

*ad satisfaciendam*, or execution against the body, together with all laws in conflict with this act, be and the same are hereby repealed.

Act takes effect.

SEC. 4. *And be it further enacted*, That this act shall take effect from and after its passage.

J. S. NORRIS,  
*Speaker of House of Representatives.*  
WM. P. MURRAY,  
*President of Council.*

APPROVED—March third, eighteen hundred and fifty-five.

W. A. GORMAN.

I hereby certify the foregoing to be a true copy of the original Act on file in this office.

J. TRAVIS ROSSER,  
*Secretary of Minnesota Territory.*

## CHAPTER XLVIII.

### *An Act to regulate the sale of Spirituous Liquors in this Territory.*

- SECTION 1. Power of County Commissioners over licenses.
2. How licenses may be obtained.
  3. Of the violation of licenses granted.
  4. When and how suits may be brought for violation of license privileges.
  5. Penalty for selling spirituous liquors without a license.
  6. Of the revoking of a license.
  7. Jurisdiction of justices of the peace under this act.
  8. Persons sued for violations of the provisions of this act.
  9. When this act shall take effect.
  10. Acts or parts of acts contravening parts of this act repealed.

*Be it enacted by the Legislative Assembly of Minnesota Territory:*

Licenses.

SECTION 1. That the County Commissioners in the several counties in this Territory may, at any regular or special meeting of the Board, grant licenses for the sale of spirituous, vinous or fermented liquors, within their proper counties to as many persons, being legal voters in said county, as the said board may deem expedient: *Provided*, That nothing in this section shall be so construed as to authorize the granting of any license

in any county within the limits of the lands sided by the Sioux Indians, by the treatise of eighteen hundred and fifty one.

SEC. 2. Every person or persons applying for a licence shall, before How obtained. the same can be legally issued, pay to the County Treasurer of the proper county, a sum not less than seventy-five dollars nor more than two hundred dollars, at the discretion of the board of commissioners, and shall file with the clerk of the board of commissioners a bond with two or more sureties to be approved by said board of county commissioners in the penal sum of five thousand dollars, conditioned that the said person or persons so licenced will not sell spirituous, vinous or fermented liquors at any place other than the building for which said person or persons may have been licensed, nor in any building not one hundred yards from any other occupied building, nor on the Sabbath and also, that the said person or persons so licensed will not permit gambling with cards, or any other device for money or the representative of money, and that he or they will keep a quiet and orderly house, and will not dispose of liquors of any kind to any minor or Indians, during the term of said license.

SEC. 3. If the said person or persons to whom such license is granted shall violate any of the conditions of the bond provided for in the proceeding section, suit may be brought on said bond in any court having competent jurisdiction by any of the officers or by any other person in the county in which such license was granted, and recovery had for any sum not exceeding the whole amount of said bond, for each and every violation of any of the conditions of said bond. Violation of license.

SEC. 4. When any suit may be brought upon any bond as aforesaid, and judgement rendered against the principal and the sureties upon said bond, and property cannot be found with said principal and sureties to satisfy said judgment, the county commissioners who approved said bond shall be held individually liable for said judgment, unless the sureties on said bond shall have justified, before some judge of the district court or justice of the peace in double the amount mentioned in the bond above, all debts and liabilities incurred by them. The said judge or justice of the peace shall interrogate them under oath, as to the value of their property, whether real or personal, the amount and value, and the incumbrances, if any and said judge or justice, satisfied of the sufficiency of the securities, shall have endorsed on said bond his certificate of approval thereof, and their property may be seized and sold for the satisfaction thereof. Suits brought.

SEC. 5. Any person or persons who shall sell, barter or receive pay for, in any manner whatever, any spiritous, vinous or fermented liquors without first having obtained a license as provided in this act shall, for each and every offence, forfeit and pay not less than twenty-five dollars, nor more than one hundred and fifty dollars, and may, at the discretion of the court, be confined in the county jail for a period not exceeding six months. Penalty.

SEC. 6. Any board of County Commissioners may revoke any license granted under the provisions of this act, at any time they may deem proper, and every license granted by any board of County Commissioners shall be deemed to have expired, and shall cease to be in force from and after any violation of any of the conditions of the bond required by this act shall have been proved before any court having competent jurisdiction, and thereafter the person or persons who may have so violated the conditions of the said bond, shall be held liable to all the penalties provided for persons selling liquors without license, by the fifth section of this act, Revoking license.

and shall be liable for all damages done by persons intoxicated by spirituous, vinous or fermented liquors obtained from them.

Justices, jurisdiction of.

SEC. 7. Justices of the peace shall have concurrent jurisdiction with the district court in all actions under any of the provisions of this act, or on the bond provided for in this act when the amount sued for does not exceed one hundred dollars.

Persons sued.

SEC. 8. Any person or persons who may be sued for a violation of any of the provisions of this act, or of the condition of any of them, or any bond required by this act, may at his or their request have the case submitted to a jury as in other cases, and may appeal from the decision of any court as provided by law, but no appeal shall be so construed as to affect the expiration of the terms of any license as provided in section six of this act, where proof of a violation of any condition of a bond shall be established by a verdict of a jury or by the decision of any court or justice of the peace.

Act take effect.

SEC. 9. This act shall take effect and be in force from and after the first day of April next.

Conflicting acts repealed.

SEC. 10. All acts and parts of acts contravening the provisions of this act are hereby repealed.

N. C. D. TAYLER,  
*Speaker of House of Representatives.*  
S. B. OLMSTED,  
*President of the Council.*

APPROVED—March fourth, eighteen hundred and fifty-five.

W. A. GORMAN.

I hereby certify the foregoing to be a correct copy of the original act on file in this office.

J. TRAVIS ROSSER,  
*Secretary of Minnesota Territory.*