

## CHAPTER 103.

AN ACT TO REDUCE THE LAW INCORPORATING THE VILLAGE OF BLOOMING PRAIRIE, IN THE COUNTY OF STEELE AND STATE OF MINNESOTA, AND THE SEVERAL ACTS AMENDATORY THEREOF INTO ONE ACT AND TO AMEND THE SAME.

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

SECTION 1. That chapter nine (9) of Special Laws of one thousand eight hundred and seventy-four (1874), as amended by chapter forty-nine (49) of the special laws of one thousand eight hundred and seventy-eight (1878), and amended by chapter thirty-two (32) of the special laws of one thousand eight hundred and seventy-nine (1879), being an act to incorporate the village of Blooming Prairie and acts amendatory thereof, be and the same are hereby amended, consolidated and incorporated into one (1) act as follows:

## CHAPTER 1.

SECTION 1. All that part of the township of Blooming Prairie, in the county of Steele and State of Minnesota, included within the following described limits or boundaries to-wit: Section thirty-six (36), section twenty-five (25), the east half ( $\frac{1}{2}$ ) of section thirty-five (35), the east half ( $\frac{1}{2}$ ) of section twenty-six (26), section twenty-four (24), and the east half ( $\frac{1}{2}$ ) of section twenty-three (23) in township one hundred and five (105), range nineteen (19) is hereby constituted a village by the name and style of the village of Blooming Prairie, and by that name the people now inhabiting and those who may hereafter inhabit the said district of country shall be a municipal corporation possessing all the powers incident to municipal corporations at common law with perpetual succession, and shall be capable of contracting and being contracted with, of suing and being sued, and of pleading and being impleaded in all courts of law and equity and may have a common seal.

SEC. 2. That the elective officers of said corporation shall be one (1) president, one (1) recorder, three (3) trustees, two (2) justices of the peace, one (1) treasurer, one (1) constable and one (1) street commissioner, and shall each, except the justices of the peace hold their respective offices for the term of one (1) year and until their successors are elected and qualified. The justices of the peace shall hold their office for the term of two (2) years and until their

successors are elected and qualified. In addition to the above mentioned officers the common council shall have power to appoint and define the duties of such other officers as to said common council may seem necessary. *Provided*, that when a member of the common council holds any appointed office he shall not vote upon any question involving his action as such appointed officer.

SEC. 3. Each officer, before entering upon the duties of his office and within ten (10) days after receiving notice of his election shall give notice in writing of his acceptance of the same to the recorder of said village and shall take and subscribe before some officer by law authorized to administer oaths, an oath of office to support the constitution of the United States and the constitution of the State of Minnesota, and that he will faithfully perform the duties of his office in accordance with the law and the ordinances of said village. And in addition thereto, the treasurer, recorder, justices of the peace, constable and street commissioner shall each give a bond in a sum not less than five hundred dollars (\$500) to be determined and approved by the said common council, conditioned for the faithful performance of the duties of their respective offices, which bond shall be filed with the recorder of said village, except the bond of the justices and constable which shall be filed in the county of Steele, in the office or offices designated by law for that purpose.

SEC. 4. That the president, recorder and trustees shall constitute the common council, to which body shall belong all the legislative powers granted by this act to said corporation. All actions of the council, intended to have the force of rules or law, or authority for contract, shall be by ordinance, under the style of "be it ordained by the common council of the village of Blooming Prairie." The common council shall meet for the transaction of business at least once in three months, and a majority thereof shall be a quorum for the transaction of any business. The president, when present, shall preside at all meetings of the common council, but in case of his absence the members present shall choose one of their number to preside during his absence: but no ordinance shall be passed except by the vote of a majority of all the members of the common council. A record, in book form, shall be kept by the recorder, in which he shall record all the proceedings of the common council, and ayes and noes on every ordinance voted upon shall be entered therein.

SEC. 5. That to the president shall belong the executive powers granted by this act to said corporation, except such of said powers as are specially vested in or must from their nature necessarily pertain to the other executive officers of said corporation, and whether said officers are created by this act or by the common council. He shall have power, and it shall be his duty, to call out and use in such manner as may seem most proper, all the constabulary or police of said corporation, when he may deem it necessary to quiet or prevent riot. He shall have power to call a meeting of the council, by giving such notice thereof as may have been

provided by ordinance, or in default of such provision in such manner as he may deem meet and proper.

SEC. 6. That the recorder shall be the recording officer of the village and of the common council. He shall have the custody of the seal of said corporation and all the records thereof not necessarily and specifically appertaining to the other officers thereof. He shall receive all moneys payable to said corporation except as hereinafter provided and shall immediately pay the same over to the treasurer, charging him therewith and taking his receipt therefor. He shall keep all the accounts of the corporation, receive all claims against the same and draw orders upon the treasurer for moneys payable by said corporation, but no such order shall ever be drawn by said recorder unless the same shall be in full or part payment of a claim against said corporation previously audited and allowed by the common council. He shall also make to the common council at the close of each official year a condensed report of all his doings as such officer during such year, which report shall be published in such manner and to such extent as may be provided by ordinance, and he shall with all reasonable dispatch make such other reports and at such times as the common council shall require and shall receive the same compensation as the town clerk.

SEC. 7. That the treasurer shall be the depositary of all moneys belonging to said corporation and shall receive the same compensation as the town treasurer. He shall from such moneys pay upon presentation all orders therefor drawn by the recorder and countersigned by the president.

SEC. 8. The justices of the peace provided for and elected under the provisions of this act, shall have and possess all the power and jurisdiction of justices of the peace provided and elected under the General Laws of this State, and in addition thereto shall have cognizance and exclusive jurisdiction of all suits, prosecutions or proceedings for the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulation of said corporation or under this act or for the breach or violation of any such by-law, ordinance or regulation, and in all cases of assaults, batteries and affrays not indictable and for a breach or violation of any by-law, ordinance or regulation shall be commenced in the name of the village of Blooming Prairie, and the same proceedings shall be had in all civil or criminal suits or prosecutions before said justices when not otherwise herein directed, as are established and required to be had in civil and criminal actions by the General Laws of this State before justices of the peace, except that no change of venue shall be taken outside the village of Blooming Prairie. All fines, forfeitures and penalties imposed by or recovered before said justice of the peace in any such [suit], prosecution or proceedings had and commenced in the name of the said village, shall be promptly paid by said justice of the peace to the recorder of said corporation for the use thereof. The justices of the peace shall take judicial notice of the by-laws, ordinances and regulations of said corporation, and it shall not be necessary, in any action civil or criminal before said

justices, to plead or refer to the same in any manner whatever, in any pleading or complaint, but said by-laws, ordinances and regulations shall in said justice's court be held and deemed to be public law. Each justice of the peace shall at least once in three (3) months make to the common council a full report of all moneys received by him for fines, forfeitures and penalties, and shall pay the same into the hands of the recorder, taking his receipt therefor. Any justice of the peace elected or appointed in the village of Blooming Prairie under the General Laws of the State and residing within the limits of the corporation, upon filing the bond and oath of office hereinbefore prescribed for the justices of the peace, shall have concurrent jurisdiction with the justice of the peace elected under the provisions of this act and be subject to the same liabilities and restrictions,

In case of prosecutions for the breach or violation of an ordinance, by-law or regulation of said corporation or this act or for any assault, battery or affray not indictable, committed within the limits of said corporation, no appeals shall be allowed when the judgment or fine imposed, exclusive of costs is less than ten dollars (\$10.00).

The fees of the justices of the peace shall be the same as allowed and fixed by the General Laws of the State for justices of the peace.

All warrants, writs, summons in civil actions and processes of every nature issued by such justices shall be directed to the sheriff or any constable of the county of Steele and may be executed or served by the constable elected under the provisions of this act or by the sheriff or any constable of said county, and for such purpose said sheriff and constable shall have and possess the power and authority which by the General Laws of the State they have and possess in the execution or service of warrants, writs, summons in civil actions and other processes issued by justices of the peace elected under such General Laws and shall receive the same compensation as town constables:

SEC. 9. The constable elected under the provisions of this act shall be the ministerial officer of the common council and shall have and possess all the powers belonging to the constables elected under the General Laws of this State, and his compensation except as in section eight (8) of chapter one (1) of this act otherwise provided, shall be fixed by ordinance of the council; and said constable shall also have and exercise all the powers and perform all the duties of constables elected under the General Laws of the State, and when acting as such shall receive the same compensation. He shall also be chief of the police force of said village, but as such shall be subordinate to the president.

SEC. 10. There shall be an annual election for the elective officers herein provided for, on the first (1st) Tuesday in April in each and every year, and the polls shall be kept open from ten (10) o'clock in the forenoon until four (4) in the afternoon and ten (10) days previous notice shall be given by the common council of the time

and place of holding such election and the officers to be elected, by posting notices thereof in three (3) of the most public places in the village.

At the said elections the trustees or any two (2) of them shall act as judges of election and the recorder as clerk of election, and in case of inability or non-attendance of any of said officers the vacancies shall be filled by an appointment made by those officers present. At the close of the polls the votes shall be counted and statement thereof proclaimed to the voters present by one of the judges, and the recorder shall make true record thereof, and within five (5) days thereafter he shall give notice in writing to the persons so elected of their election.

SEC. 11. Whenever a vacancy shall occur in any elective office such vacancy shall be filled by the common council. Any person appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term.

## CHAPTER 2.

SECTION 1. The common council shall have the management and control of the finances and all the property of the corporation, and shall also in addition to the powers herein vested in them have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, by-laws and regulations for the government and good order of the village, for the suppression of vice and intemperance and for the preventing of crime, as they shall deem expedient. The common council shall have full power and authority to declare and impose fines, penalties and punishments and to enforce the same against any person or persons who may violate any of the provisions of any ordinance, by-law, rule or regulations passed and ordained by them, and all such ordinances, rules, by-laws, and regulation are hereby declared to be and have the force of law.

*Provided.* That they be not repugnant to the constitution of the United States or of this State, and for the purposes aforesaid the common council shall have authority by ordinances, rules, by-laws or regulations.

*First.* To license and regulate the exhibitions of common showmen and shows of all kinds, or the exhibition of caravans, circuses, concerts or theatrical performances, billiard tables, nine or ten pin alleys, bowling saloons, to grant licenses and regulate auctions and auctioneers, groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous, or fermented liquors.

*Second.* To restrain, regulate and prohibit all descriptions of gambling or fraudulent devices and practices and all playing of cards, dice or other games of chance and for the purposes of gaming in said village and to regulate and restrain any person from vending, giving or dealing in spirituous, fermented or vinous liquors unless duly licensed by the common council.

*Third.* To prevent any roits, noise, disturbance, drunkenness or disorderly assemblies in said village.

*Fourth.* To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome nauseous house or place, to cleanse, abate or remove the same from time to time as often as may be deemed necessary for the health, comfort or convenience of the inhabitants of said village.

*Fifth.* To direct the location and management of slaughter houses and markets, breweries, distilleries and pawn brokers.

*Sixth.* To prevent the encumbering of streets, sidewalks, lanes, alleys or public grounds with carriages, carts, wagons, sleighs, boxes, lumber, firewood, posts, awnings or any other materials or substances whatever.

*Seventh.* To prevent and punish horse racing, immoderate riding or driving in the streets, to compel persons to fasten their horses or other animals attached to vehicles or otherwise while standing in the streets.

*Eighth.* To restrain the running at large of cattle, horses, swine, sheep, poultry, ducks and geese, and to authorize the distraining and sale of the same, and to impose penalties on the owners of such animals for violation of the ordinance.

*Ninth.* To prevent the running at large of dogs, and to impose a tax on the same and to authorize the destruction of the same in a summary manner when at large contrary to the ordinances.

*Tenth.* To prevent any person from bringing, depositing or having within said village any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any substance or putrid or unsound beef, pork, fish, hides, or skins of any kind, and in default to authorize the removal thereof by some competent officer at the expense of such person or persons.

*Eleventh.* To make and establish public pounds, pumps, wells, cisterns, hydrants and reservoirs, and to establish, construct and maintain sewers.

*Twelfth.* To establish and regulate boards of health, and to provide hospitals and hospital grounds.

*Thirteenth.* To prevent all persons riding or driving any ox, mule, cattle or other animals on the sidewalks in said village, or in any way doing any damage to such sidewalks, obstructing or encumbering the same.

*Fourteenth.* To prevent the shooting of firearms or crackers, and to prevent the exhibition of any fireworks in any situation which may be considered by the council dangerous to the town or any property therein, or annoying to any citizen thereof.

*Fifteenth.* To prevent and punish drunkenness or obscenity in the streets or public places of said village.

*Sixteenth.* To compel the owner or occupant of buildings or grounds to remove snow, dirt or rubbish from the sidewalks, street

or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in his default to authorize the removal or destruction thereof by some officer of the village at the expense of such owner or occupant.

*Seventeenth.* To provide for watchmen, and to prescribe their number and duties, and regulate the same, and to create and establish the police of said village, and to prescribe the number of police officers and their duties, and to regulate the same.

*Eighteenth.* To provide by ordinance for a standard of weights and measures, for appointment of a village sealer, and to regulate all weights and measures to be sealed by the village sealer, and to provide for the punishment of the use of false weights and measures.

*Nineteenth.* To direct and regulate the planting and preserving of ornamental trees in the streets and public grounds.

*Twentieth.* To remove and abate any nuisances injurious to the public health, and to provide for the punishment of all persons who shall cause or maintain such nuisances.

*Twenty-first.* To remove and abate any nuisances, obstruction or encroachment upon the streets, alleys, public grounds and highways of the village.

*Twenty-second.* To do all acts, and make all regulations which may be necessary or expedient for the preservation of health and the suppression of diseases, and make regulations to prevent the introduction of contagious or infectious diseases into the village, and to make quarantine laws and to enforce the same within the village.

*Twenty-third.* To restrain and punish mendicants, street beggars and prostitutes, and to punish all inmates and visitors of houses of ill-fame.

*Twenty-fourth.* To organize fire companies, hook and ladder companies, and to regulate their government and the time and manner of their exercises, to provide all necessary apparatus for the extinguishment of fires, to require owners of buildings to provide and keep suitable ladders and fire buckets which are hereby declared to be appurtenances to the real estate and exempt from seizure, distress or sale in any manner, and if the owner shall neglect or refuse to procure suitable ladders or fire buckets after reasonable notice, the common council may procure and deliver the same to him, and in default of payment therefor may recover of such owner the value of said ladders or fire buckets or both with costs of suit; to regulate and direct the safe construction of places for the deposit of ashes; to direct the fire wardens to enter into, at reasonable times, and examine all dwelling houses, lots, yards, enclosures and buildings of every description in order to discover whether any of them are in a dangerous condition and to cause such as they deem dangerous to be put in safe condition; to regulate the manner of putting up stove pipes; to prevent fires and the use of fire-works and firearms within the limits of said village or such part

thereof as they may think proper; to compel the inhabitants of said village to aid in the extinguishment of fires and to pull, break down and raze such buildings in the vicinity of fires as shall be directed by the common council or any three (3) of them who may be at the fire, for the purpose of preventing its communication to other buildings, and any building so destroyed shall be paid for by the corporation; to construct and generally to establish other measures of prudence for the prevention or extinguishment of fires as they may deem proper.

*Twenty-fifth.* Fines, penalties and punishments imposed by the common council for the breach of any ordinance, by-law or regulation of said village, may extend to a fine not exceeding one hundred dollars (\$100), or imprisonment in the village jail not exceeding thirty (30) days, or both, and to be fed on bread and water, at the discretion of the justice, and offenders against the same may be required to give security for their good behavior and to keep the peace for a period not exceeding six (6) months, in a sum not exceeding five hundred dollars (\$500).

SEC. 2. All ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the common council, by ayes and noes, and published at least once in the official paper, or a copy of the same shall be posted in three (3) of the most public places in said village, before the same shall be in force, and shall be admitted as evidence in any court in the State, without further proof. They shall be recorded by the recorder, in books to be provided for that purpose.

SEC. 3. The power conferred upon the common council to provide for the abatement or removal of nuisances, shall not bar nor hinder suits, prosecutions or proceedings in the courts, according to law. Gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold, without the license required therefor, within the limits of said village, are hereby declared and shall be deemed public or common nuisances.

SEC. 4. The council shall examine, audit and adjust the accounts of the recorder, treasurer, justices and all other officers or agents of the village, at such times as they may deem proper, and also at the end of each year, and before the terms for which the officers of said village were elected or appointed, shall have expired, and the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of said council in discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his books and vouchers to said council, or a committee thereof, it shall be the duty of the common council to declare the office of such person vacant, and against any officer or agent of said village who may be found delinquent or defaulting in his accounts or in the discharge of his



official duties, and shall make a full record of all such settlements and adjustments.

SEC. 5. It shall be lawful for the common council of said village to levy a corporation poll tax upon every male inhabitant of said village over the age of twenty-one (21) years and under the age of fifty (50) years, excepting disabled soldiers, persons with dismembered limbs, paupers, idiots, lunatics, and members of organized military and fire companies. *provided*, that such tax in any one (1) year shall not exceed the sum of three dollars (\$3) on each person.

### CHAPTER 3.

SECTION 1. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the village.

SEC. 2. In all prosecutions for any violation of this act, or any ordinance of the village, the first process shall be by warrant. *Provided*, that no warrant shall be necessary in any case of the arrest or apprehension of any person or persons while in the act of violating any law of the State of Minnesota or ordinance of the village, but the person or persons so arrested may be proceeded against, tried, convicted and punished or discharged in the same manner as if the arrest had been by warrant.

SEC. 3. The constable and other police officers are hereby vested with all the powers of a sheriff or constable in the service of writs as granted to them by the law of the State, and may pursue into any county in this State and take and bring back for trial any offender against this act or any ordinance of said village.

SEC. 4. All ordinances and resolutions heretofore made and established by the village council of the village of Blooming Prairie not inconsistent with the provisions of this act shall be and remain in force until altered, modified or repealed by the common council after this act shall take effect.

SEC. 5. When any suit or action shall be commenced against said village, the service therein shall be made by copy left with the recorder of the village.

SEC. 6. No law of this State contravening the provisions of this act shall be considered as repealing, amending or modifying the same unless such purpose shall be expressly set forth in such law.

SEC. 7. The sale of intoxicating, vinous, spirituous, malt or fermented liquors within the limits of said village is hereby declared to be under the exclusive control of the common council of said village, except as provided in chapter five (5) of this act, and all fines imposed for violation of any law or ordinance regulating such traffic shall be paid into the treasury of the village, for the use thereof, in whatever court collected.

SEC. 8. The common council shall have the power and authority to open, lay out or vacate streets and alleys within the limits of said village, which is conferred by the General Laws of the State upon the board of supervisors of townships to open, alter, discontinue or lay out roads, and in the matter of opening, laying out or vacating streets or alleys and the assessment of damages the common council shall be governed by and act under the General Laws of the State provided for altering, discontinuing and laying out roads, and appeals may be taken in the same manner to the county commissioners or district court as appeals are under the General Laws taken from the decision of township supervisors.

SEC. 9. The costs and expenses of building, grading, paving or repairing sidewalks shall be, at the option of the common council, chargeable to the lots fronting on said improvement. Whenever the common council shall deem it necessary to construct or repair any sidewalk in the village of Blooming Prairie they may require the street commissioner to notify all owners or occupants of any lot or lots or parcels of land adjoining such sidewalks to construct or repair the same at his or their own proper expense and charge, within a certain time designated by delivering to the owners or occupants of said lot or lots or parcels of land, or by the publication, in a newspaper printed and published in said village, or posting copies in three (3) of the most public places in said village, for not less than two (2) weeks, of a notice to said owners or occupants setting forth what work is to be done, and the character of the same, by such owners or occupants and the time within which they are required to do the same.

SEC. 10. If such work is not done, and the sidewalk not built or repaired in the manner and within the time prescribed, the common council may order the same to be done by the street commissioner at the expense of the lots and parcels of land adjoining such sidewalk, and said expense shall be assessed upon such lots and parcels of land so chargeable by the street commissioner, and returned by him to the common council, and said assessment so made and returned, if approved by the common council, shall become a lien upon said lots and parcels of land as in case of town, county or State taxes.

SEC. 11. If said assessment be not paid to the street commissioner or the village of Blooming Prairie on or before the twentieth (20th) day of September in each year ten (10) days notice shall be given to the owner, after which the common council shall cause a statement of the same with ten (10) per cent. additional thereto to be transmitted with the village taxes levied for that year to the auditor of the county in which the same may be.

SEC. 12. The common council may prescribe the width of sidewalks and may establish different widths in different locations and may determine the kind of material of which they shall be constructed, having regard to the business and the amount of travel in the vicinity of each.

SEC. 13. All property, real and personal in the village except such as may be exempt by the laws of this State, or is village property, shall be subject to taxation not exceeding two and one-half (2½) mills on the dollar per year for general purposes. Such property shall also be liable for such special taxes as the common council are herein authorized to levy.

SEC. 14. The common council shall have full power to order and direct the levy and collection within the limitation prescribed by law of taxes sufficient to give full effect to the powers herein conferred, not to exceed five (5) mills on the dollar on real and personal property. The common council shall not be allowed to expend more than one hundred dollars (\$100) for any purpose in any year without a vote of the electors of the village.

SEC. 15. The common council shall have power to provide by ordinance for the manner of assessing and enforcing the collection of all taxes levied under the provisions of this act, but until express provision is made in regard to that subject, all taxes shall be collected as follows:

The recorder shall deliver to the county auditor of Steele county a certificate signed by him setting forth the amount levied upon every dollar in value of the taxable property within the village of Blooming Prairie as incorporated by this act, and it thereupon shall become the duty of the said auditor to add the amount thus levied to the assessment rolls of the year in which such levy was made, and it shall become the duty of the county treasurer of said county to collect the amount thus added to the assessment roll, and to enforce the collection of the same in like manner as any other tax of the said county placed in his hands for collection, and to pay the amount so collected to the treasurer of the village of Blooming Prairie incorporated by this act.

SEC. 16. In any action brought to recover any penalty or damages under this act or any ordinance made by the common council it shall be sufficient to complain that the defendant is indebted to the village to the amount of said penalty or damages and to refer to the act or ordinance under which the same is claimed and to give the special matter in evidence under it. All civil cases shall be under the control and direction of the common council. They shall have power to settle, compromise or prosecute all such actions on the part of the village, when such village shall be a party or be interested in such actions, and no person shall be an incompetent juror by reason of being an inhabitant of said village in actions to which the village shall be a party.

#### CHAPTER 4.

SECTION 1. The common council shall have power to appoint, and at their pleasure remove the following officers, to-wit: One (1) chief engineer of the fire department, two (2) fire wardens, one (1) pound master and one (1) jailor, and they may prescribe their duties

and fix their compensation under the provisions of this act and impose and enforce in law such penalties as to said common council may seem proper, for any malfeasance or improper conduct of any of said officers, and may require bonds satisfactory to themselves for the faithful performance of the duties of any of them or any such of them as may be deemed expedient and necessary by said common council.

SEC. 2. The common council shall have power to establish a fire limit within the village of Blooming Prairie, and within the fire limits so established, shall have power to regulate the erection of buildings and provide for the kind of material to be used, and to prohibit the use of such material in the erection of buildings within said limits as shall be deemed by them proper to prevent fires. The common council shall have power within said limits, to remove buildings erected in violation of any ordinance or by-law passed in pursuance of this act, and to punish the violation of the same by fine or imprisonment.

SEC. 3. The common council shall have power to establish and maintain a jail for the use of the village of Blooming Prairie, which shall be used as a place of imprisonment, and in all cases in which imprisonment is authorized. In such case the commitment shall be in the same form, as nearly as may be, as is pursued under the General Laws in case of conviction before justices of the peace, and the prisoner shall be received and placed in the jail the same as though the conviction had taken place under the General Laws of the State. The jailor shall receive and detain the prisoner in like manner as though he had been convicted by a justice of the peace under the general laws of the State.

#### CHAPTER 5.

SECTION 1. The legal voters of the village of Blooming Prairie are hereby authorized to vote upon and determine for themselves the question whether license for the sale of intoxicating liquors shall be granted in said village or not.

SEC. 2. The recorder of the village of Blooming Prairie is hereby required, upon receiving the 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 annual charter election of said village, to give notice that the question of granting license for the sale of intoxicating liquors in said village will be submitted to the legal voters of said village, which question shall be determined by ballots containing the words "in favor of license," or "against license," as the case may be; the votes upon said question shall be deposited in a box by themselves, and shall be taken, canvassed and returned in the same manner as is prescribed by law for canvassing and returning the votes for the elective officers of said village, and if such returns 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 board of county commissioners.

SEC. 3. In case the legal voters of said village shall determine, as hereinafter provided, that no license for the sale of intoxicating liquors in said village shall be granted, any person thereafter, and until said vote is rescinded or reversed, who shall sell, barter or dispose of any spirituous, malt, vinous, fermented or intoxicating liquors within the corporate limits of said village, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) with costs of prosecution for each offense, and be imprisoned in the county jail until said fine and costs are paid, not exceeding ninety (90) days; and any person who shall violate any of the provisions of this section may be prosecuted before the justices provided for in this act, or before any justice of the peace of Steele county, or by indictment in the district court of Steele county, and nothing in this act contained shall be otherwise construed.

SEC. 4. The common council shall have power to fix the amount to be paid for license for the sale of spiritous liquors at not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), and for malt liquors for not less than fifty dollars (\$50) and not more than two hundred dollars (\$200), and for a drug store license for the sale of liquors for medicinal and mechanical purposes not more than one hundred dollars (\$100) nor less than twenty-five dollars (\$25): *Provided*, that when any person shall have a license to sell intoxicating liquors, it shall embrace the right to sell malt liquors.

SEC. 5. This act is hereby declared a public act and need not be pleaded or proven in any court of this state.

SEC. 6. All acts heretofore passed for the incorporation of the village of Blooming Prairie are hereby repealed, but all ordinances, resolutions, regulations, rules, by-laws and orders of the council of said village or any part thereof not repealed, suspended, made void by this act shall continue and remain in force and effect until altered, amended, repealed or suspended by the council, and all present officers of said corporation shall hold their respective offices until others are elected and qualified under the provisions of this act, and shall discharge the duties and have and exercise all the authority and powers conferred by this act.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 3, 1881.