

the purchase of a suitable tract of ground located within the limits of any cemetery within such County to be used exclusively for the interment of the bodies of soldiers, sailors or marines who served the United States as such in the Civil or Spanish-American war or the recent war with the German Empire and its Allies and of any person not a soldier who actually served in this State in the Indian war of 1869 and who dies within the County or is brought thereto for interment and has not left sufficient means to defray the expense of suitable burial.

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

Approved April 3, 1923.

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#### CHAPTER 138—H. F. No. 15.

*An act relating to the eligibility of certain persons to serve as judges and clerks of election boards.*

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

Section 1. Public employes not to act as judge or clerk of election boards.—No person, while receiving compensation from the state or from any county, cities of the first, second and third class, as an officer or employe thereof, shall be eligible to serve as a judge or clerk of an election board at any election in this state where the laws provide for the payment of compensation to such judges and clerks for their services as such; provided, this shall not apply to town supervisors or town clerks, and no person, who is the husband, wife, parent or child of a candidate for an elective office, shall be eligible to serve as judge or clerk of election in an election district in cities of the first, second and third class in which such candidate is to be voted on.

Sec. 2. Violation a misdemeanor.—Any person, who serves as such judge or clerk of election in violation hereof, shall be guilty of a misdemeanor and upon conviction shall be punished accordingly.

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

Approved April 4, 1923.

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#### CHAPTER 139—H. F. No. 46.

*An act defining and regulating public dancing place, public dances therein, and providing for the issuance of permits to conduct and hold same and fixing penalties for the violation thereof.*

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

Section 1. Definition.—A public dancing place, as the term is used in this act, shall be taken to mean any room, place or space open to public patronage in which dancing, wherein the public may

participate, is carried on and to which admission may be had by the public by payment either directly or indirectly of an admission fee or price for dancing. A public dance, as the term is used in this act, shall be taken to mean any dance wherein the public may participate by payment, either directly or indirectly, of an admission fee or price for dancing or a fee for a membership in a club, and shall include any manner of holding a dance which may be participated in by the public through the payment of money, directly or indirectly. Wherever used in this act the term "intoxicating liquor" and "liquor," "sell" and "sale" shall be given the same meaning, respectively, as is prescribed therefor in Section 1 of Chapter 455 Laws of Minnesota for 1919, and acts amendatory thereof.

Sec. 2. Proprietors must obtain permits.—It shall be unlawful for any person to give, hold or conduct a public dance unless the owner or proprietor of the public dancing place, or the person giving the same or in charge thereof, shall first have procured a permit to hold, give and conduct such public dance from the public authorities hereinafter designated, as hereinafter provided.

Sec. 3. Who shall issue permit.—In all cities and villages of this state said permit must be procured from the governing body of the municipality except when said public dancing place is owned by the municipality and the dance to be given or held therein is to be given by and under the supervision of the public authorities of said municipality. In all other cases such permit must be procured from the town board of the county in which said public dance is to be held. Such permits may be issued for one or more public dances or for a period of time not exceeding one year. Said permit shall be issued at a fee and under such conditions as such governing body or town board may prescribe, not inconsistent with the provisions of this act. Provided further, that in or for territory not included within an organized by-law or resolution prohibiting dances therein; provided further, that in or for territory not included within an organized town, city, village or borough, such permit shall be procured from the county board of the county within which such territory is situated, and in such case the county board and county auditor shall have the powers, functions and duties of town boards and town clerks respectively in this act provided.

Sec. 4. Application—Permit to be posted.—Any person or persons desiring a permit to hold, give, or conduct a public dance shall make application therefor by filing with the city clerk, village recorder, or county auditor, as the facts may require, a verified application, setting forth the name and address of the person, persons, committee or organization who are to give, hold, and conduct the same, the time and place where said public dance is to be held, and the area of the dance floor where said dance is to be given. Said application shall thereupon be presented to said governing body or to said town board at its next meeting for action. Said governing body or said town board may refer said application to the chief

peace officer of the municipality or to the sheriff of the county for investigation and report before granting the same. Said governing body or said town board shall thereupon act upon said application and either grant or reject the same. In case the same is granted, the governing body or the town board shall fix the fee to be paid by the applicant for such permit and shall direct the proper officers to issue the same upon the payment of said fee and upon payment of the expense of the investigation herein provided for in case such investigation is made. Said permit shall specify the names and addresses of the persons to whom issued, the amount paid therefor, and the time and place where said public dance is to be held. Said permit shall be posted in a public place in the dance hall described therein during the time the public dance mentioned therein is being given, and the persons named in said permit shall be responsible under the law for the manner in which said public dance is being held and conducted. Provided that such permit may be acted upon at any special meeting of said governing body or town board, whether included in the call for such special meeting or otherwise.

**Sec. 5. Who may make application.**—All applications for such permit shall be made upon blanks furnished by the city, village, town or county as the case may be and shall be accompanied by the affidavit of two freeholders and shall affirmatively show by the application and affidavits that the applicant is a person of good moral character and reputation in the community in which he lives and that the applicant has not, within five years prior to the making of such application, been convicted of a felony, gross misdemeanor, or of any of the provisions of this act, and no such application shall be granted to any person of bad character or who has been so convicted as aforesaid, nor to any person who is a keeper of any disorderly house of any kind nor for any place which has any direct or indirect communication with any room in which intoxicating liquor is sold, given away or otherwise used, nor for any place having any so-called "private apartments" or "private rooms" furnished or used for any other than legitimate business purposes which adjoin such dancing place or which may be reached by stairs, elevator or passageway leading from such dancing place. No permit shall be issued under the terms of this act unless the governing body or town board are satisfied that the place where said public dance is to be given or held is properly ventilated and equipped with necessary toilets, wash rooms, lighting facilities and that such place is not likely to become a public nuisance or detrimental to public morals.

**Sec. 6. Intoxicating liquors forbidden.**—No person shall suffer or permit any intoxicating liquor to be sold, given away, furnished or used in any public dancing place and no person shall in any such public dancing place or in any ante-room, corridor, cloak room, hallway, toilet, or dressing room thereof, or in any room connected therewith, or within one thousand feet of any entrance thereof, drink any intoxicating liquor; nor shall any person holding or

giving said dance knowingly suffer or permit any person to drink any intoxicating liquor in violation of this act. Whenever it shall appear to the governing body of any municipality that intoxicating liquor is sold or that persons in attendance upon such dance drink intoxicating liquor within 1000 feet of the entrance of such dancing place and that the licensee of such dancing place suffers or permits the same, or that the holding of such public dance at any such place causes or contributes thereto or is detrimental to public morals, then it shall be the duty of such governing body to revoke such permit. Provided this section shall be construed as cumulative and additional and as not modifying or effecting any law of this State relating to intoxicating liquor.

Sec. 7. **Certain dances prohibited.**—No person or persons shall dance, nor shall any person to whom such permit is issued permit or suffer any person or persons to dance in any public dance hall any indecent or immodest dances, or any dance which is characterized by immodest motion of the body. No person shall in any public dance hall act or speak in rude, boisterous, obscene or indecent manner, nor shall any person to whom a permit has been issued suffer or permit any person to so act or speak therein.

Sec. 8. **Dance halls must be lighted.**—Every public dancing place shall be brightly illuminated while in public use and dancing therein while the lights are extinguished, dimmed, or turned low so as to give imperfect illumination, is hereby prohibited.

Sec. 9. **Not to admit certain persons.**—No person to whom a permit has been issued shall permit to be or remain in any public dancing place any intoxicated person, any prostitute, any person of known immorality, or any unmarried person under the age of sixteen years, unless such person is accompanied by a parent or guardian, nor any unmarried person more than sixteen years and under the age of eighteen years unless such person is accompanied by a parent or guardian or presents the written consent of his parent or guardian to the officer in charge of such dance, and every such written permit shall be retained by such officer.

Sec. 10. **Officer must attend all public dances.**—It shall be incumbent upon the person to whom said permit is issued to have an officer of the law present at every public dance to be given or held thereunder during all the time said public dance is being held. In the case of a public dance to be held or given in a municipality, said officer of the law shall be designated by the chief peace officer of the municipality. In all other cases said officer of the law shall be designated by the sheriff of the county. In all cases the fees and expenses of such officer of the law shall be paid in advance by the person to whom said permit has been issued. In case any person, not a public officer, shall be designated as such officer of the law, the person or persons to whom said permit has been issued shall be responsible for his acts and conduct and there shall be no liability

for his acts and conduct on the part of the officer designating him under the provisions of this act.

Sec. 11. Hours of dances regulated.—All public dances to be held Saturday nights shall stop promptly at twelve P. M. In all other cases the public authorities issuing the permit herein provided for may, if it so desires, fix the time at which said public dance shall stop; and shall also have authority by ordinance, resolution or by-law to regulate and fix the hours of holding public dances or to prohibit the same on Sunday within the limits of the city, village or territory within which such public authority may grant permits for public dancing as herein provided.

Sec. 12. Disposition of fees.—All fees for permits hereunder shall be paid into the treasury of the municipality or into the county treasury, as the case may be.

Sec. 13. Permits may be revoked.—The governing body or town board issuing a permit hereunder may at any time revoke the same and shall revoke any such permit held by any person convicted of violating any of the provisions of this act. Provided any five or more freeholders residing in any village having a population of not more than one thousand inhabitants, or in any town, may petition such town board or village council of any such town or village, setting forth that any dancing place for which a permit has been issued is being conducted contrary to law, whereupon it shall be the duty of such board or village council to hear and act upon such petition within ten (10) days after the same shall have been filed with the town clerk or village recorder, and in case any such petition shall be denied, or not acted upon, within said time, then any five (5) freeholders of such town or village may file a petition with the county board of the county, setting forth the facts. Thereupon it shall be the duty of such county board to hear and determine such petition and such board shall have power, and it shall be the duty of such board to revoke any such permit if it finds that such dancing place has been conducted contrary to law. It shall be the duty of the county attorney in each county to enforce the provisions of this act and prosecute all violations thereof.

Sec. 14. Violations a misdemeanor.—Any person, firm, or corporation violating any of the provisions of this act shall be guilty of a misdemeanor.

Sec. 15. Inconsistent acts repealed.—All acts and parts of acts inconsistent with this act are hereby repealed.

Sec. 16. This act shall take effect and be in force from and after June 1st, 1923.

Approved April 4, 1923.

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## CHAPTER 140—H. F. No. 84.

*An act to amend Section 1988, "General Statutes 1913," an act*