

Section 23. Said corporation shall be one election district, and the councillors of said corporation shall be judges of election, and shall appoint two qualified electors of said corporation as clerks of election, and said judges and clerks of election shall receive the same compensation as judges and clerks of election receive under the general law of the state.

SEC. 8. Chapter three of said act is hereby amended by adding thereto the following section, which shall be termed section twenty-four, and which shall read as follows:

Section 24. All officers of the township of Cannon Falls, residing within said corporation, shall hold their respective offices until after the next annual town meeting, and until their successors are elected and qualified.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved February 18, 1879.

CHAPTER XII.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND AND REVISE CHAPTER NINE OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY, INCORPORATING THE VILLAGE OF EAST JANESVILLE, AND THE ACTS AMENDATORY," APPROVED FEBRUARY TWENTYETH, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN, SO AS TO AUTHORIZE THE LEGAL VOTERS OF SAID VILLAGE TO DETERMINE WHETHER LICENSE FOR THE SALE OF INTOXICATING LIQUORS AS A BEVERAGE IN SAID VILLAGE SHALL BE GRANTED OR NOT; THE SAME BEING CHAPTER EIGHTEEN, SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN.

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

SECTION 1. Chapter eighteen of the special laws of one thousand eight hundred and seventy-seven is hereby amended by adding to said chapter and the acts amendatory thereof the following:

The legal voters of the said village of East Janesville are hereby authorized to vote upon and determine whether license for the sale of intoxicating liquors to be used as a beverage, shall be granted in said village or not.

The recorder of said village is hereby required, and it shall be his duty, upon receiving a petition for that purpose of ten or more legal voters of said village, at any time not less than twenty days

before any annual village election for the election of village officers, to give at least ten days' notice that the question of granting license for the sale of intoxicating liquors as a beverage in said village will be submitted to the legal voters thereof at the ensuing 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 recorder to give the required notice shall not invalidate the vote and determination made under the provisions of this act, if the required petition 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 be entered of record by the recorder, and shall continue until reversed at a subsequent election. And if said vote and return show that a majority of the votes cast at said election on said question shall be "Against license," no license for the sale of intoxicating liquors in said village shall be granted by the common council of said village, or by the board of county commissioners of Waseca county, except as hereinafter provided.

And 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 shall be granted in said village, it shall be unlawful for any person thereafter to sell or offer for sale, or to barter, give, furnish, or dispose of in any manner, any spirituous vinous, malt, fermented, mixed drugged or intoxicating liquor of any kind, in any quantity, within the corporate limits of said village; and any person who shall thereafter, upon any pretense, sell, offer for sale, barter, give, furnish or dispose of, in any manner, by himself or agent, any spirituous, vinous, malt, fermented, mixed, drugged or intoxicating liquors of any kind, in any quantity, within the corporate limits of said village, except as provided in this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars, nor more than one hundred dollars, with the costs of prosecution added, and be imprisoned in the county jail until said fine and costs are paid, not exceeding ninety days.

And in case the legal voters of said village shall determine, as hereinbefore provided, that no license for the sale of intoxicating liquors shall be granted in said village, no person shall deposit or have in his possession, in said village, any intoxicating liquors of any kind, as mentioned in this act, with intent to sell or furnish the same to any person or persons in violation of this act, or the general laws of the state, or with intent that the same shall be so sold or furnished by any person, or to aid, or to assist any person in such sale or furnishing; and all intoxicating liquors so kept and deposited in said village intended for unlawful sale and disposal, and the vessels in which they are contained are hereby declared contraband, and forfeited to said village; and any person so depositing or having any such intoxicating liquors, with such intent, in said village, shall be deemed guilty of a misdemeanor.

And in case the legal voters of said village shall determine, as

hereinbefore provided, that no license for the sale of intoxicating liquors shall be granted in said village, any person competent to be a witness, may make complaint upon oath or affirmation, before any justice of the peace, or police court, of Waseca county, 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 unlawful sale or disposal within said village, and shall state in such complaint the name or names 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 therefrom that there is probable cause to believe said complaint to be true, shall thereupon issue a warrant, directed to an officer having authority to serve criminal warrants, commanding him forthwith to search the premises described in said complaint and warrant, and if intoxicating liquors are there found to seize the same and them safely keep until final action on said complaint, and to forthwith arrest the person named or described in said complaint or, if none be named, then the person or persons in whose possession said liquors shall be found, and bring him or them before such magistrate for trial; and if, upon the 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 twenty-five dollars, nor more than one hundred dollars each, and the costs of prosecution, and shall be committed to the county jail until said fine and costs are paid, not exceeding ninety days.

And it is hereby made the duty of the members of the common council, of all the peace officers of said village, or of 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 offences arising under the provisions of this act or under the ordinances of the village in relation thereto.

In any trial for the violation of any of the provisions of this act, or for the violation of any ordinance of said village, enacted by virtue thereof, the rules of evidence prescribed by chapter forty-four of the general laws of one thousand eight hundred and seventy-seven 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, general laws of one thousand eight hundred and seventy-seven.

The common council shall have power, and it shall be their duty to duly enact such by-laws and ordinances as may be proper and necessary to provide for the sale of spirituous and other intoxicating liquors for medicinal and mechanical purposes, but not other-

wise, and for the punishment of offenders under this statute, and for the seizure, condemnation and destruction of such contraband liquors and vessels as may be seized and condemned under the provisions of this act.

From and after the passage of this act it shall be unlawful for the common council of said village to grant or issue any license for the sale of intoxicating liquors within said village for a longer period than until the second Tuesday of April next following the date of such license.

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

All acts or parts of acts, or of the act to which this is an amendment, inconsistent with this act, are hereby repealed.

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

Approved February 25, 1879.

CHAPTER XLII.

AN ACT TO AMEND CHAPTER TEN OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE ENTITLED "AN ACT TO INCORPORATE THE VILLAGE OF WELLS, IN THE COUNTY OF FARIBAULT, AND STATE OF MINNESOTA." APPROVED MARCH SIXTH, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE.

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

SECTION 1. That section five of said act is hereby amended by adding thereto the following subdivision, viz:

Fourteenth—To prohibit and punish the vending, dealing in and disposing of spirituous, vinous, malt or fermented liquors without license duly obtained from the village council.

SEC. 2. That section seven of said act is hereby amended by adding thereto the following, viz: *Provided*, that it shall be the duty of the village recorder, upon the posting of any such ordinance, rule or by-law, to make out a certificate in writing, specifying the time, period and place of posting the same; which certificate shall be signed by the recorder, and, together with such ordinance, rule or by-law, be recorded in said ordinance book within ten days from the time of such posting; and in case any ordinance, rule or by-law shall be published in a newspaper printed and published in said village, then immediately after the publication thereof, the publisher of such newspaper, or his foreman, shall make and file with the