

THE *J. Rogers*
GENERAL STATUTES

OF THE

STATE OF MINNESOTA:

REVISED BY COMMISSIONERS APPOINTED UNDER AN ACT APPROVED FEBRUARY 17, 1868, AND
ACTS SUBSEQUENT THERETO, AMENDED BY THE LEGISLATURE,
AND PASSED AT THE SESSION OF 1866.

TO WHICH

THE CONSTITUTION OF THE UNITED STATES, THE ORGANIC ACT, THE
ACT AUTHORIZING A STATE GOVERNMENT, AND THE
CONSTITUTION OF THE STATE OF MINNESOTA,

ARE PREFIXED;

AND A LIST OF ACTS PREVIOUSLY REPEALED,

A GLOSSARY, AND INDEX, ARE ADDED.

Edited and Published under the authority of Chapters 15 and 16 of
the Laws of 1866.

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1872.

be fined not exceeding one hundred dollars or imprisoned in the county jail not exceeding three months, or both, in the discretion of the court.

SEC. 19. The board of county commissioners of each county shall, at the time of fixing and levying the amount of county tax to be raised and collected in said county in each year, assess, levy and cause to be collected, in the same manner and at the same time that other county taxes are assessed, levied and collected, therein, an amount of tax, over and above all other county taxes, sufficient to meet and defray the estimated expense of supporting and relieving the poor therein according to the provisions of this chapter, during the succeeding year, and to supply and make up any deficiency of the fund raised for such purpose during the preceding year to meet the actual expenditures made by the county during the preceding year for the support and relief of the poor.

County commissioners to assess poor tax.

CHAPTER XVI.

INTOXICATING LIQUORS. 1892 - 128

SECTION

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SECTION

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SECTION 1. 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 or more years, upon his complying with the conditions of the next section.

County commissioners to grant licenses. Laws of 1866.

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SEC. 2. Any person 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 twenty-five dollars per annum, at the discretion of the board of county commissioners, and shall file with the clerk thereof, a bond with two or more sureties to be approved by the board, in the penal sum of five hundred dollars, conditioned, that the said person so licensed, will not sell or otherwise dispose of spirituous, intoxicating or malt liquors, (as the case may be,) at any place other than the building or town for which said person is licensed, 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 any other device for money or the representative of money, in the house or place of business of such person.

Fee for license, bond to be given.

1892 - 127

License may be
revoked, and be-
come void when.

1892-127

SEC. 3. 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.

Selling liquor
without license—
penalty.

1867-148

SEC. 4. Whoever sells or barter any spirituous, vinous, fermented, or malt liquors in a less quantity than five gallons, without first having obtained license therefor, agreeably to the provisions of this chapter, or disposes of any spirituous, vinous, fermented, or malt liquors, under any pretext, or in any manner from which an intention to evade the provisions of this chapter appears, shall, upon conviction thereof 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 is committed, and upon default of the payment of such fine, he shall be committed to the county jail for a term not exceeding sixty days, or until such fine is paid.

County officers to
make complaint.

SEC. 5. 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.

Violation of offi-
cial duty—pen-
alty.

SEC. 6. If any judge, sheriff, justice of the peace, constable or other officer willfully neglects or refuses to perform any duty required of him by this chapter, he shall be deemed guilty of a malfeasance in office, and shall thereafter be disqualified for holding the same for and during the remainder of the term 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.

Sureties on bond
to justify or
county commis-
sioners held indi-
vidually liable.

SEC. 7. 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.

Clerk to keep list
of persons li-
censed.

SEC. 8. 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.

Jurisdiction of
justices.

SEC. 9. 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.

Persons furnish-
ing liquor to mi-
nors after notice
not to do so,
how liable.

SEC. 10. Any parent, master or guardian having minors, minor servants or wards in charge, may give a distinct written notice to any tavern keeper, inn keeper, merchant, grocer, saloon keeper, distiller, brewer, or any other person having or keeping intoxicating liquors, forbidding him from directly or indirectly furnishing such minors, minor servants or wards,

with intoxicating liquors, and if within one year after such notice, any one to whom such notice is given, furnishes directly or indirectly, or causes to be furnished, intoxicating liquors to such minors, minor servants or wards, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by fine, not less than ten nor more than fifty dollars, or by imprisonment in the county jail not less than ten nor more than fifty days for each offense.

SEC. 11. Any member of the family of any intemperate person or habitual drunkard, or any overseer of the poor, or any guardian of such intemperate person or habitual drunkard, or any magistrate of the county in which such intemperate person or habitual drunkard resides, or any person who is injured or annoyed by such intemperate person or habitual drunkard when under the influence of liquor, may give a distinct written notice to any tavern keeper, inn keeper, merchant, grocer, distiller, brewer, or other person, manufacturing, having, or selling intoxicating liquors, forbidding him from directly or indirectly furnishing such intemperate person or habitual drunkard with intoxicating drinks or liquors, and if within six months after such notice, any one to whom such notice is given furnishes, directly or indirectly, or causes to be furnished, intoxicating liquors to such intemperate person or habitual drunkard, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by fine not less than ten dollars nor more than fifty dollars, or by imprisonment in the county jail not less than ten nor more than fifty days for each offense.

Same in case of habitual drunkards.

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SEC. 12. Upon the second and each subsequent conviction of any violation of the two preceding sections, the penalties aforesaid shall be doubled.

Penalty doubled after first conviction.

SEC. 13. Whoever sells, exchanges, gives, barters, 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.

Selling liquor to Indians--penalty.

Indians may be witnesses

SEC. 14. 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.

County officers to make complaint.

District judges to give preceding section in charge to grand jury.