

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 All acts or parts of acts inconsistent with this act are hereby repealed.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

whether or not license shall be granted to any person or persons in said city to sell lager beer, spirituous, vinous, malt or fermented liquors; and the city recorder is hereby required, on the petition of ten (10) or more legal voters of said city, at any time not less than ten (10) days before any annual city election, to give notice that the question of license will be submitted at said election; and notice thereof shall be given by said city recorder at the same time, and in the same manner that notice of annual city elections are given; and said question of license shall be determined by ballot, 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 said election shall be against license, then and in such case the common council of said city shall grant no license to sell lager beer, spirituous, vinous, malt or fermented liquors in said city of Austin, except to persons legitimately and bona-fidely engaged in the business or occupation of druggist, and then only for medicinal and mechanical purposes.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 12, 1878.

CHAPTER 54.

AN ACT TO AMEND AN ACT TO INCORPORATE THE VILLAGE OF EXCELSIOR, IN THE COUNTY OF HENNEPIN, STATE OF MINNESOTA, BEING CHAPTER FOUR (4) OF THE SPECIAL LAWS OF THE YEAR ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN (1877.)

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

SECTION 1. That chapter four (4) of the special laws of the year one thousand eight hundred and seventy-seven, being an act to incorporate the village of Excelsior, in the county of Hennepin and state of Minnesota, be amended by substituting the following in place of section seven (7):

Section 7. The territory comprised within the prescribed limits of the village of Excelsior shall constitute and remain a part of the town of Excelsior for all purposes except as specified in this act.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 13, 1878.