

GENERAL STATUTES
of
MINNESOTA
1923

PUBLISHED UNDER THE AUTHORITY OF
LAWS OF 1923, CHAPTER 95,
APPROVED MARCH 26TH, 1923

COMPILED AND EDITED BY
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PUBLISHER
REVIEW PUBLISHING COMPANY
ST. PAUL, 1924

any other act, which is inconsistent or in conflict with any provision or part of the constitution or law of this state or of the United States relating to intoxicating liquor. ('21 c. 338)

3236. License regulation for non-intoxicating beverages given to councils—There is hereby conferred upon each city, borough and village in the state the authority by ordinance to license and regulate the business of vendors at retail of non-intoxicating beverages, to impose such reasonable license fee therefor as may be prescribed by such ordinance, and to provide for the punishment of any violation of any such ordinance according to the provisions of law. ('19 c. 432 § 1)

3237. Certain acts declared to be murder—Any person who shall unlawfully sell intoxicating liquor which, when drunk, causes the death of the person drinking the same, shall be guilty of murder in the third degree. ('23 c. 393 § 1)

3238. Definition—The term "sell" and "sale" and the term "intoxicating liquor," as used herein, shall have the same meaning as is prescribed therefor by

Section 1 of Chapter 455 of the General Laws of Minnesota for 1919, and acts amendatory thereto. ('23 c. 393 § 2)

CIVIL ACTIONS. 3239
162-M 497
203-NW 447

3239. Action for injuries caused by intoxication—Every husband, wife, child, parent, guardian, employer, or other person, who shall be injured in person or property, or means of support, by any intoxicated person, or by the intoxication of any person, shall have a right of action, in his or her own name, against any person, who shall by illegally selling, bartering, or giving intoxicating liquors, have caused the intoxication of such person, for all damages sustained; and all damages recovered by a minor under this act shall be paid either to such minor or to his or her parent, guardian, or next friend, as the court shall direct; and all suits for damages under this act shall be by civil action in any of the courts of this state having jurisdiction thereof. ('11 c. 175 § 1) [3200]

121-452, 141+793; 121-455, 141+803; 131-137, 154+795; 138-31, 163+798; 149-187, 182+996; 150-425, 185+653.

CHAPTER 16A

CIGARETTES

3240. Sale to person under 18 years prohibited—That it shall be unlawful for any person and any clerk, servant, employe or agent of any person, directly or indirectly upon any pretense, or by any device to sell, exchange, barter, dispose of or give away to any person below the age of eighteen (18) years of age, any cigarettes, cigarette paper, or cigarette wrappers, or any paper made or prepared for the purpose of being used for or in the making or manufacturing of cigarettes. ('19 c. 348 § 1)

3241. Smoking by person under 18 misdemeanor—The smoking of cigarettes within this state by any person below the age of eighteen (18) years is hereby prohibited and any person of such minor age found smoking cigarettes shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than ten (\$10) dollars or by imprisonment in the county jail of not more than five (5) days, such fine or imprisonment only to be imposed in the discretion of the court. ('19 c. 348 § 2)

3242. Licensing of sale of cigarettes, etc.—That it shall be unlawful for any person and any clerk, servant, employe, or agent of any person, directly or indirectly upon any pretense or by any device, to manufacture, sell, exchange, barter, dispose of or give away, or keep for sale any cigarettes, cigarette paper or cigarette wrappers or any paper made or prepared for the purpose of making cigarettes without first having obtained a license therefor, as hereinafter provided. ('19 c. 348 § 3)

3243. License to be secured of dairy and food commissioner—Fee—License for the manufacture, sale, exchange, barter, disposition of or giving away or keeping for sale of cigarettes, cigarette paper or cigarette wrappers for the making of cigarettes may be granted by the state dairy and food commissioner, who shall provide a suitable blank form of application for the use of applicant. The fee for such license shall be twelve (12) dollars and shall expire on December 31, next after its issue, and no license shall be issued for a longer term than one year, and shall not be transfer-

able from one person to another person or from the ownership to whom issued to another ownership. Provided, that a license issued for a less term than one year, the fee for same shall be computed at the rate of one dollar for each calendar month or fractional part of such month. A penalty of fifty per cent of the license fee shall be imposed if license is not applied for within the same calendar month that first sale of cigarettes is made. ('19 c. 348 § 4)

3244. Written application to be filed—Every person desiring a license under this act shall file with the state dairy and food commissioner, his inspectors or agents, a written application therefor, stating the person or firm for whom, place and building for which, it is to be issued, and shall deposit therewith the amount of the license fee. ('19 c. 348 § 5)

3245. When license is not to be granted—No license shall be granted in or for any city, village or county, if the governing body of such city, village or county shall by ordinance or resolution prohibit the sale of cigarettes, and a certified copy of such ordinance or resolution is filed with the state dairy and food commissioner. ('19 c. 348 § 6)

3246. Present licenses in force until expiration—All licenses heretofore issued under provisions of chapter 580, General Laws of 1913, as amended by chapter 245 of General Laws of 1917, shall be, and the same is hereby in force and effect until date of expiration. ('19 c. 348 § 7)

3247. Dairy and food commissioner to enforce provisions of act—The state dairy and food commissioner, his inspectors and assistants and employes, shall enforce the provisions of this act, and in so doing shall have all the powers and authority with relation thereto, that are conferred upon them and each of them by chapter 21, Revised Laws of 1905, and the provisions, of sections 1736, 1738, 1776, 1777, 1778 and 1779, Revised Laws of 1905, shall be deemed a part thereof in the enforcement of this act and accomplishments of its purposes. ('19 c. 348 § 8)

3248. Fees to be paid into state treasury—The fees collected under the provisions of this act shall be paid into the state treasury by the dairy and food commissioners. The state treasurer shall transmit such license money semi-annually to the treasury of the city, village or county from which the license is issued. ('19 c. 348 § 9)

3249. Violation a misdemeanor—Any person violating any of the provisions of this act, except as herein provided for violation of section 2 hereof, shall be

guilty of a misdemeanor and be punished by a fine of not less than twenty-five (\$25.00) dollars, nor more than one hundred (\$100.00) dollars or by imprisonment in the county jail of not less than fifteen (15) days nor more than ninety (90) days. ('19 c. 348 § 10)

3250. Certain chapters repealed—That chapter 580, General Laws of 1913, as amended by chapter 245, General Laws of 1917, is and the same are hereby repealed. ('19 c. 348 § 11)

CHAPTER 16B

ATHLETIC COMMISSION

3251-3260
Repealed
33 — 7
See 10286
3251
Et seq.
238nw 641
See 10286

3251. State athletic commission—There shall hereafter be a state athletic commission. Within thirty days after this act takes effect, the governor shall appoint three persons, who shall be citizens of this state, to be members of such commission, who shall hold office for the term of three years from the first day of June following the date of their appointment. The governor shall also appoint their successors, possessing like qualifications, on the first day of June of each successive third year, beginning with the year nineteen hundred and fifteen. The commission shall maintain general offices for the transaction of its business. The members of the commission shall, at their first meeting after their appointment, elect one of their number chairman of the commission, shall adopt a seal for the commission and may make such rules for the administration of their office, not inconsistent herewith, as they may deem expedient; and they may hereafter amend or abrogate such rules. Two of the members of the commission shall constitute a quorum to do business; and the concurrence of at least two commissioners shall be necessary to render a choice or decision by the commission. ('15 c. 363 § 1)

3252. Commission to elect a secretary—The commission shall appoint, and at pleasure remove a secretary to the commission, whose duty it shall be to keep a full and true record of all its proceedings, preserve at its general office all its books, documents and papers, prepare for service such notices and other papers as may be required of him by the commission and to perform such other duties as the commission may prescribe; and he may, under the direction of the commission, issue subpoenas for the attendance of witnesses before the commission with the same effect as if they were issued in an action in the district court and may, under direction of the commission, administer oaths in all matters pertaining to the duties of his office or connected with the administration of the affairs of the commission. Disobedience of such a subpoena and false swearing before such secretary shall be attended by the same consequences and be subject to the same penalties as if such disobedience or false swearing occurred in an action in the district court. The commission shall bi-ennially make to the legislature a full report of its proceedings for the year ending with the first day of the preceding December and may submit, with such report, such recommendations pertaining to its affairs as to it shall seem desirable. ('15 c. 363 § 2)

3253. Commission to have control over boxing—The commission shall have, and hereby is vested with, the sole direction, management, and control of and jurisdiction over all boxing and sparring matches and ex-

hibitions to be conducted, held or given within the state, pursuant to its authority and in accordance with the provisions of this act. The commission may, in its discretion issue and at its pleasure revoke, a license to conduct, hold or give boxing and sparring matches and exhibitions to any club, corporation or association within the state. Every license shall be subject to such rules and regulations, and amendments thereof, as the commission may prescribe. Every application for a license as herein provided for, shall be in writing and shall be addressed to the commission, and shall be verified by some officer of the club, corporation or association on whose behalf the application may be made. It shall contain a recital of such facts as, under the provisions hereof, will show the applicant entitled to receive a license and, in addition thereto, such other facts and recitals as the commission may by rule require to be shown. The commission at its discretion may issue or revoke a license to hold or conduct such exhibitions or contests, to any incorporated club or association; also said commission shall have the power to draw up such rules and regulations as they may from time to time find necessary for the proper staging of such exhibitions or contests. No license shall be issued to non-residents. No boxer weighing less than 140 lbs. shall be permitted to contest against an opponent weighing more than 10 lbs. more than himself. ('15 c. 363 § 3)

3254. Buildings in which contests are to be given—All buildings or structures used, or intended to be used, for the purpose of this act must be inclosed, and shall not be connected with any door or passage ways with any saloon or place where intoxicating liquors are sold and disposed of, nor shall any intoxicating liquors be dispensed or given away upon the premises, during the time of any such athletic entertainment, also no boxing contest to be permitted on Sunday, nor shall any wagering be permitted upon the results of matches or exhibitions. All buildings or structures shall be properly ventilated and provided with fire exits and fire escapes, if there need be, and in all manner conform to the laws, ordinances and regulations pertaining to buildings in the city, town or village where situated. Where a part of a building or structure is used for the purpose set forth in this act, this section shall apply in the same manner. ('15 c. 363 § 4)

3255. Ten rounds duration and gloves to be worn—No boxing or sparring match or exhibition shall be of more than ten rounds in duration; and the contestants shall wear, during such contests, gloves of not less than the following weights, to-wit: In exhibitions or contests between boxers up to 140 lbs. five ounces,