

## CHAPTER 56.

AN ACT TO AMEND AN ACT, ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF BLUE EARTH CITY, FARIBAULT COUNTY, MINNESOTA, BEING CHAPTER FOURTEEN (14), SPECIAL LAWS OF MINNESOTA FOR ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE (1879).

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

SECTION 1. That sub-division fourth (4th) of section four (4) of said chapter be amended so as to read as follows :

*Fourth.* To restrain or permit and regulate the running at large of cattle, horses, swine, sheep, mules and poultry, and to authorize the distraining and impounding of the same, and to provide for a village pound and pound-keeper, and to prescribe his duties and compensation.

SEC. 2. That sub-division nineteenth (19th), of section four (4) of said chapter, be amended so as to read as follows :

*Nineteenth.* The village council shall have the exclusive right to license any person or persons vending, dealing in, or disposing of spirituous, vinous, malt, fermented or intoxicating liquors within the limits of the village of Blue Earth City, and persons so licensed shall not be required to obtain a license from the board of county commissioners; *provided*, that no license shall be granted for a less sum than three hundred (\$300) dollars nor for a greater sum than six hundred (\$600) dollars, in the discretion of the village council, and that previous to the granting of any such license a bond shall be executed running to the village of Blue Earth City to be approved by the village council with the same conditions and with the same penal sum as required by the general statute in such cases, and all moneys received for such license shall be paid to the treasurer of said village, and the village council shall have full power to restrain any person or persons from vending, dealing in, or disposing of, spirituous, vinous, malt, fermented or intoxicating liquors, unless duly licensed by the village council of said village: and *provided, further*, that all licenses granted by the village council shall expire within ten (10) days after the next annual election of said village; and *provided, further*, that the village council may in their discretion grant and issue licenses for the sale of spirituous, vinous, malt, fermented or intoxicating liquors to any suitable person, upon his complying with the foregoing conditions, and such village council may revoke such license when they deem it proper, and every license shall be null and void and cease to be in force, from and after any violation of any of the conditions of the bond hereby required is proven before any

court having jurisdiction either in an action upon the bond, or in an action brought to recover a penalty, or to impose a fine or punishment for any offense, under any ordinance of said village regulating the sale of intoxicating liquors and any violation of the conditions of such bond shall work a forfeiture of the amount of the penalty thereof, in favor of said village, which may be recovered in a civil action in the district courts of this State. The village council shall have full power and authority to prohibit the selling, giving away, bartering, furnishing or disposing of any spirituous, vinous, malt, fermented or intoxicating liquors, in any quantity whatever to any minor person, or to any student or pupil in any public school or other institution of learning, or to any habitual drunkard, also to prevent the selling, giving away, bartering, furnishing or disposing of any spirituous, vinous, malt, fermented or intoxicating liquors, on the Sabbath day, or on any general or special election day, and to require the person so licensed to keep a quiet and orderly house, and not permit gambling with cards or any other device, for money or representations of money, and to require such person to close his place of business at reasonable hours at night, and also to prevent the use of screens at the front door and windows of such places of business. In the matter of the prosecution for any violation of any of the provisions of this sub-division of section four (4) of this act, or of the provisions of any ordinance or by-law enacted thereunder, it shall not be necessary to prove the name or kind of intoxicating liquor sold, and in all such prosecutions, the finding of intoxicating liquors on the premises in question, shall be prima facie evidence of their sale on such premises, and establishing the fact of one's having drank what appeared to be intoxicating liquor on any premises shall be prima facie evidence that such liquor was intoxicating, and shall be taken as proof conclusive, unless the defendant furnishes positive proof to the contrary, and the term intoxicating liquor, in all prosecutions under this sub-division, or any ordinance enacted thereunder, shall be understood to mean spirituous, vinous, malt, fermented and mixed liquors.

SEC. 5. That section five (5) of said chapter be amended by adding at the end thereof the following: "In all cases of conviction under any of the provisions of this chapter, or any ordinance or by-law enacted thereunder, the justice shall enter judgment for the costs of prosecution, in addition to the fine, penalty or punishment."

SEC. 6. That section seven (7) of said chapter be amended by striking out after the word "city," in the eighteenth (18th) line of said section, the following words: "It shall be a sufficient pleading of the ordinances or by-laws of said village to refer to the title number of the ordinance or by-law, and the section thereof, and giving them in evidence under the complaint," and insert in lieu thereof the following: "The justice of the peace shall take judicial notice of all ordinances, rules, and by-laws of said village, and

it shall not be necessary in any action, civil, or criminal before said justice, to plead or refer to the same in any manner whatever, in any pleading or complaint, but said ordinances, rules and by-laws shall in said justice court be held and deemed to be public law."

SEC. 7. This act is a public act and need not be pleaded or proven in any of the courts of this State.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved February 26, 1881.

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## CHAPTER 57.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF CANNON FALLS, APPROVED FEBRUARY 19TH, 1874.

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

SECTION 1. That section twelve (12) of chapter one (1) of said act be amended so as to read as follows: "The common council of said village shall, for sufficient cause shown to them, accept the resignation of any village officer of said village, and whenever they accept such resignation they shall forthwith give notice thereof to the village recorder; and whenever a vacancy in any elective office occurs, from any cause, the common council, or a majority of them, shall fill the vacancy by appointment, by warrant under their hand, and the persons so appointed shall hold their offices until the next annual village election of said village, and until others are elected and qualified in their places, and shall have the same powers and be subject to the same duties and penalties as if they had been duly elected.

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

Approved February 5, 1881.