

GENERAL STATUTES

33

OF THE

STATE OF MINNESOTA,

IN FORCE JANUARY, 1891.

VOL. 1.

CONTAINING ALL THE LAW OF A GENERAL NATURE NOT
REMEDIAL, THE LATTER BEING IN VOL. 2.

COMPILED AND ANNOTATED

BY

JNO. F. KELLY,

OF THE ST. PAUL BAR.

SECOND EDITION.

ST. PAUL:

PUBLISHED BY THE AUTHOR.

1891.

CHAPTER 16.

INTOXICATING LIQUORS.

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LICENSE TO TRAFFIC IN.

SEC. 1845. **Intoxicating liquors defined.**—The words “intoxicating liquors,” wherever used in the laws or statutes of this state, now in force or hereafter to be in force, shall be construed to mean spirituous, vinous, fermented and malt liquors, or either of them.

1887, ch. 6, § 7: “An act to further regulate the sale of or disposition of intoxicating liquors.” Approved March 3, 1887.

SEC. 1846. **Unlawful to traffic without license.**—Whoever sells, bar-
 ters, gives away or otherwise disposes of any spirituous, vinous, fermented or
 malt liquors, without first having obtained license therefor agreeably to the
 laws of this state, shall be deemed guilty of a misdemeanor, and shall, upon
 conviction thereof in any court having jurisdiction of the same, be punished
 by a fine of not less than fifty (50) dollars nor more than one hundred (100)
 dollars, together with the costs of prosecution, and by imprisonment in the
 county jail not less than thirty (30) days nor more than ninety (90) days. All
 prosecutions for the violation of any of the provisions of this section may be
 tried and conducted in a summary manner before any municipal court, police
 justice or justice of the peace having jurisdiction thereof in the same manner
 as violations of any municipal ordinance or by-law may now be tried and con-
 ducted: *provided*, that the provisions of this section shall not be so construed
 as to prohibit any regularly licensed druggist from dispensing liquors in filling
 prescriptions, made by any regular, reputable and duly licensed physician in
 the practice of his profession.

1887, ch. 6, § 4. Supersedes and contains § 4, ch. 16 of G. S., as amended 1867, ch. 103. This section applies to all municipal corporations. 1887, ch. 6, § 5 (*post*, § 1892). 23 M. 140; 26 M. 148; 27 M. 318; 33 M. 103; 36 M. 234; 38 M. 151.

SEC. 1847. **Application for license.**—All applications for a license to sell intoxicating liquors to the commissioners of any county or to the authorities of any municipal corporation in this state, authorized to grant the same, shall be in writing, and shall designate the place where such business is to be carried on. Upon receiving any such application the county auditor or the clerk of any such municipal corporation, shall cause a notice of such application, containing the name of the applicant, or description of the premises, as stated in the application, and the time when the same will be heard, to be published in the official newspaper of said county or municipal corporation at least two (2) weeks immediately preceding the time of such hearing, or in case there be no such official paper then such notice shall be published in some newspaper of general circulation, printed and published in the county within which such license is granted; any person may appear at the time stated, and object to the granting of such license, and if it should appear to the board or municipal authorities empowered to grant such license, that the applicant has

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[SECS. 1848-1850.]

knowingly violated any of the laws of this state regulating the liquor traffic or of the municipality where such application is made within the year preceding such application, or any law relating to the sale of intoxicating liquors to minors, habitual drunkards or intemperate drinkers, after receiving a notice forbidding such sale within five (5) years preceding such application, such board or municipal authorities shall refuse to grant the license.

1887, ch. 81: "An act to amend chapter 16 of G. S., relating to intoxicating liquors," by adding this section. Approved March 3, 1887.

SEC. 1848. Bond for license.—Any person applying to the county commissioners of any county, or to the municipal authorities of any city, village, town or borough in this state for a license to sell intoxicating liquors shall, before the same is issued, file with the clerk of said board of commissioners or with the clerk or recorder of such city, village, town or borough, a bond, with two or more sureties who shall be freeholders of the county and who shall justify in twice the amount of said bond, to be approved by the said board of county commissioners or by the common council or other governing body of any town, village or borough, or the common council of any city to which such application is made, in the penal sum of two thousand dollars (\$2,000) conditioned that the said person so licensed will not sell or otherwise dispose of any intoxicating liquors at any place other than the room named in such license, nor on the Sabbath, nor on any general or special election day, and that he will keep a quiet and orderly house and not permit gambling with cards or with any other means or device for money or its representative, or other thing of value, in the house or place of business of such person,* and will not sell, barter, give away or otherwise furnish or dispose of such liquors to any minor person, or to any pupil or student in any public school, academy, seminary or other institution of learning, nor to any intemperate person nor habitual drunkard.* No person shall be accepted as sureties on any such bond who are already on any other bond given pursuant to the provisions of this section.

1887, ch. 6, § 1: "An act to further regulate the sale of or disposition of intoxicating liquors." Approved March 3, 1887. Repeals all inconsistent acts. This law supersedes G. S. ch. 16, § 2, as amended 1872, ch. 61. Above * contains G. S. Between ** is acts 1872, ch. 61. This section applies to all municipal corporations. 1887, ch. 6, § 5 (*post*, § 1892).

SEC. 1849. Same — Liability of commissioners.—When any action is brought and judgment rendered against the principal and sureties upon such bond, and property cannot be found, to satisfy said judgment, the board of county commissioners who approved said bond shall be held individually liable for said judgment, unless the sureties on said bond 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 exclusive of property exempt from execution.

G. S. ch. 16, § 7.

SEC. 1850. License fee in cities of ten thousand or more population.—No license for the sale of intoxicating liquors shall be granted to any person applying for the same under the provisions of the charter of any city, of this state, which city contains a population of ten thousand (10,000) people or more, by the municipal authorities of said city, except upon the condition that said applicant shall, before the issuance of said license, pay into the treasury of said city in the manner provided by its charter a license fee of one thousand (1,000) dollars, or such fee in excess of said sum as the city council of said city shall, in the manner provided in its charter, fix and prescribe; anything in the charter of any city to the contrary notwithstanding.

1887, ch. 5, § 1: "An act regulating the amount of license for the sale of intoxicating liquors." Approved February 10, 1887. Repeals all acts and parts of acts inconsistent with this act. In force from and after July 1, 1887. Supersedes, as to fee, § 2, ch. 16, G. S., as

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amended 1872, ch. 61. This act provided in § 4 that nothing therein should affect the local option provision in §§ 1856, 1857, *post*, nor the local option provision in § 48, ch. 145; acts 1885 (*ante*, ch. 10.)

SEC. 1851. License fee in cities of less than ten thousand population.— No license for the sale of intoxicating liquors shall be granted to any person applying for the same under the provisions of the charter of any city of this state, which city contains a population of less than ten thousand (10,000) people, by the municipal authorities of said city, except upon the condition that said applicant shall, before the issuance of said license, pay into the treasury of said city, in the manner provided by its charter, a license fee of five hundred (500) dollars, or such fee in excess of said sum as the city council of said city shall, in the manner provided by its charter, fix and prescribe; anything in the charter of any city to the contrary notwithstanding.

1887, ch. 5, § 2.

SEC. 1852. License fee in county, village or borough.— No license for the sale of intoxicating liquors shall be granted by the county commissioners of any county, or the municipal authorities of any town, village or borough, to any person applying for the same under the provisions of chapter sixteen (16), general statutes of eighteen hundred and seventy-eight (1878), or of any general or special law governing such village or borough, except upon the condition of paying, in the manner prescribed by said chapter sixteen (16), or in the case of any village or borough organized or existing under a general or special law regulating the subject of licenses for the sale of intoxicating liquors, then in the manner provided in and by such general or special law, a license fee of five hundred (500) dollars, or such fee in excess of said sum as the county commissioners, or in case of such village or borough, the municipal authorities of such village or borough shall fix and prescribe. *Provided*, that no license shall be granted for a longer period than one (1) year, or for a period beyond twenty (20) days after the annual election in such village or city next ensuing after the date of such licenses.

1887, ch. 5, § 3.

SEC. 1853. License not effective until fee paid, etc.— That no person shall in any manner be protected by any permit, or license issued by the county commissioners or by the authorities of any city, village or other municipal corporation, unless he shall have paid the full amount required by the law, or ordinance under which such license is granted, and no license shall have any force or effect unless the licensee shall have paid therefor a sum equal to the minimum rate fixed by the laws of this state for the town, village, borough or city where the same is granted.

Post up license.— All licenses granted by said county commissioners or the authorities of any town, village, borough or city in this state shall be posted upon the room where such business is done and shall distinctly state the amount paid therefor.

1887, ch. 81, which amended this chapter of G. S. by adding this section.

SEC. 1854. License restricted to premises named.— All licenses issued by the county commissioners, or by the authorities of any city, town, borough, village or other municipal corporation, for the sale of intoxicating liquors, shall contain a description of the premises and room where such liquors are licensed to be sold, and any person so licensed, who shall sell, barter or give away any intoxicating liquors outside of or in any place other than the room so named shall be guilty of a misdemeanor, and shall be liable to all the penalties provided in this act or under any law of this state for selling liquors without a license.

1887, ch. 81, which amended this chapter of G. S. by adding this section.

SEC. 1855. Who shall not be licensed.— No license shall be issued or renewed by the authorities of any county, city, town, village or borough in

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this state when the sum paid therefor is less than the minimum amount required by the laws of this state; nor to any person who, during the twelve (12) months next preceding the application for such issuance or renewal, shall have been convicted of violating any law of this state, or any ordinance of any municipal corporation therein, regulating the sale of intoxicating liquors. And any member of any board of county commissioners or of the council of any city or of any municipal corporation in this state, who shall vote to issue or renew such license, and any officer who shall issue or renew, or shall take any part in issuing or renewing such license, upon the payment by the applicant of a sum less than the full minimum amount required by law, shall be deemed guilty of a misdemeanor and shall be punished by fine not exceeding five hundred (\$500) dollars nor less than one hundred (\$100) dollars, and such license so issued or renewed in violation of law shall be void.

1887, ch. 6, § 2. This section applies to all municipal corporations. 1887, ch. 6, § 5 (*post*, § 1892).

SEC. 1856. License in counties — Local option.— The board of county commissioners 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 years, upon his complying with the conditions of the next section.

Local option in township.— *Provided*, that nothing herein contained shall be so construed as to prevent the people of any municipal township from deciding for themselves whether license shall be granted to any person or persons in said township; and the town clerk is hereby required, on the petition of ten or more legal voters of said township, at any time not less than twenty days before any annual town meeting, to give notice that the question of license will be submitted at said election; * and notice thereof shall be given by said town clerk at the same time and in the same manner that notice of annual town meetings are given; * and said question of license 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 returned as is by law prescribed for canvassing election returns; and if such returns show that a majority of the votes cast at said election shall be against license, then it shall be the duty of the town clerk to notify the county auditor thereof, and in such case the board of county commissioners shall grant no license in said township.

G. S. ch. 16, § 1, as amended 1870, ch. 32; 1875, ch. 112. Above the proviso is G. S.; below proviso is acts 1870, ch. 32, except words "annual town meeting," and the provision between **, which was inserted by acts 1875, ch. 112. Acts 1885, ch. 145, § 48, in ch. 10, *ante*, provides for local option in villages. 16 M. 381; 23 M. 140; 25 M. 430, 371; 26 M. 176; 27 M. 318; 38 M. 145, 151; 41 N. W. 363.

SEC. 1857. Same — List of.— The clerk of the board of county commissioners of each county shall make and keep in his office an accurate list of all persons holding licenses under the provisions of this chapter, within his county, which list shall show the date of and the amount paid for each of said licenses respectively, and shall be open to the inspection of any resident of said county, without charge or expense.

G. S. ch. 16, § 8.

SEC. 1858. Expiration of license.— All licenses granted after the passage of this act and before July 1st, one thousand eight hundred and eighty-seven (1887), shall expire on said last named date; provided that in any town, village or city where, under the existing laws, the licenses are granted in March, April, May or June, such licenses may be issued to terminate on July 1st, one thousand eight hundred and eighty-seven (1887), on the payment of a pro rata of the amount of the license required by the existing laws, for the entire year; and provided further, that where, in any town, village or city, any license for the sale of intoxicating liquors has been granted since the

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first (1st) day of July, one thousand eight hundred and eighty-six (1886) and before the passage of this act, any and all such licenses shall expire within one year from the date of issuing the same.

1887, ch. 6, § 6. This section applies to all municipal corporations. 1887, ch. 6, § 5 (*post*, § 1892). Acts 1881, ch. 30, entitled an act to amend ch. 16 of G. S., relating to intoxicating liquors, approved March 2, 1881, provided that "All licenses issued in accordance with the provisions of section two (2) of this chapter shall expire on the second (2d) Tuesday of January of each year, and no license shall be issued for a less sum than the amount fixed by the commissioners for a license fee for one (1) year," which is superseded by above.

SEC. 1859. Pharmacists sell without license, when.— It shall be lawful for any pharmacist or druggist in the state of Minnesota, who shall be duly registered as such under the laws of said state and who shall be actually carrying on the business of a pharmacist or druggist, to dispense any spirituous, vinous, fermented or malt liquors in good faith for medicinal purposes, upon the written prescription of a reputable and duly licensed physician actually engaged in the practice of his profession, without having a license for the sale of intoxicating liquors, but no such liquors so dispensed or disposed of shall be drunk or used on the premises where obtained.

1887, ch. 8, § 1: "An act to authorize pharmacists to dispense and sell spirituous, vinous, fermented and malt liquors on physicians' prescriptions, and for medicinal purposes only." Approved March 7, 1887.

SEC. 1860. Same — Penalty for violation.— Any pharmacist or druggist who shall sell or dispose of any spirituous, vinous, fermented or malt liquors, for any purpose or in any manner other than as provided in this act, or acts amendatory hereof, without having a license for the sale of intoxicating liquors, shall, upon conviction thereof in any court having jurisdiction thereof, be subject to the same fines and penalties imposed by any law or ordinance upon any other person for selling intoxicating liquors without a license; and any pharmacist or druggist who shall permit any intoxicating liquors so sold or disposed of to be drunk or used on the premises where obtained shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than twenty (20) dollars and not exceeding one hundred (100) dollars.

1887, ch. 8, § 2.

SEC. 1861. Same — Penalty against physician.— Any physician or person who shall make or give any such prescription for any other than medicinal purposes, or who shall make or give any such prescription for the purpose of evading the laws of this state, or of aiding another to evade the same, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to the same fine and penalties that are imposed by any law or ordinance upon any other person for selling intoxicating liquors without a license.

1887, ch. 8, § 3.

REVOCATION OF LICENSE.

SEC. 1862. For violation of any law — Disqualification.— The county commissioners of any county or the common council of any city, village or borough, and the authorities of any municipal corporation who are authorized to issue any license for the sale of intoxicating liquors, after notice to the person holding any such license and reasonable opportunity for him to be heard by them or by a committee of their number, may revoke any such license and declare the same forfeited upon proof satisfactory to them that he has violated any of the laws of this state regulating the sale of intoxicating liquors, or has violated any provisions of law regulating persons so licensed to sell, or places where such liquors are sold, or any of the conditions of the board required to be given by such licensee, and any such license shall cease to be in force from and after such revocation. The pendency of proceeding before a court of justice shall not suspend or interfere with the power herein

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given to revoke a license or declare a forfeiture. In all those cases where any such license is revoked or declared forfeited by reason of any violation of the law in relation to the sale of intoxicating liquor to a minor, habitual drunkard or intemperate drinker of intoxicating liquors, or after notice forbidding such sale, the licensee shall be disqualified to receive a license for the period of five (5) years thereafter, and in all other cases for the period of one (1) year after the expiration of the term of the license so forfeited, and if the licensee is the owner of the premises described in or covered by such license, no license shall be issued to be exercised on said premises for the residue of the term thereof.

1887, ch. 81: "An act to amend ch. 16, G. S., relating to intoxicating liquors," by adding this section. Approved March 3, 1887.

SEC. 1863. Same — By county commissioners, when.— The board of county commissioners may revoke any license granted under the provisions of this chapter, whenever they deem it proper; and every license granted by any board of commissioners shall cease to be in force from and after any violation of any of the conditions of the bond required by this chapter is proved before any court having competent jurisdiction; and thereafter the person who has so violated the conditions of the said bond shall be liable to all the penalties imposed on persons selling liquors without license, and shall be further liable for all damages done by persons intoxicated by liquors obtained from him; * and the sureties on said bond shall be jointly and severally liable with the principal for the payment of said damages, to be recovered in a civil action.

G. S. ch. 16, § 3, as amended 1872, ch. 61. Amendment below *.

SEC. 1864. Same — Upon conviction in any court.— That in all cases where any person is convicted in any court, of selling or furnishing intoxicating liquor to a minor, habitual drunkard or intemperate person after written notice as aforesaid, his license shall thereupon become forfeited and void and thereafter he shall be liable for all penalties for selling liquor, the same as any person selling without a license.

G. S. ch. 16, § 12, as amended 1887, ch. 81. Before amendment this section read: "Upon the second and each subsequent conviction of any violation of the two preceding sections the penalties aforesaid shall be doubled."

SEC. 1865. Same — Certificate of conviction.— When any person holding a license for the sale of intoxicating liquors is convicted of the violation of any law relating to the business he is licensed to pursue, and when any person shall be convicted of selling liquor without a license, under any law of this state or ordinance of any city, village, borough or municipal corporation, the court in which or the magistrate before whom such conviction is had shall send to the board, council, trustees, or authorities which issued the license, or who would be authorized to issue a license in the district where such conviction is had, a certificate showing the offense charged, the conviction under such charges and the time and place of such conviction, and such certificate, if made by a magistrate, shall be under his hand, and if made by a court having a clerk, it shall be made by such clerk.

1887, ch. 81: "An act to amend ch. 16, G. S., relating to intoxicating liquors," by adding this section. Approved March 3, 1887.

HOURS FOR OPENING AND CLOSING.

SEC. 1866. Named.— All persons heretofore, or that may hereafter be licensed to sell intoxicating liquors in this state, whether such license has been * granted by the board of county commissioners of any county or by the officers of any city, village or town in this state, as the case may be, are hereby required to close their places of business (hotels excepted) at eleven (11) o'clock at night, and keep the same closed until five (5) o'clock in the morning; and

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it is hereby made unlawful between the hours last named, for persons so licensed as aforesaid, to sell, give away or otherwise dispose of any fermented or intoxicating liquors at their said place of business, or to permit the throwing of dice or playing cards, billiards or pools therein, by any minor at any time.

1878, ch. 75, § 1, as amended 1889, ch. 87. Amendment struck out at * "or may be." Acts 1878, ch. 75, is entitled: "An act limiting the time of opening and closing saloons; also prohibiting the use of dice and card playing in said saloons." Approved March 7, 1878.

SEC. 1867. Same — Penalty.— That any person who shall violate any of the provisions of the foregoing section shall pay a fine of not less than ten dollars and not more than fifty dollars, besides the costs of the prosecution, for each and every such violation.

1878, ch. 75, § 2.

SEC. 1868. Same — Jurisdiction.— That all justices of the peace of this state shall have jurisdiction to enforce the provisions of this act; and such justices shall, in addition to the foregoing penalty, revoke the license of any person so offending.

1878, ch. 75, § 3.

SEC. 1869. Same — Duty of county attorney.— It is hereby made the duty of the county attorney of the several counties of this state to prosecute all violations of this act, upon complaint being made before any justice of the peace.

1878, ch. 75, § 4.

EVADING THE LAW.

SEC. 1870. By device, artifice or contrivance.— Whoever shall attempt to evade or violate any of the laws of this state regulating or prohibiting the sale of intoxicating liquors by selling, giving away or otherwise disposing of any spirituous, vinous, malt or other intoxicating liquors, contrary to law, by means of the artifice or contrivance known as the "blind pig" or "hole in the wall," or by any other practice, artifice, contrivance or device intended to conceal such evasion or violation of said laws, or the identity of the person or persons engaged in the same, shall, in addition to the offense of selling or otherwise disposing of such liquors without license, be guilty of a misdemeanor, and upon conviction thereof shall, for each offense be punished by a fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) or by imprisonment in the county jail not less than ten (10) days nor more than three (3) months, or by both fine and imprisonment in the discretion of the court.

1887, ch. 7, § 1: "An act to define and punish the crime of unlawfully disposing of intoxicating liquors by the device known as 'blind pig,' or other contrivances intended to conceal the transaction." Approved March 5, 1887.

SEC. 1871. Same — By owner of premises.— The owner, lessee, tenant, or person or persons, in possession or control of any premises in which any such means or deceptive practices are resorted to, to evade or violate said laws, who shall knowingly consent to or permit any other person or persons to so attempt to evade or violate said laws relating to the sale of intoxicating liquors upon the same, shall also be severally guilty of a like misdemeanor, and be punished therefor in the same manner as provided in section one (1) of this act. To convict any such owner, lessee or person in possession or control of any such premises, it shall only be necessary to prove that any such intoxicating liquors were so unlawfully sold or disposed of upon said premises, or were there by such means unlawfully procured, with his knowledge and consent or acquiescence.

1887, ch. 7, § 2.

SEC. 1872. Same — Officers to arrest.— It shall be the duty of every sheriff, deputy sheriff, constable, policeman, or other peace officer, to imme-

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diately arrest any person or persons found committing any of the offenses named in this act, and to make complaint against them, to the end that they may be dealt with according to law, and to enforce this act.

Any such officer who shall fail to do his duty, as in this section required, shall be guilty of malfeasance in office, for which he may be removed therefrom.

1887, ch. 7, § 3.

GAMING.

SEC. 1873. **Penalties — Municipal corporations.**— It shall not be lawful for any person to keep any bagatelle or card or any other kind of table whatsoever, except billiard and pool tables, or to allow the same to be kept in any room where any of the liquors mentioned in this act are licensed to be sold or kept for sale, or to allow any games at cards, throwing of dice, or any other game of any kind or nature whatsoever to be played in such room; any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten (10) dollars nor more than fifty (50) dollars.

Municipal corporations.— The provisions of this section shall also apply and be in force in all municipal corporations.

1887, ch. 81: "An act to amend chapter 16 of General Statutes, relating to intoxicating liquors," by adding this and other sections. Approved March 3, 1887.

DRUNKENNESS.

SEC. 1874. **Punishment.**— Whoever becomes intoxicated by voluntarily drinking intoxicating liquors shall be deemed guilty of the crime of drunkenness, and upon conviction thereof shall be punished as follows:

For the first offense, by a fine of not less than ten (10) nor more than forty (40) dollars, or by imprisonment for not less than ten (10) nor more than forty (40) days.

For the second offense, by imprisonment for not less than thirty (30) nor more than sixty (60) days, or by a fine of not less than twenty (20) or more than fifty (50) dollars.

For the third and all subsequent offenses, by imprisonment for not less than sixty (60) nor more than ninety (90) days.

1889, ch. 13: "An act to punish drunkenness." Approved April 20, 1889.

OFFICIAL NEGLIGENCE OF DUTY.

SEC. 1875. **Punishment.**— If any county commissioner or member of the council or other governing body of any city, village or other municipal corporation in this state, any mayor of any city,* any judge, sheriff, justice of the peace, constable or other officer wilfully neglects or refuses to perform any duty required of him by the laws regulating the liquor traffic or the issue of licenses therefor, he shall be deemed guilty of a malfeasance in office, and shall thereafter be disqualified from holding the same for and during the remainder of the term for which he was elected or appointed, and shall be liable on his bond in an amount not more than five hundred (500) dollars, nor less than one hundred (100) dollars, recoverable in any court having jurisdiction.

1887, ch. 6, § 3, supersedes and below * substantially § 6, ch. 16, G. S. This section applies to all municipal corporations. Post, § 1892.

UNLAWFUL SALES.

SEC. 1876. **To minor, student, drunkard or intemperate drinker.**— It shall be unlawful for any person to sell, give, barter, furnish or dispose of, in any manner either directly or indirectly or by agent, employes or other-

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wise, any spirituous, vinous, malt or fermented liquors in any quantity or for any purpose whatever, to any minor person, or to any student, or pupil in any public school, seminary, academy or any other institution of learning in this state, or to any habitual drunkard, or intemperate drinker of intoxicating liquors or to any intoxicated person, and any person violating any of the foregoing provisions of this section, shall be guilty of a misdemeanor, and on conviction thereof by any court having jurisdiction, shall be punished by fine of not less than twenty-five (25) dollars, nor more than one hundred (100) dollars and costs of prosecution or by imprisonment in the county jail not less than thirty (30) nor more than ninety (90) days, or until such fine and costs are paid, not exceeding ninety (90) days.

Notice not to sell.— And any parent, husband, wife, child, guardian, master or employer, or relation of any person, who is a habitual drunkard or an intemperate drinker of intoxicating liquors, or any one who is annoyed or injured by the means of the continued intoxication of such drunkard or intemperate drinker, or any parent, master, guardian, relative or employer of any minor person may give notice in writing signed by him or her, to any person forbidding him from directly or indirectly furnishing any such habitual drunkard, intemperate drinker or minor named in such notice with any kind of intoxicating liquors, and if within one year after such notice, in cases of habitual drunkards and minors, and any time before such minor person shall become of full age, any one to whom such notice was given, sells, gives away or furnishes directly or indirectly, or causes to be furnished any intoxicating liquors to the person named in such notice, he shall be deemed guilty of a misdemeanor, and upon conviction thereof by any court having jurisdiction shall be punished by fine not less than fifty (50) dollars nor more than one hundred (100) dollars and by imprisonment in the county jail for not less than thirty (30) days nor more than ninety (90) days, and in case of default in the payment of such fine, the court may in addition to the time of imprisonment fixed by its judgment, commit such person to the county jail until such fine is paid, the whole time however for which any person can be so committed to the county jail under the provisions of this section not to exceed ninety (90) days, and the license of such person shall be revoked as hereinafter stated.*

Applies to all municipal corporations.— All the provisions of this section shall also apply to the municipal corporations, anything in the charters or ordinances thereof to the contrary notwithstanding.

Procuring liquor.— Any person who shall purchase or procure for any intemperate drinker of intoxicating liquors, habitual drunkard or minor, knowing them to be such, with money or its equivalent furnished by such person or by such drunkard, intemperate drinker, minor or other person for him, any intoxicating liquors shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five (25) dollars nor more than one hundred (100) dollars, together with costs of prosecution or by imprisonment in the county jail for not less than twenty (20) nor more than ninety (90) days, and in case of default in payment of any fine, until such fine and costs are paid, not exceeding ninety (90) days.

Selling on Sunday and election day.— It shall be unlawful for any person in any city, village, town or borough in this state to sell, barter, furnish or dispose of in any manner either directly or indirectly or by agent, employe or otherwise, any intoxicating liquor in any quantity or for any purpose whatever on the Sabbath day, or on any general or special election day, and all places where the sale of intoxicating liquors shall be licensed, under the provisions of any law or ordinance, shall be closed during all hours of every Sabbath day and of every general or special election day, and any person violating any of the provisions of this section shall be guilty of a misdemeanor and on conviction thereof by any court having jurisdiction shall be punished by a fine of not less than thirty (30) dollars nor more than one hun-

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INTOXICATING LIQUORS.

[SECS. 1877-1883.]

dred (100) dollars and costs of prosecution, and by imprisonment in the county jail not less than ten (10) days nor more than thirty (30) days.

G. S. ch. 16, § 10, as amended 1877, ch. 44; 1887, ch. 81. Above * is substantially acts 1877, ch. 44, which added intemperate drinker or intoxicated person and changed the time of imprisonment. G. S. only provided that parent, master or guardian give the notice not to furnish to minor. If furnished within year after notice, finable not less than ten or more than fifty dollars. Acts 1871, ch. 48, prohibiting sale on line of Northern Pacific Railway, is obsolete. 23 M. 81; 27 M. 154; 29 M. 134; 30 M. 49; 38 M. 146, 151; 41 N. W. 363.

SEC. 1877. To Indians.—Whoever sells, exchanges, gives, barter or disposes of any spirituous liquors or wines, to any Indians within this state, shall on conviction thereof, be punished by imprisonment in the state prison for a period not exceeding two years, and be fined not more than three hundred dollars; and in all cases arising under this section, Indians shall be competent witnesses.

G. S. ch. 16, § 13.

SEC. 1878. Same — Complaint.—Sheriffs, constables and justices of the peace are, under penalty of forfeiting their respective offices, required to make complaint of such violations of the provisions of the preceding section as may come to their knowledge, and the judges of the several district courts are required to give the preceding section in special charge to the grand juries of the several counties in their districts.

G. S. ch. 16, § 14.

SEC. 1879. Near university buildings in Ramsey county.—It shall be unlawful for any person to sell or dispose of any spirituous, wines or malt liquors, within a distance of half a mile from the buildings of the university now located upon the southwest quarter of the southwest quarter of section twenty-seven, town twenty-nine, range twenty-three, in the county of Ramsey, and state of Minnesota.

Spl. L. 1876, ch. 225, § 15.

SEC. 1880. Same — Penalty.—Any person violating any of the provisions of this act shall, upon conviction thereof, be fined not less than twenty dollars, nor more than fifty dollars, for every such offense, or shall be imprisoned in the county jail of the county of Ramsey for a period of not less than one month, nor more than six months.

Spl. L. 1876, ch. 225, § 16.

SEC. 1881. Sale near university.—It shall be unlawful for any person to sell or dispose of any spirituous, vinous or malt liquors within a distance of one mile of the main building of the university of Minnesota, as now located in the city of Minneapolis: *Provided*, that the provisions of this section shall not apply to that part of the city of Minneapolis lying on the west side of the Mississippi river.

1876, ch. 80, as amended 1883, ch. 71. Amendment inserted proviso and increased the limit from three-quarters to one mile.

SEC. 1882. Same — Penalty.—Any person violating the provisions of the foregoing section, shall upon conviction, be fined not less than fifty nor more than one hundred dollars for every such offense, or shall be imprisoned in the county jail of the county of Hennepin for a period of not less than two nor more than twelve months.

1876, ch. 80, § 2.

SEC. 1883. At capitol.—That no person or persons shall be allowed to sell, barter or give away any spirituous, vinous, fermented or malt liquors, during the sessions of the legislature, within the capitol buildings, or upon the grounds of the same.

1866, ch. 40, § 1: "An act to prohibit the sale or giving away intoxicating liquors within the capitol buildings, or upon the grounds of the same, during the sessions of the legislature." Approved January 25, 1866. 33 M. 103.

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SECS. 1884-1887.]

INTOXICATING LIQUORS.

SEC. 1884. **Same — Penalty.**— Any person or persons who shall sell, barter, or in any way furnish any spirituous, vinous, fermented or malt liquors, with the intention of evading the provisions of this act, shall be deemed to have committed a misdemeanor, and, upon conviction thereof by any court having jurisdiction of the same, shall be fined for each and every such offence in a sum not exceeding fifty nor less than twenty-five dollars, and in default of the same, shall be imprisoned in Ramsey county jail not less than thirty nor more than sixty days; all fines collected under the provisions of this act shall be expended by the proper officer in the purchase of books for the state library.

1866, ch. 40, § 2.

SEC. 1885. **At state fair grounds.**— It shall hereafter be unlawful to sell, barter or otherwise dispose of any spirituous, malt or fermented liquors during the time the state fair is being held upon or within one-half ($\frac{1}{2}$) mile of the grounds conveyed to the state of Minnesota by the county of Ramsey, being the same ground described in section one (1) of chapter one hundred and seventy-four (174) of the general laws of this state for the year one thousand eight hundred and eighty-five (1885) and known as the state fair grounds.

1889, ch. 21, § 1: "An act prohibiting the sale of spirituous liquors in the vicinity of the state fair grounds." Approved April 24, 1889.

SEC. 1886. **Same — Penalty.**— Any person who violates, or aids or abets another in violating the provisions of the foregoing section, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than one hundred (\$100) dollars nor more than two hundred and fifty (\$250) dollars, for the first offense; and not less than five hundred (\$500) dollars nor more than one thousand (\$1,000) dollars for the second or any subsequent offense, or by imprisonment in the county jail for not less than thirty (30) days, nor more than six (6) months, or by both fine and imprisonment in the discretion of the court.

1889, ch. 21, § 2.

EVIDENCE IN PROSECUTIONS.

SEC. 1887. **Prima facie.**— In the matter of prosecution for any violation of any of the provisions of this chapter, it shall not be necessary to prove the name or kind of intoxicating liquors sold; and in all suits or prosecutions under any of the provisions of this chapter, the finding of intoxicating liquors on the premises in question shall be *prima facie* evidence of their sale on such premises; and establishing the fact of one's having drunk what appeared to be intoxicating liquors on any premises shall be *prima facie* evidence that such liquor was intoxicating, and shall be taken as proof conclusive, unless defendant furnishes positive proof to the contrary; and the term intoxicating liquor, wherever it occurs in this chapter, shall be understood to mean spirituous, vinous, malt and fermented liquors.*

In sale without license.— And in all prosecutions in this state for the sale of spirituous, vinous, fermented or malt liquors without a license therefor proof that the accused has paid the United States revenue tax for the sale of spirituous, or vinous, fermented or malt liquors, or has procured a receipt for such payment covering the time in which it is alleged the accused has sold without a license, shall be *prima facie* evidence that the accused has sold such liquor, and in all such prosecutions proof that the receipt aforesaid is found or posted up on the premises in which it is alleged such sale is made shall be *prima facie* evidence that the person or persons doing business upon said premises, either as principals, agent, proprietor, clerk or bar-tender is selling such liquor.

Druggists excepted.— *Provided*, that the provisions of this section shall not apply to druggists engaged in the business of compounding and dispensing medicines upon prescription.*

To minor.—And in any suit or prosecution against the owner or keeper of any hotel, tavern, shop, saloon, brewery or distillery for the violation of any of the provisions of section ten (10) of this chapter proof that intoxicating liquor has been sold, given, furnished or disposed of to any minor person in such hotel, tavern, shop, saloon, brewery or distillery shall be taken and considered as sufficient proof that the same was sold, given, furnished or disposed of to such minor person with the knowledge and by the authority of such defendant unless the want of such knowledge and authority shall be established by the positive testimony of at least two (2) witnesses besides such defendant.

G. S. ch. 16, § 11, as amended 1872, ch. 61; 1875, ch. 112; 1877, ch. 44, 1887, ch. 81; 1889, ch. 105. This section is only applicable to the law as it stood in general statutes, and not to subsequent legislation unless expressly so made. G. S. ch. 16, § 11, provided that any member of family or guardian of intemperate person or habitual drunkard, overseer of poor or magistrate, or any person injured or annoyed by such person, may give the notice not to furnish intoxicating liquors to such person, and if furnished within six months after such notice, guilty of misdemeanor, punishable by fine of ten, and not more than fifty dollars, or imprisoned ten and not more than fifty days. Acts 1872, ch. 61, amended this by making it unlawful to furnish any minor, pupil or student in any institution of learning, intemperate person or habitual drunkard, punishable by fine of fifty and not more than one hundred dollars, or imprisonment of thirty and not more than ninety days, and in addition forfeiture of license. Acts 1875, ch. 112, reduced the fine from not less than fifty to not less than twenty-five. Acts 1877, ch. 44, amended this section of G. S. as amended 1872, ch. 61, and ignored acts 1875, ch. 112, by inserting matter above first*. Acts 1887, ch. 81, added matter between ** . Acts 1889, ch. 105, added matter below second*. 30 M. 53; 23 M. 91, 181, 549.

JURISDICTION AND COMPLAINT.

SEC. 1888. Jurisdiction of justices.—Justices of the peace shall have original jurisdiction in all actions arising under the provisions of this chapter, or on the bond aforesaid, when the amount sued for does not exceed one hundred dollars.

G. S. ch. 16, § 9.

SEC. 1889. Jurisdiction of district court.—The penalties imposed by this chapter may be enforced by indictment and trial in any of the district courts of this state.

1872, ch. 61, § 4: "An act to amend chapter 16 of the General Statutes, relating to the sale of intoxicating liquors." Approved March 4, 1872. This act amended §§ 2, 3, 11, of this chapter, as above noted, and also enacted this and the next section.

SEC. 1890. Jurisdiction of municipal corporations.—The provisions of this act shall apply to all cities and villages in this state incorporated under general or special law, and to every other municipal corporation or quasi corporation in this state, whether or not said municipal corporations have the right by general or special charter or general or special laws to grant licenses for the sale of intoxicating liquors or to regulate said sale through or by any council or officer of the same—anything in the charter of any municipal corporation in this state to the contrary notwithstanding.

1887, ch. 6, § 5. This section only applicable to §§ 1845, 1846-1848, 1855, 1858, 1875, this chapter.

SEC. 1891. Complaint.—County attorneys, sheriffs and constables, having knowledge of any violation of the provisions of this chapter, shall make complaint thereof to a justice of the peace of the proper county. The county attorney shall also prosecute the bond given by such applicant for any violation of its conditions.

G. S. ch. 16, § 5.

SEC. 1892. Application of law to druggists.—All keepers of drug stores, dispensaries, apothecary shops, or other business houses in any manner dealing in spirituous, vinous or malt liquors, for whatever purpose, shall be subjected to all the conditions, liabilities and penalties prescribed for or imposed upon other persons by this act.

1872, ch. 61, § 5. This section seems to be abrogated by *ante*, §§ 1859, 1860.