

*James C. Child*  
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THE

PUBLIC STATUTES

OF THE

STATE OF MINNESOTA.

(1849—1858.)

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COMPILED BY  
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TRAFFIC WITH INDIANS.

An Act to provide against the traffic in Ardent Spirits with the Indians. (a)

[Chapter 21, Revised Statutes.]

Penalty for selling or giving liquor to an Indian.

(1.) SEC. I. If any tavern keeper, grocery keeper, or any other person, or persons, shall sell, give, barter, or in any manner dispose of any spirituous liquors, or any other liquor of an intoxicating quality, to any Indian, or Indians, within this territory, every such person, or persons, so offending shall be deemed guilty of a misdemeanor; and upon conviction thereof, by indictment, in any court having competent jurisdiction to try the same, shall be imprisoned in the county jail for a period of not less than thirty, nor more than ninety days, and shall forfeit and pay to the use of the county in which the offense may have been committed, a fine of not less than twenty, nor more than one hundred dollars.

In case of conviction, offender may be confined in jail or fort.

(2.) SEC. II. In all cases of conviction under this chapter, if there be no jail within the county where the offense was committed, (or to which it may be attached for judicial purposes,) it shall be competent for the court before which said conviction was had, to commit the offender to the nearest jail in any other county, or either of the forts of this territory, with the permission of the commanding officer thereof; and it is hereby made the duty of the keeper of such jail to receive the prisoner so committed, and in all respects to proceed with him as if he had been committed by the proper authorities of the county in which such jail is situated:

(a) This law is rendered inoperative in any portion of this state west of the Mississippi river, and within the limits of the lands purchased from the Sioux in 1851, by the 9th section of chapter 31, laws of 1854, page 76. See sec. (6) of this chapter, *et seq.*

*provided*, that in all cases of conviction under the provisions of this chapter, when the person convicted is confined in the jail of any other county, the county in which such offense shall have been committed, shall pay all the expenses arising from such confinement.

(3.) SEC. III. All sheriffs, constables, and justices of the peace, within this territory, are, under the penalty of forfeiting their respective offices, required to make complaints of such violation of the provisions of this chapter, as may come within their knowledge; and the judges of the several district courts in this territory are hereby required to give this chapter in special charge to the grand juries of the several counties in their districts.

Duty of sheriff and other officers to make complaint.

(4.) SEC. IV. Any individual who shall violate either of the provisions of this chapter, may be prosecuted therefor before a justice of the peace, by any citizen of the county, and if found guilty, shall be fined not more than one hundred, nor less than twenty dollars, for each violation; which fine, or fines, shall be paid into the county treasury, to the support of common schools in the county.

Offender may be prosecuted before a justice of the peace.

(5.) SEC. V. Indians are hereby declared to be competent witnesses in cases arising under the provisions of this chapter; but the same objections may be made to their competency, and the same rules shall govern in the admission of their testimony, that may be made, and that govern, as to other witnesses.

Indians competent witnesses.

TRAFFIC WEST OF THE MISSISSIPPI.

An Act to prohibit the introduction of Liquor into the Territory purchased from the Sioux Indians.

[Passed March 4, 1854.] c. 31

(6.) SEC. I. *Be it enacted by the legislative assembly of the territory of Minnesota:* That if any person or persons shall sell, exchange, or give, barter or dispose of any spirituous liquor, or wine, in any portion of this territory, lying west of the Mississippi river, and within the limits of the lands purchased under the last Sioux Treaties, such person or persons, shall forfeit and pay the sum of five hundred dollars, to be recovered by an action of debt by any person suing for the same before any court having competent jurisdiction.

Penalty for selling.

(7.) SEC. II. If any person shall introduce, or attempt to introduce any spirituous liquors or wines, into any portion of this territory, as prescribed in the first section of this act, except such supplies as shall be necessary for the officers of the United States and troops of the service, under the direction of the war department, such person shall forfeit and pay a sum not exceeding three hundred dollars.

Penalty for introducing.

(8.) SEC. III. Any officer of the military or Indian department of the United States, who may have reason to suspect, or is informed, that any white person or Indian is about to introduce, or has introduced any spirituous liquor or wine, into any portion of the territory before mentioned, in violation of this act, it shall be lawful for such officer of the military or Indian department, to cause the boats, stores, packages, and place of deposite of such person, within that portion of the territory above described, to be searched, and if any such spirituous liquor or wine is found, the goods, boats, packages and peltries of such persons shall be seized by said officers and shall be prosecuted against by libel, in the proper court, and forfeited, one half to the use of the informer, and the other half to the use of the United States.

Right of search; penalty how recovered.

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Persons in service of United States may destroy.

(9.) SEC. IV. [As amended by laws of 1856, page 14.] It shall be lawful for any person in the service of the United States, or for any officer appointed or elected under the provisions of any law of this territory, to take and destroy any ardent spirits or wine found within that portion of this territory before mentioned, excepting military supplies, as mentioned in the first section of this act.

Penalty for erecting or continuing distillery.

(10.) SEC. V. That if any person whatsoever, shall, within the limits of this territory, described above, set up or continue any distillery for manufacturing ardent spirits, he shall forfeit and pay a penalty of one thousand dollars, to be recovered by any person suing for the same, in any court having competent jurisdiction.

Duty of officers.

(11.) SEC. VI. It shall be lawful for any officer of the United States military or Indian department, and it is made the duty of any sheriff or other officer of this territory, within that portion of the territory above described, to destroy and break up any such distillery for the manufacture of spirituous liquors, and the military force of the United States may be employed in executing that duty.

Judgment; proceedings under.

(12.) SEC. VII. When any judgment is rendered against any person, under the provisions of this act, the said person against whom said judgment is rendered, may be imprisoned, at the discretion of the court, until the said judgment shall be satisfied, or the said person be released by due course of law.

Takes effect on passage.

(13.) SEC. VIII. This act shall take effect and be in force, from and after its passage.

Inoperative clause.

(14.) SEC. IX. All laws in relation to the sale of spirituous liquors or wines, are hereby declared to be inoperative in any portion of this territory west of the Mississippi river, and within the limits of the lands purchased from the Sioux in 1851.

GENERAL TRAFFIC.

An Act to regulate the Traffic in Spirituous Liquors.

[Passed August 12, 1858.] C. 74

see also laws of 1856

Authority to grant licenses.

(15.) SEC. I. *Be it enacted by the legislature of the state of Minnesota:* That the board of supervisors in the several counties in this state, may grant licenses for the sale in any quantity of spirituous, vinous or fermented and malt liquors within their proper counties, to any person of the age of twenty-one or more years, upon his complying with the conditions of section two of this act.

Licenses for intoxicating liquors.

(16.) SEC. II. That any person or persons applying for license to sell intoxicating liquors, shall, before the same is issued, pay to the county treasurer of the proper county, a sum not greater than one hundred dollars, nor less than fifty dollars, at the discretion of the board of supervisors, and shall file with the clerk of said board, a bond with two or more sureties to be approved by the board, in the penal sum of one thousand dollars.

For malt liquors.

That any person or persons applying for license to sell malt liquors only, shall, before the same is issued, pay to the county treasurer of the proper county, a sum not greater than fifty dollars nor less than twenty dollars, at the discretion of the board of supervisors, and shall file with the clerk

Bond to be given.

of said board a bond with two or more sureties, to be approved by the board, in the penal sum of five hundred dollars, conditioned in all cases, that the said person or persons so licensed, will not sell or otherwise dispose of spirituous and intoxicating liquors, or malt liquors, (as the case may be,) at any place other than the building or town for which said person or persons may have been licensed, nor on the Sabbath, and that he

or they will keep a quiet and orderly house, and not permit gambling with cards or any other device for money or the representative of money, in the house or place of business of such person or persons.

(17.) SEC. III. All licences granted in pursuance of section two of this act, for the sale of, or traffic in spirituous, vinous or fermented liquors, or malt liquors, shall expire on the 1st day of January in each year, and on and after that day they may be granted for the whole or remainder of the year, whenever the officer authorized to grant the same, shall deem it expedient: *provided*, that no license granted subsequent to the day designated in this section, shall be deemed to extend retrospectively beyond the day upon which said license shall have been issued.

Expiration of license.

(18.) SEC. IV. If the person or persons to whom such license may be granted, shall violate any of the conditions of the bond provided for in section two of this act, suit may be brought on said bond in any court having competent jurisdiction, by any person in the county in which such license was granted, and recovery had for any sum not exceeding the whole amount of said bond, for each and every violation of any of the conditions of said bond.

Violation of bond.

(19.) SEC. V. Any board of county supervisors may revoke any license granted under the provisions of this act at any time they may deem proper, and every license granted by any board of supervisors shall be deemed to have expired, and shall cease to be in force from and after any violation of any of the conditions of the bond required by this act, shall have been proved before any court having competent jurisdiction, and thereafter the person or persons who may have so violated the conditions of the said bond, shall be liable to all the penalties provided for persons selling liquors without license, by the sixth section of this act, and shall be further liable for all damages done by persons intoxicated by liquors obtained from them.

Revocation of license.

(20.) SEC. VI. If any person or persons shall sell or barter any spirituous, vinous or fermented or malt liquors, in less quantity or quantities than five gallons, without first having obtained license therefor, agreeably to the provisions of this act, or if any person or persons shall dispose of any spirituous, vinous or fermented, or malt liquors, under any pretext or in any manner from which an intention to evade the provisions of this act, may appear, he or they shall, upon conviction thereof by indictment in any court having jurisdiction of the same, be fined for every such offense in any sum not exceeding one hundred dollars nor less than twenty-five dollars, for the use of common schools in the county where the offense shall have been committed, and upon failure to pay the fine so assessed, the court shall direct the sheriff or any constable, to destroy all spirituous, vinous or fermented, or malt liquors of any kind, that may be kept for sale or dealt in by any such person or persons contrary to the requirements of this act.

Selling without license; penalty.

(21.) SEC. VII. It shall be and is hereby made a duty of the district attorney, sheriffs, constables and justices of the peace having knowledge of any violation of the provisions of this act, to make complaint thereof to the grand-jury at the next session of the district court of the county in which the offense 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. It shall also be a duty of the district attorney to prosecute the bond given by such applicant as is required by the second section of this act, for any violation of its conditions, and the moneys collected on judgments on such bonds, shall, except the taxable costs, be, in all cases, paid to the treasurer of the proper county, for the use of the common schools therein.

Peace officers; their duty.

Penalty for non-performance of duty.

(22.) SEC. VIII. If any judge, sheriff, justice of the peace, constable or other officer shall willfully neglect or refuse to perform any duty required of him by this act, he shall be deemed guilty of a malfeasance in office, and shall thereafter be disqualified for holding the same or performing the duties pertaining thereto, for and during the remainder of the term of time for which he was elected, and shall be liable on his bond in any amount not exceeding five hundred dollars, nor less than one hundred dollars, recoverable in any court having jurisdiction in the case: *provided*, that nothing herein contained shall be construed as releasing or disqualifying said officer from making the proper transfer to his successor in office, of all books, papers, and matters pertaining to his said office, as is required by law.

Supervisors liable if bond is insufficient.

(23.) SEC. IX. When any suit is brought upon any bond aforesaid, and judgment rendered against the principal and sureties upon said bond, and property can not be found with said principal and sureties, to satisfy said judgment, the board of supervisors who approved said bond shall be held individually liable for said judgment, unless the sureties on said bond shall have testified before some judge of the district court, or justice of the peace, that at the time of joining in said bond by them, they were worth double the amount mentioned therein, above all debts and liabilities incurred by them, and any and every exemption by law of property from execution.

List of licensed persons to be given to grand jury.

(24.) SEC. X. It shall be and is hereby made the duty of the clerk of the board of supervisors of each county to deliver to the grand-jury, on the first day of the term of such district court, an accurate list of all persons holding licenses under the provisions of this act within his county, which list shall show the date of, and the amount paid for each of said licenses respectively.

Grand-jury to return bills of indictment.

(25.) SEC. XI. The grand-jury at each and every term of the district court in any county in this state, shall make strict inquiry and return bills of indictment against all or every person violating any of the provisions of this act.

Jurisdiction of justices of the peace.

(26.) SEC. XII. Justices of the peace shall have <sup>original</sup> ~~concurrent~~ jurisdiction with the district court in all actions arising under any of the provisions of this act, or on the bond provided for in this act, when the amount sued for does not exceed one hundred dollars.

Jury trial and appeal.

(27.) SEC. XIII. Any person or persons who may be sued for a violation of any of the provisions of this act, or on any bond required by this act, may at his or their request, have the case submitted to a jury as in other cases, and may appeal from the decision of any court as provided by law, but no appeal shall be so construed as to effect the expiration of the term of any license as provided in section five of this act.

Vote of the people on licenses in townships.

(28.) SEC. XIV. That the provisions of this act shall extend and apply to all the counties in the state, but nothing in this act shall be so construed as to prevent the people of any municipal township from deciding for themselves, whether licenses shall be granted to any person or persons in said township; and the board of county supervisors are hereby required, on the petition of ten or more legal voters of said township, at any time not less than thirty days before any regular election, to give notice that the question of license will be submitted to the passage at said election, which question shall be determined by ballots containing the words, "in favor of license," or "against license," (as the case may be,) which vote shall be canvassed and returns made as is by law now prescribed for the canvassing of election returns, and if such returns show that a majority of the votes cast at such election shall be against license, then the board of county supervisors shall issue no license in said township.

(29.) SEC. XV. All acts and parts of acts relative to the sale of, or traffic, in spirituous or intoxicating liquors, except such as relate to the traffic in ardent spirits with the Indians, are hereby repealed: *provided*, that all suits or prosecutions now pending, commenced under any law which by this act is repealed, shall be prosecuted, to final judgment and execution as though this act had not passed: *and provided further*, that all licenses granted in pursuance of any law, which by this act is repealed, shall continue in full force and effect for the full period for which they were granted.

Repeal of former acts.

(30.) SEC. XVI. This act shall be in force from and after the first day of September, A. D. one thousand eight hundred and fifty-eight.

When to take effect.

CHAPTER 19.

BASTARD CHILDREN.

SECTION

1. When justice to issue warrant against person accused of being father of bastard.
2. Proceedings on return of warrant with accused in custody.
3. When justice may discharge accused.
4. When justice to bind over accused or commit him to jail, &c.
5. When cause shall be continued, and recognizance renewed.
6. Mother to be a witness; when father chargeable with maintenance of child.
7. The person convicted to give bond or be committed to jail.

SECTION

8. When and how person imprisoned may be discharged.
9. The mother may recover of prisoner after he is liberated.
10. When commissioners may prosecute proceedings commenced by mother.
11. When commissioners may apply to justice to inquire into case of bastardy.
12. Justice to examine female, and issue warrant.
13. Commissioners may compromise with putative father.

An Act to provide for the support of Bastard Children.

✓ [Chapter 22, Revised Statutes.]

(1.) SEC. I. On complaint being made to any justice of the peace, by any female who shall be delivered of a bastard child, or who shall be pregnant with a child, which, if born alive might be a bastard, accusing any person of being the father of such child, the justice shall take such complaint in writing, under the oath of such female, and shall thereupon issue his warrant against the person accused, directed to the sheriff or any constable of his county, commanding him forthwith to bring such accused person before the justice to answer such complaint.

When justice to issue warrant against person accused of being father of bastard.

(2.) SEC. II. On the return of such warrant, if the accused be in custody, or shall appear, the justice shall proceed to examine the complainant under oath, respecting the cause of the complaint; and such accused person shall be allowed to ask the complainant when under oath, any questions necessary for his justification or defense; and such questions and the answers, with every part of the proceeding, shall be reduced to writing by said justice.

Proceedings on return of warrant with accused in custody.

(3.) SEC. III. If such accused person shall pay, or secure to be paid to the female complaining, such sum or sums of money, or other property, as she may agree to receive in full satisfaction, and as shall be approved

When justice may discharge accused.