

dred dollars in any one year, order and direct the sale of any site that may belong to the district, whenever such sale may become necessary.

SEC. 11. It shall be the duty of the clerk of any school district to keep a book wherein he shall record all the proceedings of the district, and keep copies of all reports made to the board of county commissioners relative to the affairs of the district.

Clerk, duty of.

SEC. 12. Whenever the apportionment to a district shall be insufficient for the payment of the necessary expenses incurred in conformity to the vote of said district, it shall be the duty of said clerk of the district to call a meeting, by giving at least ten days' previous notice thereof, for the purpose of levying the balance upon the taxable property of the district; and the tax so levied shall be collected by the clerk, who is hereby authorized and empowered to collect the same by distress of property taxed, if not paid within ten days after demand.

Tax, insufficiency of, clerk to call a meeting of district, ten days' notice, tax may be levied and collected by clerk and proceedings therein.

SEC. 13. It shall be the duty of said clerk to keep the school house or houses of his district in repair, to provide fuel, and do and perform all other duties assigned him by vote of the district.

Clerk's duty in repairing school house, providing fuel, and other duties that may be assigned him.

SEC. 14. It shall be the duty of the clerk of each and every district to procure a list of all persons in said district, between the ages of four and twenty-one years, and furnish a copy of such list to each teacher within his district, and also furnish a copy of said list to the board of county commissioners at their annual meeting in January in each year, upon the receipt of which it shall be the duty of said commissioners to make an apportionment of the school fund in the county treasury among the several school districts in their county, in proportion to the number of scholars in each district, and certify the amount due each district to the board of trustees of said district, which shall be subject to the drafts of said board of trustees, in favor of any person or persons to whom such money may be due for services as teacher or teachers, in conformity with the provisions of this act.

Clerk's duty to procure a list of persons between ages of 4 and 21 years, a copy thereof to teacher and commissioner in January of each year furnished, commissioners to make apportionment of school funds to the districts and certify same to trustees, trustees to draw for amount in favor of teachers.

SEC. 15. So much of any law now in force in this Territory, not consistent with the provisions of this act, is hereby repealed.

Repealing section.

APPROVED the first day of November, one thousand eight hundred and forty-nine.

CHAP. VIII.—An Act regulating Grocery Licenses.

October 27, 1849.

Be it enacted by the Legislative Assembly of the Territory of Minnesota, That any person wishing to obtain a license to keep a grocery, shall apply therefore to the board of county commissioners of the proper county, and if in the opinion of said commissioners the applicant is a proper person to whom to grant the same, they shall issue their warrant directing the person so applying to pay unto the county treasury the sum of one hundred dollars, or in the discretion of the board a greater sum, not exceeding two hundred dollars, and obtain the treasurer's receipt for the same; and upon the presentation of such receipt the board shall grant to such applicant a license to keep a grocery in said county, for the term of one year, unless sooner revoked by the said commissioners, for a violation of the provisions of this act, said applicant first executing a bond to said board in the penalty of five hundred dollars, with two or more good and sufficient securities, conditioned that he will keep an orderly house, and that he will not permit any unlawful gaming or riotous conduct in or about his house; and in case of a violation of the above conditions by any

License, application to board of commissioners—if granted, to pay unto treasurer \$100 not exceeding \$200—treasurer's receipt therefor—a license to issue for one year unless revoked—applicant to give bond in \$500 with security—in a y he fined not less than 10 nor more than \$50 for use of county—action of debt, etc., etc.

person giving such bond, he shall be liable to pay a fine of not less than ten nor more than fifty dollars for every such violation, the same to be for the use of the county in which the offence was committed, to be recovered by an action of debt, as hereinafter prescribed; and the bond so given as aforesaid by such person shall be also liable to be prosecuted as hereinafter prescribed for any violation of its condition.

Sec. 2. That no person shall keep open any house or room in which intoxicating liquor is kept for retail on the first day of the week, commonly called Sunday, or give, sell or otherwise dispose of intoxicating liquor on that day; any person violating this section shall be fined in a sum not exceeding twenty-five nor less than ten dollars for each offence: *Provided*, That this section so far as it prohibits keeping open a house or room, shall not apply to tavern keepers.

Sec. 3. That a license granted to keep a grocery shall not authorize the person obtaining said license to vend or sell spirituous, vinous or intoxicating liquors in more than one place or house at the same time.

Sec. 4. That a grocery shall be deemed to include any house or place where spirituous, vinous or intoxicating liquors are retailed in less quantities than one quart.

Sec. 5. If any person or persons shall sell, barter or dispose of in any manner, any spirituous, vinous or intoxicating liquors in less quantity or quantities than one quart, without first having obtained a license agreeable to the provisions of this act, he shall upon conviction thereof by indictment, in any court having jurisdiction of the same, be fined in any sum not exceeding two hundred nor less than one hundred dollars, for the use of the county where the offence shall have been committed, and upon failure to pay the fine so assessed, shall be confined in the county jail one day for every two dollars thereof, until said fine is discharged.

Sec. 6. Any person who shall dispose of any spirituous or vinous liquor under the pretext of exhibiting any show or curiosity, or dispose of the same in connection with any other article, or in any manner from which an intention to evade the provisions of this act may appear, shall be deemed guilty of a violation of the same, and shall be liable to the penalties prescribed in the fifth section of this act.

Sec. 7. And it is hereby made the duty of the prosecuting attorney, sheriffs, constables and justices of the peace, under the penalty of forfeiting their respective offices, knowing of any violations of the provisions of this act, to make complaint thereof to the grand jury at the next session of the district court of the county in which the offence may have been committed, after said violation; whenever the penalty imposed for a violation of the provisions of this act shall exceed the jurisdiction of a justice of the peace, and where the penalty so imposed as aforesaid shall come within the jurisdiction of a justice of the peace, it shall be the duty of the aforesaid officers to make complaint of such violation to any justice of the peace, and the said prosecuting attorney shall prosecute the same to judgment and execution by an action of debt. It shall also be the duty of the clerk of the board of county commissioners and county treasurer, to prosecute the bond given by such applicant, as is required by the first section of this act, for any violations of its conditions.

Sec. 8. So much of the laws of the late Territory of Wisconsin as are inconsistent with the provisions of this act are hereby repealed; *Provided*, That nothing herein contained shall affect any license granted under the laws of Wisconsin.

APPROVED the twenty-seventh day of October, one thousand eight hundred and forty-nine.

Sunday--not to keep open house or give or sell liquor--fine for violation of, tavern keepers excepted.

Grocery keeper not to sell liquor in more than one place.

Grocery, what constitutes one.

License--not to sell liquor in less quantity than one quart without--for violation indicted and fined--may be confined in jail one day for every two dollars fined until, etc.

Attempt to evade the law by selling liquor in connection with something else shall be liable to penalties of the 5th section.

Prosecuting att'y, sheriff, constable and justice duty of in making complaint--prosecuting att'y to prosecute by action of debt--duty of clerk of com'n's and county treas'r to prosecute on the bond, etc.

Repeating clause and proviso.