

## CHAPTER 37.

AN ACT TO AMEND SECTION TWENTY-TWO (22) OF CHAPTER TWENTY (20) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE (1875), ENTITLED "AN ACT TO AMEND AN ACT TO INCORPORATE THE VILLAGE OF PLAINVIEW."

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That section twenty-two (22) of chapter twenty (20) of the Special Laws of one thousand eight hundred and seventy-five (1875), be amended so as to read as follows:

Sec. 22. The common council shall have the exclusive right in their discretion to license persons vending or dealing in spirituous, vinous, fermented, mixed, malt, or intoxicating liquors within the limits of said village of Plainview, and persons so licensed shall not be required to obtain a license from the board of county commissioners. But no such license shall be granted for less than two hundred dollars (\$200) nor for more than five hundred dollars (\$500) per year. *Provided*, that the said common council may grant license to any druggist for the sale of spirituous or vinous liquors for medicinal, mechanical, or communion purposes only, for a sum not less than twenty-five dollars (\$25) nor more than fifty dollars (\$50) per year. Previous to the granting of any license provided for in this section, a bond shall be filed with the recorder and approved by the common council, with the same penal sum and with the same conditions as are required by the general statutes as amended by act of March fourth (4th), one thousand eight hundred and seventy-two (1872), and being section twenty-one (21) of chapter twenty-eight (28) of Bissell's Statutes at Large, except that the conditions in bonds given by druggists shall be that they shall in nowise violate the license granted. The common council shall have full power and authority, by ordinance, to prescribe fines, penalties and punishments against any person or persons who may violate this section of this act, or any ordinance or regulation made in accordance therewith, or who may vend or traffic in spirituous, vinous, fermented, malt, or intoxicating liquors in any quantity whatsoever, unless duly licensed by said common council, said fine to be not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) for each and every offense; and in case of conviction under this section of this act, and any ordinances or regulations made in accordance therewith, there shall be no appeal allowed from the decision of the justice, when the judgment or fine imposed shall not exceed twenty-five dollars (\$25) exclusive of costs. All other licenses shall not be less than one

dollar (\$1) nor more than fifty dollars (\$50), and the fee for issuing the same shall not exceed one dollar (\$1), and shall be subject to such provisions as the common council may enact. And said village council may at any time revoke any license granted under this act for malconduct in course of trade, or for violating the conditions upon which the license was granted.

SEC. 2. That section twenty-nine (29) of said act be and the same is hereby amended by inserting the words, "or on the public roads leading thereto," after the word "village," in the tenth (10th) line of said section.

SEC. 3. That the following sections be and the same are hereby added to said incorporation act:

Sec. 37. That whenever a petition signed by ten (10) or more legal voters of said village shall be filed with the recorder thereof, asking that the question of license be submitted to the legal voters of said village, which petition must be filed not less than fifteen (15) days nor more than thirty (30) days before the annual election of village officers, it shall be the duty of the common council to cause to be stated in the notice of such election, that the question of license will be at such election submitted to the legal voters of said village; which question shall be decided 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 such election shall be against license, the common council shall grant no license for the sale of spirituous, vinous, fermented, malt or intoxicating liquors until said question shall be again submitted to the legal voters in the same way, and decided in favor of license, except to druggists, as in the twenty-second (22d) section of said act provided.

Sec. 38. When any vacancy occurs in the common council, or when any office in said village becomes vacant by death, resignation or otherwise, it shall be the duty of the common council to fill such vacancy until the next annual election.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 14, 1877.