

CHAPTER 35.

[S. F. No. 22.]

AN ACT TO REVISE AND AMEND THE ACT ENTITLED "AN ACT TO INCORPORATE THE VILLAGE OF PRESTON, THE SAME BEING CHAPTER FIVE (5) OF THE SPECIAL LAWS OF THE STATE OF MINNESOTA FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE (1871), AND ACTS AMENDATORY THEREOF."

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

SECTION 1. All that part of the county of Fillmore, state of Minnesota, within the limits and boundaries hereinafter described, shall be a village by the name of Preston, and the people inhabiting and those who shall hereafter inhabit the district of country herein described, shall be a municipal corporation by the name of the village of Preston, who shall have the general power possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter especially granted; and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal and may change and alter the same at pleasure, and may take, hold and purchase, lease and convey such real, personal and mixed estate, as the purposes of the corporation may require within or without the limits of said village; provided, that the citizens incorporated by this act shall be and remain citizens of the townships in which they reside, respectively, for all township purposes in addition to the powers and privileges conferred by this act.

SEC. 2. The territory included in the following limits and boundaries shall constitute the village of Preston, viz:

All of section number six (6) in township one hundred and two (102) north, range number ten (10) west; also all of section number thirty-one (31) in township number one hundred and three (103) north, of range number ten (10) west; and the east half of section number one (1) in township one hundred and two (102) north, of range number eleven (11) west; and the east half of section number thirty-six (36) in township number one hundred and three (103) north, of range number eleven (11) west.

SEC. 3. The elective officers of said village shall be a mayor, five (5) aldermen, recorder, treasurer, a justice of the peace who shall be styled village justice, and one (1) marshal, who shall hold their respective offices for the term of one (1) year and until their successors are elected and qualified.

All village officers shall have been actual residents of said village for the space of one (1) year immediately preceding their election or appointment, and shall be qualified electors of the state. The village justice, while such, shall not hold or be eligible to the office of township justice.

SEC. 4. The term of all officers shall commence on the first (1st) day of May, and shall continue for one (1) year (unless elected or

appointed to fill a vacancy), and until their successors are elected and qualify.

All officers shall before entering upon the discharge of the duties of their respective offices, each take and subscribe an oath to faithfully and honestly discharge the duties of their office; which said oath of office shall be filed with the recorder of said village.

SEC. 5. There shall be a common council, composed of the mayor and five members, which shall be styled "The Common Council of the Village of Preston"; provided, that the mayor shall only have power to preside over the same, maintain order, and decide all questions pertaining to his duties as president of said common council, but shall in no case be permitted to vote upon any question except in case of a tie vote.

SEC. 6. The village council shall judge of the qualifications, election and returns of its own members, and shall determine all contested elections, and in such cases shall have power to send for persons and papers.

SEC. 7. A majority of the village council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members under such penalties as may be prescribed by ordinance.

SEC. 8. The village council shall have power to determine the rule of its proceedings, punish its members for disorderly conduct, and with the concurrence of two-thirds of the members elected, expel a member, after due notice given and an opportunity extended to the accused to be heard by counsel or otherwise.

SEC. 9. The village council shall keep a journal of its proceedings, and ayes and nays, when demanded by any member present, shall be entered on the journal.

SEC. 10. The village council shall at its first regular meeting after the annual election, appoint one overseer of each road district in said village, who shall hold their office for the term of one (1) year and until others are appointed and qualified.

SEC. 11. There shall be an annual election held on the third (3d) Tuesday in April of each year, at which the electors of said village, qualified to vote at town elections, may elect by ballot and by plurality of votes, the mayor, five (5) aldermen, recorder, village justice, one (1) marshal and treasurer. The village council may make all needful regulations for holding any and all elections in said village not inconsistent with this act, and may call special elections for such purposes as they may deem proper. Ten days notice of the time and place of holding any annual or special election shall be given by said council by posting up written or printed notices being in three (3) of the most public places in said village, or by causing such notice to be published in one or more newspapers published and circulating in said village.

SEC. 12. Whenever a vacancy shall occur in the office of mayor, such vacancy shall be filled by a new election which shall be ordered within ten (10) days after such vacancy shall occur, and ten (10) days' notice of such election shall be given as in general elections. Any vacancy occurring in any other office shall be filled by the common council, whether the vacancy is caused by a failure to elect or

from a tie vote having been cast for candidates. The person elected or appointed to fill a vacancy, shall hold his office, and discharge the duties thereof, for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may have been elected or appointed to fill.

SEC. 13. No officer shall receive compensation except the treasurer, marshal, recorder, overseer of roads, and village justice and such other offices as shall be created and appointed by the village council, and in all such cases compensation shall be fixed by law, or by ordinance or resolution of the village council.

SEC. 14. Any person having been an officer of the village who shall not within six (6) days after requested by his successor in office, deliver all books and papers, property or effects in his hands pertaining to such office, or belonging to the village, shall forfeit to the use of the village, one hundred dollars (\$100), and shall be liable for all damages caused by such refusal or neglect, and such successor may recover possession of such books, papers, property or effects in the manner prescribed by the laws of this State for other officers.

SEC. 15. Any officer removing from the village, or any officer who shall neglect or refuse for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the village council shall proceed to fill the vacancy as prescribed.

SEC. 16. Every person elected or appointed to any office under this act, shall before he enters upon the duties of his office, take and subscribe an oath of office, and file the same duly certified by the officer taking the same, with the recorder of the village, and the treasurer, marshal, and such other officers as the village council may direct, shall severally before entering upon the duties of their respective offices, execute to the village of Preston a bond with at least two (2) sureties (to be approved by the village council) who shall make affidavit that they are each worth the penalty specified in said bond over and above all debts, exemptions or liabilities, and said bond shall contain such penal sum and such conditions as the village council may deem proper, and they may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

SEC. 17. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the village council may order a new election to be held, ten (10) days notice of the time and place of holding the same to be given as in general elections.

SEC. 18. The mayor shall, when present, preside over the meetings of the village council, and take care that the laws of the state and the ordinances of the village be strictly enforced and duly observed, and that all other executive officers of the village discharge their respective duties. The mayor or any two councilmen may call special meetings of the village council. He shall have power to execute all acts that may be required of him by an ordinance made in pursuance of this act, and is hereby authorized to call upon every inhabitant of said village, over the age of eighteen (18) years, to aid in enforcing the laws or carrying into effect any law or ordinance; any person

who shall not obey such call shall forfeit to said village a fine not exceeding twenty-five (25) dollars, and not less than five (5) dollars.

SEC. 19. In case the mayor shall be guilty of any wilful oppression or corrupt partiality in the discharge of the duties of his office, he shall be liable to be indicted in the district court of Fillmore county, and on conviction he shall be fined not more than five hundred (500) dollars, and the court shall have the power (on recommendation of the jury) to add to the judgment of the court that he be removed from office.

SEC. 20. In case the mayor shall be absent from any meeting of the village council they shall proceed to elect one of their own number a temporary presiding officer who shall discharge all the duties of mayor for the time being. In case of the absence of the mayor from the village, or in his inability from any reason to discharge the duties of his office, the council shall elect by ballot from their own number, an officer who shall be styled "acting mayor," and all acts performed by him shall have the same force and validity as if performed by the mayor.

SEC. 21. The recorder shall keep the corporate seal and all the papers and records of the village, and keep a record of all the proceedings of the village council; he shall draw and countersign all orders on the treasurer, in pursuance of any order or resolution of the village council, and keep a full and accurate account thereof in a book provided for that purpose, and make a full and fair record of all the by-laws, rules or ordinances made or passed by said village council.

The recorder shall have power to administer oaths or affirmations, and copies of all papers filed in his office and transcripts from the records of the village council certified to by him under the corporate seal, shall be evidence in all courts in like manner as if the original were produced.

He shall report annually on the first day of April to the council an estimate of the expenses of the village for the current year, and the revenues necessary to be raised therefor, and the fiscal year of the village shall commence on the first day of May.

He shall countersign all contracts made in behalf of the village, and all certificates of work done by order of the village council.

He shall negotiate such temporary loans for the village as the village council may direct, and such loans shall be subject to the approval of the village council.

He shall examine the reports, books, papers, vouchers, and accounts of the treasurer, and from time to time shall perform such other duties as the village council shall direct.

He shall not be directly or indirectly interested in any job or contract to which the village is a party.

He shall receive for his services such sum as the village council may deem proper, not to exceed one hundred dollars per annum.

SEC. 22. The treasurer shall receive all moneys belonging to the village, and keep an accurate and detailed account thereof, and on the first (1st) day of July, and quarterly thereafter, he shall exhibit to the village council a full and detailed account of all receipts and ex-

penditures after the date of the last quarterly report, and also the state of the treasury; which account shall be filed by the recorder.

SEC. 23. The marshal shall execute such orders and perform such duties as are prescribed by the village council for the collection of tolls, license money and fines, for the preservation of the public peace, for the good order, cleanliness and government of the village, and for all other purposes. He shall possess the powers of a constable at law under the statutes of this state, and receive like fees.

SEC. 24. The village of Preston shall be constituted one or more road districts, to be defined by the village council, and the highway labor and taxes shall belong to the general fund.

SEC. 25. The village council shall appoint one overseer of each road district, and they shall issue a warrant to him containing the whole amount of highway labor and taxes assessed and levied in his district; which said warrant shall be returned by him to the recorder of said village. The laws of the state shall apply to warning, working, suing for and collecting highway taxes, and to returning delinquent taxes, and in all other respects, except as herein expressly provided.

The village council shall have full power to direct the overseer when, where and how to expend the labor in the manner to be directed by them, at any point beyond the limits of the village.

The village council shall perform the duties imposed by law on the supervisors of towns, in levying highway labor and taxes.

SEC. 26. The village council may designate a newspaper printed in the village, in which shall be published all ordinances and other proceedings and matters required by this act or by the laws and ordinances of the village council to be published in a public newspaper.

SEC. 27. The village printer or printers, immediately after the publication of any notice, ordinance or resolution, or any other matters which by this act is or by village ordinances shall be required to be published, shall file with the recorder a verified copy of such publication, which shall be conclusive evidence of the publication of such notice, ordinance, resolution, or other matter.

SEC. 28. No member of the village council shall be a party to or interested in any job or contract with the village, and any contract in which any member of the village council may be so interested shall be null and void.

SEC. 29. The mayor, sheriff of Fillmore county, and each and every alderman, marshal, recorder, justice of the peace and constables of the precinct of which said town is a part, shall be officers of the peace, and suppress in a summary manner all disorderly behavior within the limits of the village, and may command the assistance of the bystanders; and if any person so commanded shall refuse to aid in maintaining the peace, every such person shall pay a fine of not more than twenty-five (25) dollars and not less than five (5) dollars.

SEC. 30. The village justice shall have jurisdiction in all respects equal to the jurisdiction and powers of justices of the peace under the laws of the state of Minnesota, and the same proceedings shall be had in all respects, in civil and criminal actions, as are applicable to the laws of this state governing the proceedings before justices of the

peace; he shall have sole, exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases for offenses committed in the village of Preston, of which a justice of the peace has jurisdiction under the statutes of the state of Minnesota.

The said village justice shall have exclusive jurisdiction in all cases cognizable before a justice of the peace in which the village is a party, and shall have cognizance and exclusive jurisdiction in all suits, prosecutions or proceedings for the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulation in said village of Preston or its charter, or for the breach or violation of any such ordinance or regulation, and in all cases of offense committed against the same. All prosecutions for assaults, batteries, riots, crimes and affrays not indictable, and for a breach or violation of any by-law, ordinance or regulation shall be commenced in the names of the state of Minnesota and the village of Preston, and all process and writs issued by the said village justice shall be in the names of the state of Minnesota and the village of Preston and shall be directed to the marshal of the village of Preston or to any constable, or the sheriff of the county of Fillmore, and the same proceedings shall be had in civil and criminal actions as by the laws of this state are had before a justice of the peace, except that it shall not be necessary, in a complaint for a violation or breach of any ordinance, by-law or regulation of said village, to set forth in said complaint the particular offense committed, but it shall be sufficient to charge the offender generally with a violation thereof, stating in said complaint the date of the passage and publication of the same, *provided*, that in case of prosecutions for a breach or violation of an ordinance, by-law or regulation of said village or its charter, or for any assault, battery or affray not indictable, committed within the village limits, no appeal shall be allowed where the judgment or fine imposed, exclusive of costs, is less than five (5) dollars.

In all cases of convictions for assaults, batteries and affrays within said village, and in all cases of conviction under any ordinance of said village for breaches of the peace, disorderly conduct, keeping house of ill-fame or frequenting the same, and of keeping or maintaining disorderly and ill-governed house, the said justice shall have power in addition to the fine and penalty imposed, to compel such offenders to give security for their good behavior and to keep the peace for a period not exceeding six (6) months, and in a sum not exceeding five hundred (500) dollars.

The said justice shall have the same power and authority in case of contempt, as a court of record.

In case of absence, sickness or other inability of said justice, or for any sufficient reason, the mayor, by warrant, may authorize any other justice of the peace within the township of Preston to perform the duties of said justice of the peace for the village, and it shall thereupon be the duty of the mayor to inform the marshal of such substitution and make report thereof to the common council, and they may confirm or set aside such appointment or appoint some other justice of the peace, and the justice so appointed shall for the time being possess all the authority, powers and rights of said justice of the peace for the village.

All fines and penalties imposed by the village justice for offenses committed within the village limits or for violation of any ordinance, by-law or regulation of said village, shall belong to and be a part of the finances of said village.

The village justice shall be entitled to the same fees as are allowed by law to justices of the peace for similar services under the laws of the state of Minnesota.

SEC. 31. The village justice shall quarterly report to the common council all the proceedings instituted before him in which the village is interested, and shall at the same time account for and pay over to the village treasurer all fines and penalties collected by him belonging to said village, and said justice shall be entitled to receive from the county of Fillmore such fees in criminal cases occurring without the village as are allowed to other justices of the county for similar services.

SEC. 32. The style of all ordinances shall be, "The village council of the village of Preston do ordain."

The village council shall meet at such time and place as they shall direct, and a majority shall constitute a quorum.

The village council shall determine its rules and proceedings and be judges of the election and qualification of its own members, and have the power to compel the attendance of its absent members.

SEC. 33. The village council shall have the control and management of the finances and of all the property of the village, and the said council shall likewise have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, correct and repeal all ordinances, rules and by-laws, for the government and good order of the village and for the suppression of vice, as they shall deem expedient, and declare and impose penalties by fine and imprisonment, or both, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws as are hereby declared to be and have the full force of law, and for these purposes shall have authority by ordinances, resolutions or by-laws, *provided*, that they are not to be repugnant to the constitution and laws of the United States or of this state:—

First—To license persons vending, dealing in or disposing of spirituous, malt or fermented liquors, within the limits of the said village of Preston, and persons so licensed shall not be required to obtain a license from the board of county commissioners, and shall not be prosecuted for selling, bartering or disposing of spirituous, vinous, fermented or malt liquors, if first having obtained a license therefor agreeably to the provisions of the general laws of the state of Minnesota regulating the sale of intoxicating liquors.

Provided, that no license shall be granted for less than the minimum sum fixed therefor by general law of this state, except licenses may be granted from and after the approval of this act until May first (1st), one thousand eight hundred and eighty-nine (1889), without previous notice and for pro rata sum. All licenses thereafter granted shall be granted to expire May first (1st) following the issue thereof as provided and fixed by the general laws; and that previous to the granting of any such license, a bond shall be executed and filed with the recorder of said village, with the same conditions and

with the same penal sum as required by the general act; and the council shall have full power to restrain any person from vending liquors unless duly licensed by the village council of said village.

Second—To license and regulate the exhibition of common showmen and shows of all kinds, and the exhibition of caravans, circuses, concerts and theatrical performances, and also to regulate and license all auctioneers, billiard tables, pigeon hole tables, nine (9) or ten (10) pin alleys and bowling houses. *Provided*, that no such license shall be granted for less than dollars and the fee for issuing the same shall not exceed fifty (50) cents; and said village council may at any time revoke any license granted under this act for the misconduct in the course of trade, and may regulate and restrain the sale of fresh or butcher's meat within the corporate limits of said village, and punish and restrain the forestalling of poultry, game, eggs or fruit within said village.

Third—To restrain and prohibit the use of all gambling devices whatever, or being set or used for gambling purposes, and to restrain and prohibit all descriptions of gaming and fraudulent devices and practices.

Fourth—To prevent any riots, noise, disturbance and disorderly assemblages; to suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming, and of all spirituous, vinous, fermented, mixed or intoxicating liquors of any kind that may be kept for sale or dealt in contrary to any ordinance of said village.

Fifth—To compel the owner or occupant of any grocery, cellars, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, other unwholesome or nauseous house or place, to cleanse, remove or abate the same, and to provide for the abatement and removal of all nuisances within the limits of the village.

Sixth—To direct the location and management of slaughter houses and markets in said village, and to regulate the storing, keeping and conveying of gunpowder; or other combustible materials.

Seventh—To prevent the incumbering of streets, side-walks, lanes, or alleys.

Eighth—To prevent and punish horse racing, immoderate riding or driving in the streets, to compel persons to fasten their horses or animals attached to vehicles or otherwise while standing in the street, and to regulate places of bathing and swimming in the waters within the limits of said village.

Ninth—To prevent any person from bringing, depositing, or having within the village any putrid carcass or other unwholesome substance, and to require the removal of the same by a competent officer, at the expense of such person or persons.

Tenth. To make and establish public grounds and regulations regarding the same, to make and establish public grounds, pumps, wells, cisterns, hydrants, and reservoirs, and to provide for and control the erection of water-works for the supply of water to the inhabitants, and for use in case of fires.

Eleventh—To prevent all persons riding or driving any horse or other animal on the side-walks in said village, or in any other way doing damage to such side-walks, trees or shrubbery.

Twelfth—To prevent the shooting of firearms, fire-crackers, and to prevent the exhibition of any fire-works in any place which may be deemed dangerous by the council to the village or any property therein, or annoying to any citizen thereof.

Thirteenth—To restrain drunkards, immoderate drinking of intoxicating beverages, brawling and obscenity in the streets or public places.

Fourteenth—To compel the owners and occupants of buildings or grounds to remove snow, dirt or rubbish from the side-walks, streets and alleys opposite thereto, and in default of removal, to authorize the removal or destruction thereof by some officer of the village at the expense of the owner or occupant.

Fifteenth—To do all acts and make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease, and to make regulations to prevent introduction into or spread of contagious diseases in the village, and to make quarantine laws and enforce the same within the village.

Sixteenth—To appropriate money, levy taxes on the taxable property in said village, negotiate loans, and provide for the payment of the debts and expenses of the village. But no tax for general purposes, exclusive of taxes levied for streets and highways, shall be levied by the council to exceed five mills on the dollar of the assessed valuation of said village, in any one year, unless first authorized by the legal voters of the village at a general or special election.

Seventeenth—To alter, abolish, open, widen, extend, repair, establish, grade, or otherwise improve or keep in repair, streets, avenues, lanes, alleys and side-walks.

Eighteenth—To restrain the running at large of cattle, horses, swine, sheep, poultry and geese, and to authorize the distraining and sale of the same, and to impose penalties on the owners for violation of the ordinances.

Nineteenth—To prevent the running at large of dogs, to impose a tax on the same, and to authorize their extinction in a summary manner when at large contrary to the ordinances.

Twentieth—To prevent the dangerous construction and condition of chimneys, fire-places, hearths, stove-pipes, stoves, ovens, boilers, and boiler stacks, and apparatus used in or about any buildings, and to cause the same to be put in a safe and secure condition, when considered dangerous; to prevent the depositing of ashes in the streets, alleys or highways; to regulate and prevent the carrying on of manufactures dangerous in causing and promoting fires, and generally to establish such regulations for the prevention and extinguishment of fires as they may deem necessary and expedient.

SEC. 34. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of the majority of the village council and be signed by the mayor and recorder, and shall be published in the official paper of the village, or posted for ten (10) days in three (3) of the most public places in the village.

SEC. 35. The village council shall examine and adjust the accounts of all village officers and agents of the village at such time as they may deem proper, and if any such officer or agent shall refuse to comply

with the order of said council in discharge of their duties in pursuance of this section, the council shall declare the office of such person vacant, and may commence suit or proceedings at law against any such officer or agent who may be found delinquent or defaulting in his accounts or in the discharge of his official duties. The council shall make full record of all such settlements and adjustments.

SEC. 36. They may appoint any number of special constables for extraordinary occasions, and they shall constitute a village police, and shall have the usual powers and be under the immediate control of the marshal, who shall be the chief of police, and the whole shall be under the control and subject to the village council.

SEC. 37. The costs and expenses of surveying the streets, lanes, alleys, sidewalks, sewers, and the erection of buildings for village purposes, and of cleansing and repairing the same, and constructing and repairing sewers, street crossings and cross-walks may be paid out of the general fund, but expense of opening, grading, graveling, paving or repairing streets or alleys to the center thereof, and also of sidewalks, shall be chargeable on the lots fronting on such improvements.

The village council shall not improve streets or sidewalks except by a petition in writing signed by two-thirds of the owners and occupants that are living on the lots opposite such improvements. Sewers may be built and the expenses apportioned by the village council among the lots and parcels of land benefited thereby. All resolutions or orders directing such improvements shall be filed and recorded by the recorder.

SEC. 38. All work by the village (except the highway taxes) shall be let by contract to the lowest bidder, and the village council may require a bond with sureties for the faithful performance of the contract, and not less than ten (10) days' notice shall be given of the letting of the contract by the posting of notices by the recorder in two (2) public places in the village, to be signed by the mayor, and also filing said notice with the recorder at the same time.

SEC. 39. All property, real and personal, in the village, except village property, and such as may be exempt by the laws of the state, shall be subject to taxation for general purposes, such property shall also be liable for such special taxes as the council shall levy.

Property exempt from taxation shall be liable to assessment for building and repairing sidewalks.

SEC. 40. The village council shall report to the auditor of Fillmore county the amount of general taxes levied on the village, and the amount of special taxes levied upon any of the lots or portions of said village, and shall certify to him the lots or portions of the property upon which such special taxes are so levied, and it shall be the duty of the county auditor to insert such taxes in the assessment roll of the town of Preston, and the same shall be collected by the county treasurer, or returned by him as delinquent, and all proceedings relating thereto including the selling, conveying and redeeming property, shall be the same as in proceedings on account of other taxes.

All residents of the village shall pay a village tax on their personal property wherever situated, proportionally with their real estate tax.

SEC. 41. The village council shall have power to establish the grade of any street in said village and regulate the grading of the

same, and may lay out and open new streets and alleys therein, and shall have the same power and authority to lay out, alter and discontinue roads, highways and cartways in all that part of the corporation not laid out in lots and streets that the county commissioners of counties and supervisors of towns have by law, and exclusive of said commissioners and supervisors. The laws of the state of Minnesota shall apply to the petition, notice and other proceedings for such laying out, altering, opening and discontinuing roads, highways and cartways, and for appeal by anyone aggrieved by any such act of said council and in all other respects except as herein expressly provided.

SEC. 42. In all prosecutions for any violation of this act, or any by-law or ordinance of the village of Preston, the first process shall be a warrant. *Provided*, that no warrant shall be necessary in any case of the arrest of any person or persons while in the act of violating any law of the state of Minnesota or ordinance of the village of Preston, 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. 43. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said village, in any proceeding or action in which the village of Preston shall be a party in interest.

SEC. 44. The village council may lease, purchase and hold real and personal estate sufficient for all municipal purposes thereof, and may sell and convey the same, and the same shall be free from taxation, and said village shall be liable for its just proportion of all pecuniary obligations and indebtedness heretofore contracted by the town of Preston. *Provided*, that the lands and premises held and owned by said village and known as the fair grounds, shall not be sold nor leased for a period exceeding three years at any one time, unless the proposition for such sale or lease shall have first been submitted to a vote of the electors, and shall have been approved by a majority of all the voters in said village whether present and voting thereon or not.

Provided, The council may grant to the Fillmore county agricultural society the privilege of holding annual fairs on said grounds until the same are otherwise disposed of, but for no other purpose.

SEC. 45. The village of Preston shall not be liable in any case for the board or jail fees of any person who may be committed by any officer of the village, or any magistrate, to the jail of Fillmore county for any offense punishable under the state laws or village ordinances.

SEC. 46. All acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 47. The village council may cause the charter and ordinances of said village to be published in pamphlet form as may be directed from time to time, and such publication shall be received in all the courts of this state as prima facie evidence that the laws and ordinances therein contained were duly passed, published and in force.

SEC. 48. This act shall take effect and be in force from and after its passage.

Approved February 1, 1889.