

# Attorney General May Close Saloons

Supreme Court Makes a Sweeping and Important Decision With Reference to Sunday  
Liquor Selling.

## ST. CLOUD CASE IS SETTLED

One of the most important and sweeping decisions ever rendered by the supreme court was handed down yesterday. It empowers the attorney general to close every saloon in every municipality in the state on Sunday if a complaint is filed.

The case which was decided was that of the state of Minnesota against John E. C. Robinson, former mayor of St. Cloud, who refused to enforce the Sunday closing law last fall.

Complaints had been filed with the mayor that the saloons were running wide open on Sunday, and it is alleged that he, as chief executive officer of the city, refused to make complaint against the saloons.

Charges were then brought against the mayor to recover a penalty of from \$100 to \$500, under section 1561 of the revised laws of 1905. Under these laws the mayor also forfeited his office and permitted the attorney general to enforce the laws and close up the saloons on Sunday.

Later Mayor Robinson resigned and became state senator from that district. The matter was brought into the district court at St. Cloud by Mayor Robinson, who demurred to the complaint on the ground that it was up to the common council or the county attorney to take action. Judge L. L. Baxter of St. Cloud overruled the demurrer and Robinson appealed to the supreme court.

The supreme court, Justice Brown writing the opinion, decides that the power conferred by the charter of St. Cloud upon the city council upon the subject of the removal of municipal officers for misconduct in office does not exclude the power of the state through the attorney general to effect a removal for a violation of the statutes.

Inasmuch as the statute referred to regulating the sale of intoxicating liquors may be enforced by the attorney general, the supreme court decision allows the attorney general to close up saloons in Minneapolis, St. Paul or any other municipality in the state if the mayor in those cities or other executive officers refuse to do their duty in this respect.

Attorney General Young, in speaking of the decision, stated that the mayor of any city, if he is aware that liquor is being sold on Sunday or after legal hours during week days, must make complaint to the chief of police or be subject to removal from office and a penalty of from \$100 to \$500. If, after the complaint is made to the mayor, he refuses to close up the saloons the attorney general himself is empowered to do so.

The decision is considered a most decisive victory for the Prohibitionists, as it was they who first brought the action against the mayor of St. Cloud.

The decisions follow:

State of Minnesota ex rel., E. T. Young, attorney general, respondent, vs. John E. C. Robinson, appellant.

1. The attorney general, as the chief law officer of the state, possesses and may exercise, in addition to the authority expressly conferred upon him by statute, all common law powers incident to and inherent in the office.

2. Officers of municipal corporations organized under legislative authority are, in respect to all general laws having force and operating within their municipality, agents of the state and may be charged with the performance of such duties in the enforcement of the same as the legislature may from time to time impose.

3. The general statutes of the state regulating the sale of intoxicating liquors operate and have force uniformly throughout the state, anything contained in municipal charters or ordinances to the contrary notwithstanding.

4. The forfeiture of office and pecuniary penalty prescribed by R. L. 1905, Secs. 1561 and 1562, for the failure of the mayor or other officer named therein to make complaint of known violations of the statutes regulating the sale of intoxicating liquor may be enforced by the attorney general through appropriate proceedings brought for that purpose.

5. The power conferred by the charter of St. Cloud upon the city council thereof upon the subject of the removal of municipal officers for misconduct in office, does not exclude the power of the state through the attorney general to effect a removal for a violation of the statute above referred to. The power and authority of each is concurrent.

6. Nor is the authority of the attorney general taken away or superseded by the provisions of Sec. 1561, by which the county attorney of each county is required to prosecute violations of the statute.

Order affirmed. Brown, J.