

CHAPTER 52.

AN ACT TO AMEND CHAPTER FOUR (4) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE (1871), ENTITLED AN ACT TO AMEND AND REVISE CHAPTER THIRTY-ONE (31) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT (1868), ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF WASECA, AND THE SEVERAL ACTS AMENDATORY THEREOF.

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

SECTION 1. Chapter four (4) of the special laws of one thousand eight hundred and seventy-one (1871) is hereby amended by adding to said act and the several acts amendatory thereof, the following sections, which shall be numbered from thirty-nine (39) to forty-six (46) inclusive, to-wit:

Section 39. The legal voters of the said village of Waseca are hereby authorized to vote upon and determine for themselves the question whether license for the sale of intoxicating liquors shall be granted to said village or not.

Section 40. The clerk of the village of Waseca is hereby required upon receiving a petition for that purpose of ten (10) or more legal voters of said village, at any time not less than twenty (20) days before any and every annual election of said village, to give at least ten (10) days notice that the question of granting license for the sale of intoxicating liquors in said village, will be submitted to the legal voters thereof at the next annual election, which question shall be determined by ballots containing the words "In favor of License" or "Against License," as the case may be; *provided, however*, that the neglect of said clerk to give the required notice shall not invalidate the vote and determination made under the provisions of this act if the petition named shall have been duly filed. The votes upon said question shall be taken, canvassed and returned in the same manner as is prescribed by law for taking, canvassing and returning the votes for the election of officers of said village, which determination so made shall continue until it shall be reversed at a subsequent annual election; and if such returns show that a majority of the votes cast at such election on said question, shall be against license, no license for the sale of intoxicating liquors in said village shall be granted, except as hereinafter provided by the trustees of said village or the board of county commissioners of Waseca county.

Section 41. In case the legal voters of said village shall at any annual election determine as hereinbefore provided, that no license

for the sale of intoxicating liquors in said village shall be granted, it shall be unlawful for any person thereafter, to give, furnish or dispose of in any manner, any spirituous, vinous, malt or fermented or intoxicating liquors, in any quantity within the corporate limits of said village; and any person who shall thereafter, sell, barter, give, furnish or dispose of in any manner, by himself or agent, any spirituous, vinous, malt, fermented or intoxicating liquors, in any quantity, within the corporate limits of said village, except as provided in this act, shall be deemed guilty of misdemeanor, and upon conviction thereof, shall be punished by a fine not less than fifty (\$50.00) dollars nor more than one hundred (\$100.00) dollars, with costs of prosecution for each offence, and be imprisoned in the county jail until said fine and costs are paid, not exceeding ninety (90) days.

Section 42. And in case the legal voters of said village shall determine as hereinbefore provided, that no license for the sale of intoxicating liquors in said village shall be granted, any person competent to be a witness, may make complaint upon oath or affirmation, before any justice of the peace or police court, that he has reason to believe and does believe that intoxicating liquors are unlawfully kept or deposited in a place within the corporate limits of said village by any person or persons, and that said liquors are intended for sale or disposal within said village in violation of law, and shall state in such complaint the name of the person or persons so keeping or having said liquors as aforesaid, if known; such justice of the peace or police justice, upon its appearing that there is probable cause to believe said complaint to be true, shall thereupon issue a warrant directed to any officer having authority to serve criminal warrants, commanding him forthwith to search the premises described in said complaint, and if intoxicating liquors are there found, to seize the same and there safely keep until final action on said complaint, and to arrest the person named in said complaint, if one be named, or if none be named, then the person in whose possession said liquors are found, and shall bring him before such magistrate for trial, and if upon trial the magistrate or jury shall specially find that the liquors were so kept and intended for unlawful sale or disposal as aforesaid, the said liquors shall be adjudged contraband and forfeited, and the said person or persons shall be punished by a fine of not less than fifty (\$50.00) dollars or more than one hundred (\$100.00) dollars and the costs of prosecution, and shall be committed to the jail of said county until such fine and costs are paid not exceeding ninety (90) days.

Section 43. It shall be and is hereby made the duty of the sheriff of Waseca county and his deputies, and of the trustees, marshal and police officers of said village of Waseca, or any other person having knowledge of any violation of the provisions of this act, to make complaint thereof before a justice of the peace or police court, and such complaint may be made upon information and belief, and said justice of the peace, or police court, shall thereupon proceed as hereinbefore provided. It shall also be the duty of the village attorney (and of the county attorney of Waseca county,

when called upon by the court before whom the trial is pending) to prosecute all offenses arising under the provisions of this act, or under the ordinances of the village in relation thereto.

Section 44. In the trial for any violation of the provisions of this act, or of any ordinances passed and enacted by virtue thereof, the rules of evidence prescribed by chapter forty-four (44) of the general laws of one thousand eight hundred and seventy-seven (1877) shall be in force and apply the same as in prosecutions under the general laws of this state, and the term "intoxicating liquor," wherever used in this act, shall have the same signification as in said chapter forty-four (44).

Section 45. The trustees shall have power to enact such by-laws and ordinances as may be necessary and proper to provide for the sale of spirituous liquors for mechanical and medicinal purposes, but not otherwise, and for the punishment of offenders under this statute, and the condemnation and destruction of such contraband liquors and vessels as may be seized and condemned under the provisions of this act, or any other ordinance necessary or proper to carry out the provisions of this act.

SEC. 2. From and after the passage of this act, it shall be unlawful for the trustees of said village to grant or issue any license for the sale of spirituous, vinous, fermented or intoxicating liquors within said village for a longer period than until the third (3d) Tuesday of May next following the date of such license.

SEC. 3. This act is hereby declared a public act, and need not be specially pleaded or proven in any court of this state.

SEC. 4. All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 7, 1878:

CHAPTER 53.

AN ACT TO AMEND SUBDIVISION ONE (1), SECTION TWO (2), CHAPTER FOUR (4) OF THE ARTICLES INCORPORATING THE CITY OF AUSTIN, APPROVED FEBRUARY TWENTY-EIGHT (28), ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX (1876).

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

§. SECTION 1. That the following proviso be added to subdivision one (1), section two (2), chapter four (4) of the articles incorporating the city of Austin, viz.: *Provided*, That nothing contained in these articles of incorporation shall be so construed as to prevent the people of said city of Austin from deciding for themselves