

lature in any manner not destroying or impairing vested rights.

SEC. 16. All acts and parts of acts contravening the provisions of this Act are hereby repealed.

SEC. 17. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August third, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, }
August 3, 1858.

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

FRANCIS BAASEN, Secretary of State.

CHAPTER LXXIV.

An Act to regulate the Traffic in Spirituous Liquors.

- SECTION 1. Boards of Supervisors authorized to grant licenses to vend liquors.
2. License for selling intoxicating liquors—License for selling malt liquors—Bonds to be given.
 3. Licenses to expire on 1st of January yearly.
 4. Violation of conditions of bond—Suit to be brought.
 5. Revocation of license at any time—Penalty for violation of bond.
 6. Selling liquor without license, penalty, and mode of recovering.
 7. Peace officers, their duty to prosecute all violations of this Act.
 8. Penalty for non-performance of the duties specified.
 9. Supervisors individually liable for damages when bond is proved to be of no value.
 10. List of licensed persons to be delivered to the Grand Jury.
 11. Duty of Grand Jury to return bills of indictments for violations of this Act.
 12. Justices of Peace to have concurrent jurisdiction with District Court in suits upon bonds.
 13. Provides for jury trial and appeal, if requested.
 14. Right of municipal townships to decide against licenses by vote of the people.
 15. Repeal of former acts, except such as relate to traffic with Indians.
 16. Act takes effect on the first of September, 1858.

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

SECTION 1. That the Board of Supervisors in the several

counties in this State, may grant licenses for the sale in any quantity of spirituous, vinous or fermented and malt liquors within their proper counties, to any person of the age of twenty-one or more years, upon his complying with the conditions of Section two of this Act.

SEC. 2. That any person or persons applying for license to sell intoxicating liquors, shall, before the same is issued, pay to the County Treasurer of the proper county, a sum not greater than one hundred dollars, nor less than fifty dollars, at the discretion of the Board of Supervisors, and shall file with the Clerk of said Board, a bond with two or more sureties to be approved by the Board, in the penal sum of one thousand dollars. That any person or persons applying for license to sell malt liquors only, shall, before the same is issued, pay to the County Treasurer of the proper county, a sum not greater than fifty dollars nor less than twenty dollars, at the discretion of the Board of Supervisors, and shall file with the Clerk of said Board a bond with two or more sureties, to be approved by the Board, in the penal sum of five hundred dollars, conditioned in all cases, that the said person or persons so licensed, will not sell or otherwise dispose of spirituous and intoxicating liquors, or malt liquors, (as the case may be,) at any place other than the building or town for which said person or persons may have been licensed, nor on the Sabbath, and that he or they will keep a quiet and orderly house, and not permit gambling with cards or any other device for money or the representative of money, in the house or place of business of such person or persons.

SEC. 3. All licenses granted in pursuance of Section two of this Act, for the sale of, or traffic in spirituous, vinous or fermented liquors, or malt liquors, shall expire on the 1st day of January in each year, and on and after that day they may be granted for the whole or remainder of the year, whenever the officer authorized to grant the same, shall deem it expedient; *Provided*, That no license granted subsequent to the day designated in this section, shall be deemed to extend retrospectively beyond the day upon which said license shall have been issued.

SEC. 4. If the person or persons to whom such license may be granted, shall violate any of the conditions of the bond provided for in Section two of this Act, suit may be brought on said bond in any Court having competent jurisdiction, by any 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.

SEC. 5. Any Board of County Supervisors 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 Supervisors 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 liable to all the penalties provided for persons selling liquors without license, by the Sixth Section of this Act, and shall be further liable for all damages done by persons intoxicated by liquors obtained from them.

Selling without:
License—penalty

SEC. 6. If any person or persons shall sell or barter any spirituous, vinous or fermented or malt liquors, in less quantity or quantities than five gallons, without having first obtained license therefor, agreeably to the provisions of this Act, or if any person or persons shall dispose of any spirituous, vinous or fermented, or malt liquors, under any pretext or in any manner from which an intention to evade the provisions of this Act, may appear, he or they shall, upon conviction thereof by indictment in any Court having jurisdiction of the same, be fined for every such offense in any sum not exceeding one hundred dollars nor less than twenty-five dollars, for the use of Common Schools in the county where the offense shall have been committed, and upon failure to pay the fine so assessed, the Court shall direct the Sheriff or any Constable, to destroy all spirituous, vinous or fermented, or malt liquors of any kind, that may be kept for sale or dealt in by any such person or persons contrary to the requirements of this Act.

Peace officers—
their duty

SEC. 7. It shall be and is hereby made a duty of the District Attorney, Sheriffs, Constables and Justices of the Peace having knowledge of any violation 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 offense may have been committed after said violation, or to a Justice of the Peace, which Justice shall have full power to proceed to judgment thereon. It shall also be a duty of the District Attorney to prosecute the bond given by such applicant as is required by the Second Section of this Act, for any violation of its conditions, and the moneys collected on judgments on such bonds, shall, except the taxable costs, be, in all cases, paid to the treasurer of the proper county, for the use of the Common Schools therein.

Penalty for non-
performance of
duty

SEC. 8. If any Judge, Sheriff, Justice of the Peace, Constable or other officer shall wilfully neglect or refuse to perform any duty required of him by this Act, he shall be deemed guilty of a malfeasance in office, and shall thereafter be disqualified for holding the same or performing the duties pertaining thereto, for and during the remainder of the term of time for which he was elected, and shall be liable on his bond in any amount not exceeding five hundred dollars, nor less than one hundred dollars, recoverable in any Court having jurisdiction in the case; *Provided*, That nothing herein contained shall be construed as releasing or disqualifying said

officer from making the proper transfer to his successor in office, of all books, papers, and matters pertaining to his said office, as is required by law.

Sec. 9. When any suit is brought upon any bond aforesaid, and judgment rendered against the principal and sureties upon said bond, and property cannot be found with said principal and sureties, to satisfy said judgment, the Board of Supervisors who approved said bond shall be held individually liable for said judgment, unless the sureties on said bond shall have testified before some Judge of the District Court, or Justice of the Peace, that at the time of joining in said bond by them, they were worth double the amount mentioned therein, above all debts and liabilities incurred by them, and any and every exemption by law of property from execution.

Supervisors liable if bond is insufficient

Sec. 10. It shall be and is hereby made a duty of the Clerk of the Board of Supervisors of each county to deliver to the Grand Jury, on the first day of the term of such District Court, an accurate list of all persons holding licences under the provision of this Act within his county, which list shall show the date of, and the amount paid for each of said licenses respectively.

List of licensed persons to be given to grand jury

Sec. 11. The Grand Jury at each and every term of the District Court in any county in this State, shall make strict inquiry and return bills of indictment against all or every person violating any of the provisions of this Act.

Grand jury to return bills of indictment

Sec. 12. Justices of the Peace shall have concurrent jurisdiction with the District Court in all actions arising 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.

Jurisdiction of justices of the peace

Sec. 13. Any person or persons who may be sued for a violation of any of the provisions of this Act, or on 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 effect the expiration of the term of any license as provided in Section five of this Act.

Jury trial and appeal

Sec. 14. That the provisions of this Act shall extend and apply to all the counties in the State, but nothing in this Act shall be so construed as to prevent the people of any municipal township from deciding for themselves, whether licences shall be granted to any person or persons in said township; and the Board of County Supervisors are hereby required, on the petition of ten or more legal voters of said township, at any time not less than thirty days before any regular election, to give notice that the question of license will be submitted to the passage at said election, which question shall be determined by ballots containing the words, "In favor of license," or "Against license," (as the case may be,)

Vote of the people on licenses in townships

which vote shall be canvassed and returns made as is by law now prescribed for the canvassing of election returns, and if such returns show that a majority of the votes cast at such election shall be against license, then the Board of County Supervisors shall issue no license in said township.

Repeal of former acts SEC. 15. All acts and parts of acts relative to the sale of, or traffic, in spirituous or intoxicating liquors, except such as relate to the traffic in ardent spirits with the Indians, are hereby repealed; *Provided*, That all suits or prosecutions now pending, commenced under any law which by this Act is repealed, shall be prosecuted, to final judgment and execution as though this Act had not passed; *And provided further*, That all licenses granted in pursuance of any law, which by this Act is repealed, shall continue in full force and effect for the full period for which they were granted.

SEC. 16. This Act shall be in force from and after the first day of September, A. D. one thousand eight hundred and fifty-eight.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August twelve, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, }
August 12, 1858. }

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

FRANCIS BAASEN, Secretary of State.

CHAPTER LXXV.

An Act to provide for Township Organization.

- ARTICLE 1. Division of the organized counties into townships—Names of townships.
2. Of the rights, powers and liabilities of townships as bodies corporate.
3. Of town-meetings—Powers of Electors—Town Officers.
4. Of the method of conducting town-meetings.
5. Of the manner of holding elections.
6. Of the qualifications of Town Officers.
7. Of neglect or failure to elect Town Officers and vacancies.
8. Of the duties of the Chairman of the Board of Supervisors.
9. Of the duties of the Town Clerk.
10. Of the duties of the Board of Auditors.
11. Of the compensation of Town Officers.
12. Of suits or actions against townships.
13. Of pounds—what are town charges—delivery of books and records of townships in office.
14. Powers of counties.