

## CHAPTER 247—S. F. No. 710

*An act relating to clerk hire in certain county offices in certain counties.*

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

**Section 1. Clerk hire in the office of Auditor and Treasurer in certain counties.**—That in any county in the state having not less than 13 full and fractional congressional townships and having an area of not less than 400 nor more than 410 square miles, the salary of the deputy clerk or deputy clerks in the office of the county treasurer and of the deputy or clerk in the office of the probate court shall be fixed by the board of county commissioners.

**Sec. 2. Inconsistent acts repealed.**—All acts or parts of acts inconsistent herewith are hereby repealed.

Approved April 14, 1939.

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CHAPTER 248—S. F. No. 723

*An act to amend Section 13, Chapter 46, Extra Session Laws of 1933-34, relating to the sale of intoxicating liquor.*

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

**Section 1. Failure to enforce law shall constitute nonfeasance in office.**—That Section 13, Chapter 46, Extra Session Laws of 1933-34, be amended so as to read as follows:

“Section 13. (a) The failure on the part of any duly constituted public officer, charged by law with the enforcement of this Act, shall constitute nonfeasance in office and shall be valid ground for the removal of such officer.

(b) When any licensee shall wilfully violate the provisions of this Act, his license shall be immediately revoked and his bond forfeited, and no license of any class shall for a term of five years thereafter be issued to the same person or to any person who at the time of the violation owns any interest, whether as holder of more than 5 per cent of the capital stock of a corporation licensee, as partner, or otherwise, in the premises or in the business conducted thereon, or to any corporation, partnership, association, enterprise, business or firm in which any such person is in any manner interested.

(c) Whoever in violation of the provisions of this Act shall manufacture intoxicating liquor for the purpose of sale shall be guilty of a gross misdemeanor.

(d) Whoever in violation of the provisions of this Act shall transport or import into the state liquor for the purposes of sale shall be guilty of a gross misdemeanor.

(e) *Whoever shall sell directly or indirectly any intoxicating liquor without having a license for such sale shall be guilty of a gross misdemeanor.*

(f) *Whoever shall violate any provisions of this Act as to sale, licensing, or any of the regulatory provisions pertaining thereto as herein provided shall be guilty of a misdemeanor.*

The Liquor Control Commissioner shall have the power to institute proceedings to cancel or revoke the licensing of any pharmacist or druggist as such pharmacist or druggist who shall violate the provisions of this Act."

Approved April 14, 1939.

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#### CHAPTER 249—S. F. No. 759

*An act declaring certain persons ineligible for appointment to certain offices.*

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

**Section 1. Certain persons ineligible to appointment to office.**—Whenever a vacancy shall occur in any elective county, municipal or school district office, which vacancy is filled by appointment, any person who has the power of appointment, either individually or acting on any Commission or Board shall be ineligible for appointment to fill such vacancy, whether or not he resigns from his office, by reason of which he has said power of appointment, before said appointment is made.

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

Approved April 14, 1939.