

SEC. 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after June 30th, 1905.

Approved April 18, 1905.

The above is the enrolled bill signed by the Governor, but it differs from that passed by the Legislature in this respect:

In the bill passed by the Legislature the words "except drafts drawn at sight" followed immediately after the word "indebtedness" in Section One as it purports to be amended by this act, "instead of where it appears now.

The question as to whether this mistake of enrollment invalidated the act, having been submitted to the Attorney General, he gave it as his opinion that the first section only, of the above act, is invalid; that the first section of Chapter 261 General Laws of 1903 remains in force and that the second section of the above act is a valid amendment of Section Two of said Chapter 261, General Laws of 1903.

Sustaining this ruling see:

O'Brien vs. Krenz, 36 Minn. 136.

City of Duluth vs. Krupp, 46 Minn. 435.

Reimer vs. Newel, 47 Minn. 237.

State vs. Deal, 24 Fla. 293—12 Am. St. R. 204.

Barry vs. Baltimore, etc., 41 Md. 448—20 Am. R. 69.

State vs. Platt, 2 S. Car. 150—16 Am. R. 647.

Am. & Eng. Ency. Law, Vol. 26, p. 648 and notes.

H. F. No. 839

CHAPTER 346.

Intoxicating
liquors.

An act prohibiting the sale of intoxicating liquors and for the granting of license for the sale of spirituous and vinous liquors and providing for a penalty for the violation thereof.

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

License
required.

SECTION 1. That whoever on his own behalf or as an agent for others, without having a license so to do as provided for in this act, shall solicit any person or persons, firm or corporation or association not having a license to keep a dram shop or saloon under the laws of this state or to a licensed physician or druggist to buy or contract for the future delivery or to make order for any spirituous or vinous liquors in any less quantity than five (5) gallons or either on his own behalf or as said agent or as an agent for the purchaser make an order contracting for the future delivery of any such liquors to any said person, persons, firm, corporation or association shall be subject to a fine of not less than fifty (\$50.00) dollars and not exceeding five hundred (\$500.00) dollars and to imprisonment in the county jail for not less than thirty (30) days nor more than ninety (90) days or both such fine and imprisonment in the discretion of the court.

Co. commis-
sioners may
grant.

SEC. 2. The board of county commissioners may grant license to persons to act on their own behalf or as

agents for others in the sale of spirituous or vinous liquors for future delivery in quantities not less than five (5) gallons to others than those duly licensed to keep a dram shop or saloon under the laws of the state in their respective counties as they think for the public good requires. Upon the application by said petitioner of a hundred of the legal voters and residents of said county and before said license shall be issued, said applicant shall furnish good and sufficient bond in the sum of not less than one thousand (\$1,000.00) dollars or more than three thousand dollars to be approved by the chairman of the board of county commissioners and the judge of the district court of said district, conditioned that the person so licensed will not violate the conditions of this act and that the fines assessed against the applicant or owner of said license for violation of this act will upon final judgment against him be fully paid and said license shall set forth the name of the licensee, his place of residence, the place where said agency is to be exercised and the length of time he is authorized to act. The name of his principal business, the place where his principal business is located and in case he is acting as agent, the name of the sureties of his bond and such other information pertaining to the granting of said license as said board of county commissioners may require in a book provided for that purpose by the county clerk of the county in which such license shall be issued and said license shall be signed by the chairman of the county board and attested by the clerk of the court of said county. No such license shall issue for less than \$500.00 per annum nor for a shorter time than one year and the payment of a license fee for the term of one year shall be conditioned precedent to the issuance of said license, such fee shall be collected by the clerk of the court of said county to be paid by him immediately into the county treasury of such county to become a part of the general school fund of said county. *Provided, however,* that nothing in this act shall prohibit any person, firm, corporation or association upon their own behalf of becoming an agent from soliciting for the sale of liquors herein enumerated within the limits of any city of (or) village for which they have a city or village license for the sale of said liquors.

Application
for license,
bond, etc.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 20th, 1905.