

and any person, whether individually or as a member of a partnership or as a responsible agent or officer of a corporation who shall be convicted of such violation, either on his own behalf or in the interests of a corporation shall be punished by imprisonment in the county jail for not less than thirty days nor more than sixty days or by a fine of not less than fifty dollars nor more than one hundred dollars.

Sec. 3. Dairy and Food Commissioner to enforce laws.—The dairy and food commissioner, by himself or by his assistants, chemists, inspectors or agents, shall be charged with the enforcement of the provisions of this act.

Sec. 4. Not to affect interstate commerce.—Nothing in this act shall be construed to prohibit the shipment into this state from a foreign state and the first sale thereof in this state in the original package intact and unbroken, of any of the products or articles, the manufacture, sale or exchange of which or possession of which, with intent to sell or exchange is prohibited hereby.

Sec. 5. This act shall be in force and take effect ninety days after its passage.

Approved April 3, 1923.

CHAPTER 127—H. F. No. 16.

An act to amend Section 335, General Statutes 1913, as amended by Chapter 76, Laws 1915, and Section 336, General Statutes 1913, as amended by Chapter 167, Laws 1915, relating to elections, and providing for the manner of nominating candidates for the office of county surveyor.

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

Section 1. County surveyor to be nominated at primary.—That Section 335, General Statutes 1913, as amended by Chapter 76, Laws 1915, be and the same hereby is amended so as to read as follows:

"Section 335. On the third Monday in June, preceding any general election and seven weeks preceding any city election in cities of the first and second class, held for the purpose of electing city officers only, an election of nominees, hereinafter designated as the 'primary election' shall be held in each election district for the selection of party and other candidates for all elective offices within the state, to be filled at such election except officers of towns, villages and cities of the third and fourth class, and members of school, park and library boards, in cities having less than one hundred thousand (100,000) inhabitants, and except presidential electors. Every town, city, and village clerk shall give at least sixteen days' posted notice of the time and place of holding same, of the hours during which the polls will be open, and of the officers for which candi-

dates are to be nominated. The day for such primary election shall be the first day of registration in all election districts, except in cities of the first class."

Sec. 2. Political party defined.—That Section 336, General Statutes 1913, as amended by Chapter 167, Laws 1915, be and the same hereby is amended so as to read as follows:

"Section 336. A political party, within the meaning of this chapter, is one which shall have maintained in the district or territorial division in question a party organization, and presented candidates for election at the last preceding general election one or more of which candidates shall have been voted for in each county within the state at such election and shall have received in the state not less than five (5) per centum of the total vote cast for all candidates at such election or whose members to a number equal to at least 5 per centum of the total number of votes cast at the preceding general election in the county where the application is made shall present to the county auditor a petition for a place on the primary election ballot. Candidates for office shall be chosen at such primary election by voters of several political parties and not otherwise; provided, however, that the chief justice and the associate justices of the supreme court and judges of the district, probate and municipal courts, and all members of the state legislature, and all elective county officers and municipal officers in cities of the first and second class, shall be nominated upon separate non-partisan ballots, as hereinafter provided. Provided further that all qualified and duly registered voters may participate in the choosing of candidates for city office as provided for in the city charter of cities having home rule charters; the names of all candidates for nomination for the office of chief justice, associate justice of the supreme court, judges of the district court, probate and municipal courts and all members of the state legislature, and all elective county officers, and all municipal offices in cities of the first and second class, shall be placed upon a separate primary ballot hereinafter designated as 'non-partisan primary ballot.'

No party or other designation, except as above, shall be placed on such ballot except as herein provided, nor shall any candidate filing for nomination on said non-partisan primary ballot be permitted or required to state his party affiliation. All provisions of law relating to the nomination of party candidates as to the form of ballot, including rotation of names, the endorsement thereon, voting, marking ballots, counting, returning and canvassing results, shall apply to nomination of said officers except that the tally sheets and returns shall be made separately, and except that non-partisan offices shall not be classified on the ballot or otherwise. Each voter shall be entitled to vote a non-partisan primary ballot without reference to his party affiliation.

The two candidates for nomination for each such non-partisan

office who shall receive the highest number of votes, ascertained as provided by this act, shall be declared the nominees and their names shall be placed upon the election ballot, without party designation, and when two or more persons are to be elected for the same office, at a general election running at large in a city, county, district, or in this state, the non-partisan nominees to be placed upon the general election ballot shall be the number of candidates not exceeding twice the number of such persons to be elected for the same office which shall receive the highest number of votes at such primary election; provided, that when only two persons file for the nomination for any non-partisan office, or not more than twice the number of persons to be elected to any non-partisan office file for the nomination thereof, their names shall not be placed upon the non-partisan primary ballot, but said persons shall be considered and shall be the nominees for such office and their names shall be placed upon the general election ballot as such non-partisan nominees. But nothing herein shall prevent the nomination of candidates by groups, individuals or so-called political parties which cannot be recognized as such, by certificate of voters to the number hereafter specified. The names of candidates nominated by certificates for offices hereinabove designated as non-partisan shall have no party or other designation on the certificate or on the election ballot.

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

Approved April 3, 1923.

CHAPTER 128—H. F. No. 121.

An act relating to the venue of actions against public contractors and the sureties on their bonds.

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

Section 1. Place of action.—An action against the sureties on a public contractor's bond, or against such sureties and contractor jointly, may be brought in the county where the cause of action arose, and when so brought the venue of such action shall not be changed without the written consent of the plaintiff filed with the Court, or unless changed by order of the Court pursuant to Section 7723, General Statutes 1913.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 3, 1923.