

SEC. 4. No person shall be an incompetent judge, justice or juror, by reason of being an inhabitant of said city in any prosecution or action in which the city shall be a party or in interest.

SEC. 5. All ordinances heretofore passed and established by the council of the borough of New Ulm, not inconsistent with the provisions of this act, shall by virtue of this act be deemed valid, and be and remain in full force and effect until the same shall have been modified or repealed by the [common] council of said city of New Ulm.

SEC. 6. All process, summons or notices of whatsoever kind affecting the rights of said city of New Ulm, shall be served upon the mayor or in his absence, upon the city clerk.

SEC. 7. This act shall take effect and be in force from and after the same shall have been ratified and adopted by a majority of the legal voters of the borough of New Ulm, present and voting at an election to be held at a place to be designated by the council of the borough of New Ulm on the 21st day of March, 1876, upon at least fifteen days notice given and in all things to be conducted as required by statute in holding general elections. The voters at said election shall use ballots on which shall be written or printed, the words "for the charter" or the words "against the charter" and said election shall be held and conducted by the same officers whose duty it is to hold and conduct elections under and by virtue of the charter of the borough of New Ulm.

SEC. 8. On the first Tuesday in April, 1876, an election shall be held within the corporate limits of said city by the same persons and conducted in the same manner as described in the preceding section, for the election of officers required by the provisions of this act.

SEC. 9. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 10. This act to take effect and be in force from and after its passage.

Approved February 24, 1876

CHAPTER V.

AN ACT TO INCORPORATE THE VILLAGE OF WYKOFF UNDER THE PROVISIONS OF CHAPTER ONE HUNDRED AND THIRTY-NINE OF THE GENERAL LAWS OF THE STATE OF MINNESOTA FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE, AND TO CONFER CERTAIN POWERS UPON THE COUNCIL OF SAID VILLAGE AND UPON THE ELECTORS THEREOF.

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

SECTION 1. That the following sections and parts of sections of land situate in the county of Fillmore and state of Minnesota, to-wit : The west half of section twenty-two, and the east half of the east half

of section twenty-one, and the northwest quarter of section twenty-seven, and the east half of the northeast quarter of section twenty-eight, all in township one hundred and three north, range twelve west of the fifth principal meridian are hereby set apart for incorporation as a village under and pursuant to the provisions of that certain act of the legislature of the state of Minnesota, approved March 4th A. D. 1875, entitled "an act to provide for the organization of villages in the state of Minnesota," and shall and may organize as a municipal corporation by the action of the inhabitants thereof, and the inhabitants thereof are hereby authorized to organize such municipal corporation and village in manner and form as provided in said act, and shall thereupon be endowed with all the powers, rights, and duties mentioned in said act, excepting, however, the powers, rights and duties expressed in section twelve of said act hereinbefore referred to which said section twelve for the purposes of this act shall have no effect whatever. And, further, excepting as hereinafter otherwise provided.

SEC. 2. The name of the said municipal corporation shall be the village of Wykoff.

SEC. 3. The council of said village shall have power by ordinance to restrain, regulate, license or prohibit the sale, giving away, disposing of or dealing in spirituous, malt, fermented or vinous liquors within the corporate limits of said village; *provided*, that nothing herein contained shall be so construed as to prevent the people of said village from deciding for themselves whether licenses shall or shall not be granted in said village, and to that end the village recorder shall upon the written request of ten or more legal voters of said village, post notice in three of the most public places of said village at least ten days before any annual village election, that the question of granting licenses, for the sale of spirituous, malt, fermented or vinous liquors will be submitted to the electors of said village at such election for their approval or rejection. And all those voting at said election who are in favor of granting such license, shall have the words "License—Yes" written or printed upon their ballots, and all those voting at such election who are opposed to granting such license shall have written or printed upon their ballots the words, "License—No." And if it shall appear upon canvassing the votes that a majority of the ballots cast at such election upon the said subject of license shall read "license—no." then the village council shall grant no license for the sale of spirituous, malt, fermented or vinous liquors for one year from the date of such election; *provided, however*, that nothing herein contained shall prevent said council from granting licenses to persons engaged in the business of druggists to sell liquors for medicinal purposes only, said druggists to pay for said license a sum to be fixed by said council not less than twenty-five dollars nor more than one hundred dollars.

SEC. 4. Until the time when the electors of said village shall determine the question whether such licenses for the sale of such liquors shall or shall not be granted, the council of said village shall have power by ordinance to restrain, regulate, license or prohibit the sale, giving away, disposing of or dealing in spirituous, malt, fermented, or vinous liquors, and if at any annual village election the said question shall not be submitted, then the said council shall have the said power by ordinance to restrain, regulate, license or prohibit the sale, giving

away, disposing of or dealing in spirituous, malt, fermented or vinous liquors, until such time as the people shall in form and manner aforesaid decide such question, it being the true intent and meaning of this act that such power shall vest in such council for and during all times and periods as may not be provided for by the decision of the electors as aforesaid upon such subject.

SEC. 5. Frank H. Bartlett, Charles W. Crane and L. G. Kilbourn, all of Wykoff, are hereby designated as the persons to receive the notice and to perform the acts required by section nine of the said act hereinbefore referred to, approved March 4th, 1875.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved February 14th, 1876.

CHAPTER VI.

AN ACT TO INCORPORATE THE VILLAGE OF FOUNTAIN IN THE COUNTY OF FILLMORE, STATE OF MINNESOTA.

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

SECTION 1. The following described territory in the county of Fillmore, state of Minnesota to wit: The northeast quarter of section ten, the north half of the southeast quarter of section ten; the northeast quarter of the southwest quarter of section ten, the east half of the northwest quarter of section ten; the west half of the northwest quarter of section eleven, the northwest quarter of the southwest quarter of section eleven, the southwest quarter of the southwest quarter of section two; the south half of the southeast quarter of section three and the southeast quarter of the southwest quarter of section three, all in township number one hundred and three, north of range number eleven west, be and the same is hereby set apart for incorporation as the village of Fountain.

SEC. 2. That the following named persons are designated as commissioners under the general laws of 1875, providing for the organization of villages in the state of Minnesota, to post notices of the first election and to conduct the same in said village to wit: A. Fergusson, P. Ferris and D. D. Farrell.

SEC. 3. That upon organization as directed in the general laws aforesaid of this state, the said territory shall constitute the village of Fountain, and the inhabitants thereof shall thereupon be endowed with all the rights, powers and duties therein prescribed for organizing villages in this state excepting the rights, powers and duties expressed in section twelve of the said act hereinbefore referred to, which said section twelve shall, for the purposes of this act have no effect whatever and except as hereinafter otherwise provided.