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GENERAL STATUTES

OF THE

STATE OF MINNESOTA.

PREPARED BY THE COMMISSIONERS APPOINTED TO REVISE
THE STATUTES OF THE STATE, BY ACT OF THE
LEGISLATURE, PASSED FEBRUARY 17, 1863.

ONE HUNDRED COPIES ORDERED PRINTED.



SAINT PAUL:

FREDERICK DRISCOLL, STATE PRINTER.

(PRESS PRINTING COMPANY.)

1865.

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10 ter, during the succeeding year, and to supply and make
 11 up any deficiency of the fund raised for such purpose during
 12 the preceding year, to meet the actual expenditures made
 13 by the county during the preceding year for the support
 14 and relief of the poor.

CHAPTER XVI.

INTOXICATING LIQUORS.

1 SECTION 1. The board of county commissioners may
 2 grant licenses for the sale in any quantity of spirituous, vi- C. S. p. 340, Sect. 15. c 18
 3 nous or fermented and malt liquors within their proper
 4 counties, to any person of the age of twenty-one or more
 5 years, upon his complying with the conditions of the next
 6 section.

1 SECT. 2. Any person applying for license to sell intoxi-
 2 cating liquors, shall before the same is issued, pay to the 1862-p. 113, Sect. 1. c 57
 3 county treasurer of the proper county, a sum not greater Amended.
 4 than one hundred dollars nor less than ten dollars, at the
 5 discretion of the board of county commissioners, and shall
 6 file with the clerk thereof, a bond with two or more sure-
 7 ties to be approved by the board, in the penal sum of five
 8 hundred dollars, conditioned, that the said person so li-
 9 censed, will not sell or otherwise dispose of spirituous, in-
 10 toxicating or malt liquors, (as the case may be,) at any
 11 place other than the building or town for which said person
 12 is licensed, nor on the sabbath, and that he will keep a
 13 quiet and orderly house, and not permit gambling with
 14 cards, or any other device for money or the representative
 15 of money, in the house or place of business of such person.

1 SECT. 3. The board of county commissioners may re-
 2 voke any license granted under the provisions of this chap- C. S. p. 341, Sect. 19. c 18
 3 ter, whenever they deem it proper, and every license granted
 4 by any board of commissioners shall cease to be in force
 5 from and after any violation of any of the conditions of the
 6 bond required by this chapter is proved before any court
 7 having competent jurisdiction, and thereafter the person
 8 who has so violated the conditions of the said bond, shall
 9 be liable to all the penalties imposed on persons selling
 10 liquors without license, and shall be further liable for all
 11 damages done by persons intoxicated by liquors obtained
 12 from him.

c57

1860—p. 228, Sect. 4.

1 SECT. 4. Whoever sells or barter any spirituous,
 2 vinous, fermented, or malt liquors in a less quantity
 3 than five gallons, without first having obtained license there-
 4 for, agreeably to the provisions of this chapter, or disposes
 5 of any spirituous, vinous, fermented, or malt liquors, un-
 6 der any pretext, or in any manner from which an inten-
 7 tion to evade the provisions of this chapter appears, shall,
 8 upon conviction thereof in any court having jurisdiction of
 9 the same, be fined for every such offense in any sum not
 10 exceeding one hundred dollars, nor less than twenty-five
 11 dollars, for the use of common schools in the county where
 12 the offense is committed, and upon default of the payment
 13 of such fine, he shall be committed to the county jail for a
 14 term not exceeding sixty days, or until such fine is paid.

c57

1860—p. 228, Sect. 2.
Amended.

1 SECT. 5. County attorneys, sheriffs and constables having
 2 knowledge of any violation of the provisions of this chapter,
 3 shall make complaint thereof to a justice of the peace of the
 4 proper county. The county attorney shall also prosecute
 5 the bond given by such applicant for any violation of its
 6 conditions.

c18

C. S. p. 342, Sect. 22.
Amended.

1 SECT. 6. If any judge, sheriff, justice of the peace, con-
 2 stable or other officer wilfully neglects or refuses to perform
 3 any duty required of him by this chapter, he shall be deem-
 4 ed guilty of a malfeasance in office, and shall thereafter be
 5 disqualified for holding the same for and during the remain-
 6 der of the term for which he was elected, and shall be liable
 7 on his bond in any amount not exceeding five hundred dol-
 8 lars, nor less than one hundred dollars, recoverable in any
 9 court having jurisdiction.

c18

C. S. p. 342, Sect. 23.

1 SECT. 7. When an action is brought and judgment ren-
 2 dered against the principal and sureties upon such bond,
 3 and property can not be found, to satisfy said judgment,
 4 the board of county commissioners who approved said bond
 5 shall be held individually liable for said judgment, unless
 6 the sureties on said bond testified before some judge of the
 7 district court, or justice of the peace, that at the time of
 8 joining in said bond by them, they were worth double the
 9 amount mentioned therein, above all debts and liabilities in-
 10 curred by them, and exclusive of property exempt from
 11 execution.

c57

1860—p. 228, Sect. 3.

1 SECT. 8. The clerk of the board of county commission-
 2 ers, of each county shall make and keep in his office an ac-
 3 curate list of all persons holding licenses under the provis-
 4 ions of this chapter, within his county, which list shall show
 5 the date of and the amount paid for each of said licenses
 6 respectively, and shall be open to the inspection of any
 7 resident of said county, without charge or expense.

1 SECT. 9. Justices of the peace shall have original juris-
 2 diction in all actions arising under the provisions of this 1860—p. 229, Sect. 5. c 57
 3 chapter, or on the bond aforesaid, when the amount sued
 4 for does not exceed one hundred dollars.

1 SECT. 10. Any parent, master or guardian having minors,
 2 minor servants or wards in charge may give a distinct writ- 1861—p. 178, Sect. 1. c 53
 3 ten notice, to any tavern keeper, inn keeper, merchant,
 4 grocer, saloon keeper, distiller, brewer, or any other per-
 5 son having, or keeping intoxicating liquors, forbidding him
 6 from directly or indirectly furnishing such minors, minor
 7 servants or wards, with intoxicating liquors, and if within
 8 one year after such notice, any one to whom such notice is
 9 given, furnishes directly or indirectly, or causes to be furn-
 10 ished, intoxicating liquors to such minors, minor servants
 11 or wards, he shall be deemed guilty of a misdemeanor, and
 12 upon conviction thereof, shall be punished by fine, not less
 13 than ten nor more fifty dollars, or by imprisonment in the
 14 county jail not less than ten nor more than fifty days for
 15 each offense.

1 SECT. 11. Any member of the family of any intemper-
 2 ate person or habitual drunkard, or any overseer of the 1861—p. 179, Sect. 1. c 54
 3 poor, or any guardian of such intemperate person or habit-
 4 ual drunkard, or any magistrate of the county in which such
 5 intemperate person or habitual drunkard resides, or any
 6 person who is injured or annoyed by such intemperate per-
 7 son or habitual drunkard, when under the influence of liquor,
 8 may give a distinct written notice to any tavern keeper, inn
 9 keeper, merchant, grocer, distiller, brewer, or other person,
 10 manufacturing, having, or selling intoxicating liquors, for-
 11 bidding him from directly or indirectly furnishing such in-
 12 temperate person or habitual drunkard with intoxicating
 13 drinks or liquors, and if within six months after such notice,
 14 any one to whom such notice is given furnishes directly or
 15 indirectly, or causes to be furnished, intoxicating liquors to
 16 such intemperate person or habitual drunkard, he shall be
 17 deemed guilty of a misdemeanor, and upon conviction
 18 thereof, shall be punished by fine not less than ten dollars
 19 nor more than fifty dollars, or by imprisonment in the coun-
 20 ty jail not less than ten nor more than fifty days for each
 21 offense.

1 SECT. 12. Upon the second and each subsequent con- 1860—p. 215, Sect. 2. c 47
 2 viction of any violation of the two preceding, sections the Amended.
 3 penalties aforesaid shall be doubled.

1 SECT. 13. Whoever sells, exchanges, gives, barter, or
 2 disposes of any spirituous liquors or wines, to any Indians Ex. Session of c 11
 3 within this state, shall, on conviction thereof, be punished 1862—p. 55, Sect. 1.

4 by imprisonment in the state prison for a period not ex-
5 ceeding two years, and be fined not more than three hun-
6 dred dollars; and in all cases arising under this section, In-
7 dians shall be competent witnesses.

c11
Ex. Session of
1862—p. 65, Sect. 2.

1 SECT. 14. Sheriffs, constables and justices of the peace,
2 are, under penalty of forfeiting their respective offices, re-
3 quired to make complaint of such violations of the pro-
4 visions of the preceding section as may come to their knowl-
5 edge, and the judges of the several district courts are re-
6 quired to give the preceding section in special charge to the
7 grand juries of the several counties in their districts.

CHAPTER XVII.

BASTARDS.

c19
C. S. p. 343, Sect. 1.

1 SECTION 1. On complaint being made to any justice of
2 the peace, by any female who is delivered of a bastard child,
3 or pregnant with a child, which, if born alive might be a
4 bastard, accusing any person of being the father of such
5 child, the justice shall take such complaint in writing, un-
6 der the oath of such female, and shall thereupon issue his
7 warrant against the person accused, directed to the sheriff
8 or any constable of his county, commanding him forthwith
9 to bring such accused person before the justice to answer
10 such complaint.

c19
C. S. p. 343, Sect. 2.
Amended.

1 SECT. 2. The justice shall enter an action in his docket
2 in which the state of Minnesota is plaintiff, and the accused
3 is defendant, and shall make such other entries as are re-
4 quired in criminal actions. On the return of the warrant
5 with the accused, the justice shall proceed to examine un-
6 der oath the complainant, and such other witnesses as may
7 be produced by the parties respecting the complaint, and
8 such examination shall be reduced to writing by the justice.

c19
C. S. p. 343, Sect. 3.
Amended.

1 SECT. 3. If such accused person pays or secures to be
2 paid to the female complaining, such sum of money, or
3 other property, as she may agree to receive in full satisfac-
4 tion, and as is approved by the commissioners of the coun-
5 ty, of which agreement and approval the justice shall make
6 a memorandum upon his docket, and shall also pay all ex-
7 penses, if any, incurred by such county, for the lying in,
8 and support and attendance upon the mother of such child
9 during her sickness, and the costs of prosecution, and shall