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THE
REVISED STATUTES,
OF THE
TERRITORY OF MINNESOTA,

PASSED AT THE SECOND SESSION OF THE
LEGISLATIVE ASSEMBLY,

COMMENCING JANUARY 1, 1851.

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thereof, for the admission of members or licensing students; which moneys the president is hereby required to pay to the said treasurer, who shall account therefor to the society at its annual meetings; and no moneys shall be drawn from the treasury, unless in such sums and for such purposes as shall be agreed upon by a majority at their annual meetings, and by an order signed by the president, and countersigned by the recording secretary.

How moneys drawn from treasury.

SEC. 11. It shall be the duty of the recording secretary of each of said societies, to provide a book, in which he shall make an entry of all by-laws, resolutions, rules, and regulations, which may be made from time to time; and also the name of each and every member of said society, and the time of his admission, and also the annual reports relative to the state of the treasury, and all such other things as a majority of the society shall think proper; to which book any member may at any time have access; and the same, together with all books, papers and records, the property of said society, which may be in his hands, shall be delivered over to his successor in office.

Duties of recording secretary.

SEC. 12. It shall be the duty of the corresponding secretary of each of said societies to correspond on subjects relating to medical science, with the profession throughout the United States and foreign countries, and with the different societies of this territory, when requested to do so by a resolution of the society of which he is a member, or whenever he may deem it advisable, and report to the meetings of said society everything relating to such correspondence which may be interesting to the profession.

Duties of corresponding secretary.

SEC. 13. If there should not be a sufficient number of physicians and surgeons in any of the counties of this territory to form themselves into a medical society, agreeably to the provisions of this chapter, it shall be lawful for such persons to associate themselves with the physicians and surgeons of adjoining counties, for the purposes hereby contemplated.

When physicians of one county may associate with those of another.

SEC. 14. This chapter shall not be so construed as to prevent any person from practising physic and surgery within this territory, who is not a member of any of said societies.

Any person may practice, though not a member.

CHAPTER 20.

OF THE SALE OF SPIRITUOUS LIQUORS.

SECTION

1. License from county commissioners necessary for retailing of liquor.
2. Licenses, mode of application to obtain them.
3. Licensee, commissioners to fix the price; their duration.
4. Bond to be filed.
6. Not to sell on Sunday.
6. Penalty for selling without license.
7. Pretext, with intent to evade the law.

SECTION

8. Duty of officers to make complaints for violation of this chapter.
9. Clerk of the board of county commissioners to furnish list of persons paying license.
10. Grand jury to inquire into violations of this chapter.
11. Licenses for selling in quantities not less than one quart.
12. Former acts repealed.

SALE OF SPIRITUOUS LIQUORS.

SEC. 1. That no person shall be permitted to sell spirituous liquors in less quantities than one quart, without having obtained a license from the board of county commissioners of the proper county, for that purpose.

License from county commissioners necessary for the retailing of liquor.

SEC. 2. That every application to the commissioners for a license to sell spirituous liquors, shall be in writing, signed by the applicant; in which the applicant shall state the place where he proposes to sell the same; and the applicant shall produce to the commissioners satisfactory evidence by his own affidavit, or otherwise of his having given twenty days previous notice, by advertisements set up in three of the most public places in the township or neighborhood, where he proposed to sell spirituous liquors, of his intention to apply at the next meeting of the board of county commissioners for a license; but no notice of the intended application for the renewal of his license shall be required.

Licenses, mode of application to obtain them.

SEC. 3. That the commissioners granting the license shall fix the price thereof; which shall not be more than fifty dollars, nor less than twenty dollars per annum, having proper regard to the apparent advantages of the applicant's situation for business; and on the applicant's producing the county treasurer's receipt for the payment of the sum so fixed, he shall receive a license; which shall continue for the term of one year, unless sooner revoked by the said commissioners, for a violation of the provisions of this chapter.

Licenses, commissioners to fix the price.

SEC. 4. That every person applying for a license to sell spirituous liquors, before receiving the same, shall execute to the board of county commissioners of the proper county, a bond, in the penal sum of five hundred dollars, with two or more good and sufficient sureties, conditioned that he will keep an orderly house, and that he will not permit any unlawful gaming, or riotous conduct in or about his house; and in case of a violation of the foregoing conditions by any person giving such bond, he shall be liable to pay a fine of not less than ten, nor more than fifty dollars, for every such violation; the same to be for the use of the common schools of the county in which the offence was committed, to be recovered in a civil action as hereinafter prescribed; and the bond so given as aforesaid, by such person, shall also be liable to be prosecuted, as hereinafter prescribed, for any violation of its conditions.

Their duration.

Bond to be filed.

SEC. 5. That no person shall keep open any house or room, in which intoxicating liquor is kept for retail, on the first day of the week, commonly called Sunday, or give, sell or otherwise dispose of intoxicating liquor on that day; any person violating this section, shall be fined in any sum not exceeding twenty-five, nor less than ten dollars for each offence; such fine to be for the use of the common schools of the county in which the offence may be committed: *Provided*, That this section, so far as it prohibits keeping open a house or room, shall not apply to tavern keepers.

Not to sell on Sunday.

SEC. 6. If any person or persons shall sell, barter or dispose of in any manner, any spirituous liquors in less quantity or quantities than one quart, without first having obtained a license, agreeably to the provisions of this chapter, he shall upon conviction thereof, by indictment in any court having jurisdiction of the same, or by complaint before a justice of the peace, be fined in any sum not exceeding one hundred, nor less than fifty dollars, for the use of the common schools of the county where the offence shall have been committed; and upon failure to pay the fine so assessed, shall be confined in the county jail, one day for every two dollars thereof, until said fine is discharged.

Penalty for selling without license.

SEC. 7. Any person who shall dispose of any spirituous or vinous liquors, under the pretext of exhibiting any show or curiosity or dispose of the same in connection with any other article, or in any manner, from which an intention to evade the provisions of this chapter may ap-

Pretext with intent to evade the law.

pear, shall be deemed guilty of a violation of the same, and shall be liable to the penalties prescribed in the sixth section of this chapter.

Duty of officers to make complaints for violation of this chapter.

SEC. 8. And it is hereby made the duty of the prosecuting attorney, sheriffs, constables, and justices of the peace, knowing of any violation of the provisions of this chapter, to make complaint thereof to the grand jury at the next session of the district court of the county in which the offence 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. And the moneys collected on such judgments, except the taxable costs, shall be paid to the treasurer of the proper county, for the use of the common schools therein. It shall also be the duty of the clerk of the board of county commissioners and county treasurer, to prosecute the bond given by such applicant, as is required by the fourth section of this chapter, for any violation of its conditions.

Clerk of the board of county commissioners to furnish list of persons paying license.

SEC. 9. That every clerk of the board of county commissioners, shall, on the first day of the term of each district court, deliver to the grand jury an accurate list of all persons holding licenses under the provisions of this chapter within his county, which list shall show the date and expiration of said licenses.

Grand jury to inquire into violations of this chapter.

SEC. 10. That it shall be the duty of the grand jury at each and every term of the district court in any county in the territory, to make strict inquiry and return bills of indictment against every person violating any of the provisions of this chapter.

Licenses for selling in quantities not less than one quart.

SEC. 11. Any person desirous of disposing of spirituous liquors in quantities not less than one quart, may without previous notice, pay to the treasurer of the proper county, the sum of twenty dollars, who shall give a receipt therefor; and on production of such receipt to the board of county commissioners, they shall grant to such person a license to dispose of spirituous liquors in quantities not less than one quart, for the term of one year: *Provided*, That if such commissioners shall deem such person unfit to be intrusted with a license, they may refuse the same, in which case they shall order the treasurer to return the money paid by the applicant.

Former acts repealed.

SEC. 12. All acts and parts of acts inconsistent with the provisions of this chapter, are hereby repealed: *Provided*, That all suits or prosecutions now pending, commenced under any law which by this chapter is repealed, shall be prosecuted to final judgment and execution, as though this chapter had not passed: *And provided, also*, That all licenses granted in pursuance of any law, which by this chapter is repealed, shall continue in full force and effect for the full period for which they were granted.

SEC. 13. This chapter shall take effect on the first day of April next.