.* All sums heretofore or that may hereafter be received from the United States government, on account of an act of Congress approved May 23, 1908 (35 Stat. 260), or any amendments thereof hereafter enacted shall be expended as follows:

One-half for public schools and the remainder for public roads in the counties in which the national forests are situated; provided, however, that any county coming within the provisions of said act of Congress is hereby authorized to borrow money from