

ACTS
OF
THE LEGISLATURE
OF THE
STATE OF MICHIGAN,

PASSED AT THE
REGULAR SESSION OF 1873.

VOL. III.

LOCAL AND PERSONAL ACTS.



BY AUTHORITY.

Beaumont Historical
Library
University of Michigan

LANSING:
W. S. GEORGE & CO., STATE PRINTERS AND BINDERS.
1873.

[No. 359.]

AN ACT to amend sections one, seven, eight, fifteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, and twenty-three, of act number ninety, of the session laws of eighteen hundred and fifty-three, entitled "An act to amend the laws relative to supplying the city of Detroit with pure and wholesome water, and to provide for the completion and management of the Detroit water-works," approved February fourteen, eighteen hundred and fifty-three.

SECTION 1. *The People of the State of Michigan enact*, That Section amended. section one, of act number ninety, of the session laws of eighteen hundred and fifty-three, entitled "An act to amend the laws relative to supplying the city of Detroit with pure and wholesome water, and to provide for the completion and management of the Detroit water-works," approved February fourteen, eighteen hundred and fifty-three, be and the same is hereby amended so as to read as follows:

SECTION 1. *The People of the State of Michigan enact*, That First board. Shubael Conant, Henry Ledyard, Edmund A. Brush, William R. Noyes, and James A. VanDyke, be and they are hereby named and constituted as a board of water commissioners of the city of Detroit. They and their successors in office shall Corporate name. be known by the name of "The board of water commissioners of the city of Detroit," and in their corporate name are Powers and duties. hereby empowered to take and hold by purchase or otherwise, such franchises, and real and personal property, either within or without the limits of said city, as may be needful or convenient for carrying out the intents and purposes of this act; to sell and convey or lease the same whenever required by the interests of the city; to make contracts, to establish all rea- To make contracts, etc. sonable rules and regulations to protect the rights and property vested in the board, and to aid it in the performance of the duties imposed upon it. The board may adopt and have May adopt a common seal. a common seal, and may sue and shall be subject to be sued in all courts of record, in like cases, as natural persons. The

Property exempt from taxation.

property of the board, whether within or without the limits of the city of Detroit, shall be exempt from all taxes and assessments of every kind. No writ of attachment or writ of execution shall be levied upon the property of said board.

Section amended.

SEC. 2. Section seven of said act shall be amended so as to read as follows:

Powers and duties of commissioners relative to the erection of buildings, etc.

SEC. 7. Said commissioners shall have power, and it shall be their duty, at all times, whenever necessary funds are provided, to erect and maintain, within or without said city, such reservoirs, buildings, machinery, and fixtures, and to lay such pipes and construct such aqueducts and other works, and secure and maintain the same, as shall be required to furnish a full supply of water for public and private use in said city, and to conduct, discharge, dispose of, and distribute the same.

Relative to purchasing and holding property.

The commissioners may take by gift, purchase, lease, or otherwise, as hereinafter provided, and hold such real and personal estate, and create such rights therein, as may be necessary for the purposes aforesaid. Whenever any lands are taken by said board, without the consent of the owner, as hereinafter provided, the commissioners shall cause to be recorded in the office of the register of deeds of Wayne county, a certificate, giving the name of the owner (if known) at the time of such taking, and a sufficiently certain description of said land.

Relative to laying pipes, etc., beneath the surface of the soil belonging to persons or private corporations.

Whenever pipes, aqueducts, or other works are laid or constructed by the board beneath the surface of the soil belonging to any person or private corporation, the commissioners shall, in like manner, cause to be recorded a certificate containing the name of the person or corporation (if known), owning the soil at the time such pipes, aqueducts, or works are laid or constructed therein, a brief description of the land in which they are situated, their general character and direction, and such further statements thereof as shall enable persons to determine their location with reasonable certainty. Such certificates shall be signed by the president and secretary of the board, and recorded and indexed as deeds, in which the

owner of the land is the grantor, and the board of water commissioners of the city of Detroit is the grantee. The record thereof shall be deemed public notice of all matters therein contained. The register shall receive the usual fees for recording such certificates.

SEC. 3. Section eight of said act shall be amended so as read Section amended.
as follows :

SEC. 8. The commissioners shall also provide and erect fire hydrants at such localities in said city as may be deemed necessary, and ordered by the fire commission or the common council of said city, provided that the expense thereof shall be paid from the funds of said fire commission, when their erection is ordered by the fire commission, or from the appropriate fund of the city when ordered by the common council; and for the purposes of this act, to conduct pipes, aqueducts, or other works, over or under any water course, or under any street, alley, turnpike road, railroad, highway, or other way, within or without the city of Detroit, but in such a manner as not to unnecessarily obstruct or impede travel thereon; and they may at all times enter upon and dig up, with like restrictions as to travel, such street, alley, road, or way, to lay such pipes, or construct such aqueducts and other works beneath the surface thereof, and to maintain and repair, or renew, the same, returning the street, alley, or way, to its former condition so far as may be. The commissioners may erect drinking hydrants for public use to each block in said city, and keep the same in repair; and with the consent of the common council of the city, they may also erect fountains in such public grounds of the city as they may deem expedient.

Powers and duties relative to the erection of fire hydrants etc.

Relative to the erection of drinking hydrants, etc.

SEC. 4. Section fifteen of said act shall be and the same is hereby amended so as to read as follows : Section amended.

SEC. 15. The material of all pipes, aqueducts, and other works laid or constructed above or beneath the soil of any person or private corporation, shall be and remain the sole property of the board, and subject to its exclusive control and

Material, etc., property of board

management, and no person shall interfere or meddle therewith without the written assent of the board, signed by its president and secretary.

Section amended.

SEC. 5. Section seventeen of said act shall be amended so as to read as follows :

Authority to make surveys and agree on damages to property.

SEC. 17. The commissioners, and under their directions, their agents, servants, and workmen, may enter upon any public or private land or water for the purpose of making all necessary surveys, and for maintaining their pipes, aqueducts, and other works, and doing any other act necessary to carry into effect the purposes herein expressed. They may also agree with all persons interested in private property as to the compensation to be paid for damages thereto by their own acts or the authorized acts of their agents and employes. Upon such agreements being made, the board shall forthwith pay the amount agreed upon.

Section amended.

SEC. 6. Section eighteen of said act shall be amended so as to read as follows :

Power of board to use private property.

SEC. 18. The board shall have the power to take in fee, or to enter upon and use private property or land, within or without the limits of the city of Detroit, for the purposes specified in this act. In case all the persons interested in said property or

Proceedings when agreement cannot be made as to amount of compensation.

lands, and the commissioners, shall not be able to agree upon the compensation to be paid for such taking, or for such entry upon and use of said lands for the laying of pipes and the construction of aqueducts or other works beneath the surface thereof, and maintaining and renewing the same when necessary, the commissioners shall tender or cause to be tendered to said persons severally, such sums of money as the board shall deem a just compensation therefor; and the acceptance of the money so tendered shall be a bar to any subsequent claim of compensation for such taking or for such entry and use. But

Tender of compensation.

When tender is not accepted.

if any of said persons shall not accept said money, or if any of them be infants, insane, residents without the State, or unknown, the commissioners, by themselves, or by attorney

shall present to the circuit court for the county of Wayne a petition in the name of the board, setting forth a description of the several parcels of property which they seek to acquire, and of the lands upon which they demand the right of entry and use, as aforesaid, and for which said tender has been refused; the amount tendered for each parcel, and the date of tender; the names of the persons interested therein, and their residences; who of said parties are infants, and their ages, if known; who are insane; who are non-residents, and who are unknown, and the character of their several interests so far as the commissioners can discover; whether title to the same is sought by the board, or merely the right of entry and use for the above mentioned purposes. The petition shall also demand a jury to determine the necessity of taking said property, or of entering upon and using said land therein described, and the compensation to be paid to the several persons therefor, and shall be verified by the oath of one of the commissioners. Before such petition is presented to the court, a copy thereof shall be served upon all the persons named therein whose interests will be affected by said proceeding. The copy of the petition so served shall be accompanied by a brief notice, directed to said persons, stating that said petition will be presented and application made to said court on a day and hour certain therein named, for a jury in accordance with the demand thereof. If all of the persons interested reside within one hundred miles of the city of Detroit, such service shall be made at least six days prior to the day designated in the notice for the presentation and application. When any of said persons reside over one hundred miles from said city, but within the State, such service shall be made on the persons so residing at least twelve days prior to the presentation and application aforesaid. If any of said persons shall reside without the State, or be unknown, legal service may be had upon him or them by notice published semi-weekly for three successive weeks, immediately

Commissioners to petition to circuit court

Contents of petition.

Copy to be served.

Accompanied by notice.

Time of service.

If non-resident, how served.

preceding the presentation and application, in two daily newspapers in said city. The notice shall be directed to such person or persons (if known), and shall briefly describe the property or land to be affected by the proceeding, whether title in fee to the same is sought to be acquired by the board, and if so, to what part or portion, or merely the right of entry upon and use of land for the purpose of laying pipes or constructing aqueducts or other works beneath the soil, and maintaining and renewing the same when necessary. The notice shall also state when the petition will be presented to the court and application for jury made. When such non-resident or unknown person has an acknowledged agent of the property or land residing and present in this State, personal service of a copy of the petition and notice accompanying the same may be had upon the agent instead of said publication, in which case the same time before said presentation and application shall be allowed to his principal as though he resided more than one hundred miles from said city, but within the State. The practice in making the service in this section directed, shall, except as herein otherwise provided, be as prescribed by section twenty-four hundred and eighteen of the compiled laws of eighteen hundred and seventy-one. Service of such other papers as may be necessary in the proceeding, and not hereby provided for, shall be made as directed by the court. The court shall also appoint special guardians of infants or insane parties when they have no general guardian.

To whom directed and what to contain.

May be served on agent.

Practice in making service.

When court shall appoint special guardians of infants, etc.

Section amended.

Proceedings when jury is demanded

SEC. 7. Section nineteen of said act shall be so amended as to read as follows:

SEC. 19. On presenting such petition to the court at the time appointed, together with due proof of service of copies thereof, and notice as hereinbefore directed, all persons whose estate or interest in said property or land are to be affected by the proceedings, whether named in the petition or not, may show cause why the demand for a jury should not be granted,

and the court shall hear the proofs and allegations of the parties. If no sufficient cause be shown against granting such demand, the court shall immediately make an order to summon twelve freeholders of said county, to ascertain and determine the necessity of taking such property by the said commissioners, or of entering upon and using said land for the purposes aforesaid, and to appraise and determine the compensation to be allowed therefor; and thereupon the court shall direct the sheriff of said county to make a written list of twenty-four freeholders of the county, and otherwise qualified to sit as jurors and residing not more than ten miles from the property or land to be affected by said proceedings. Before making such list, the sheriff shall be sworn by the court to select such persons according to his best judgment, and without favor or partiality to either party. From such list, the commissioners or their attorney may strike off six names, and the persons interested in said lands or property, six names, and in case either of them refuse to do so, or none of said persons interested are present by themselves or by attorney, the court shall strike from said list six names, so as to leave only twelve names thereon. A *venire* in the usual form, shall then issue from said court, containing the twelve names remaining on said list, and commanding the persons therein named to appear as jurors at the Wayne county court room, at a time not less than five nor more than ten days from the date of said *venire*, which shall be served by the sheriff at least two days before the return day thereof; service and return of said writ shall be made as in other cases. If, at the time and place specified in the *venire*, any of the persons named therein fail to appear; or if, of those appearing, any be found exempt, or shall be excused by the court, or be rejected on challenge (the right to challenge for cause being hereby reserved, as in other cases), the court may direct the sheriff to forthwith summon as many persons qualified to act as jurors, as not being rejected on challenge for cause, or

Duty of jurors.

Sheriff to make list of freeholders.

Shall be sworn.

When jurors fail to appear, etc.

Court shall impose fine.

Jury shall be sworn.

May view premises.

Not to be accompanied by interested persons.

Plat of property to be placed in hands of jury.

Jury to try cause.

Commissioners may open and close cause.

excused, may be necessary. The court shall impose a fine of not less than three dollars on any person duly summoned as a juror and failing to attend, unless satisfactory reason for such failure shall be shown. The jury being so empaneled as above provided, shall then be sworn to discharge their duties faithfully, impartially, and according to the best of their ability. No view of the premises to be affected by the proceeding shall be necessary, unless the jury desire it, or a demand therefor be made by some of the parties, in which case the jury shall proceed to view said premises under charge of the sheriff, as in other cases where a view is permitted or ordered by the court. None of the commissioners, or persons interested, or their attorneys or agents, shall be allowed to accompany said jury. A plat of said property, when capable of being platted, showing the portion to which title in fee is sought to be acquired by the commissioners; or (where only the right of entry thereon and use for the purposes above stated is sought) showing the location of the pipes, aqueducts, or other works proposed to be laid or constructed beneath the surface thereof, made and certified by the official surveyor of the board (if there be such surveyor), or by the surveyor of said city, shall be placed in the hands of the jury for their inspection. Immediately after such view is had, or, if there be none, then after the jury is sworn, if no adjournment for good cause be granted, they shall proceed at the bar of said court, and in its presence, and under its direction as to matters of law, to hear and try all questions of fact as to the necessity of the taking of said property by the board, or of the entry upon, by the commissioners, and using said land for the purposes aforesaid, and to determine according to their best judgment the just compensation to be paid therefor to the several persons interested. The commissioners shall have the right to open and close the case, and the court shall charge the jury as to such matters of law as shall be deemed necessary. The jury shall then retire for deliberation upon their verdict to be

rendered, and shall remain together until they agree as to the question of necessity of taking or of entering upon and using said property or land, and if such necessity be found, then as to the amount of compensation to be paid to the several persons interested therein: *Provided*, That the court may in its discretion discharge the jury if it shall become apparent that they cannot agree. When the jury have agreed upon their verdict, they shall render the same in open court, and it shall be recorded by the clerk and in their presence; and the same being read to them, the jurors shall severally give their assent thereto. The verdict shall describe the property to be taken by the board where title therein is sought, and shall give a general description of the land upon which the commissioners seek the right of entry and use for the purpose of laying pipes and constructing aqueducts or other works beneath the surface thereof, and maintaining and renewing the same when necessary, together with their proposed location on said land, the names of the persons interested in said property or land, and the several amounts awarded by the jury to each of them, and the court shall thereupon pronounce judgment against the board and in favor of said several persons for said amounts. The practice upon the trial of said matters not herein otherwise provided for, shall, so far as may be, conform with the trial of issues of fact in courts of record in this State. If the jury shall be unable to agree and shall be discharged by the court, the commissioners may again commence and carry on new proceedings in like manner in all respects as above provided. Within twenty days after the verdict for compensation shall have been rendered, the board shall pay or tender to the respective persons the several amounts awarded to them by the jury, and in case any person shall refuse to accept the same, be unknown, or reside without the State, or cannot with reasonable diligence be found, or for any reasons be incapacitated to receive such money, or the right thereto be disputed or doubtful, the

Verdict of jury.

Proviso.

To be rendered in open court and recorded by clerk.

What to contain.

Practice upon trial.

When jury cannot agree commissioners may commence new proceedings.

Payment or tender of amounts awarded.

same may be deposited in court to abide the order of the court, and to be paid over to the person entitled and competent to receive it. Upon failure of the board to make such payment, tender, or deposit, within the time above specified, except when an appeal has been taken as hereinafter provided, such failure shall be considered an abandonment of the proceedings as to the person or persons entitled thereto. If at any time before verdict it shall appear to the court that there are adverse or conflicting claimants to the money or any part of it to be paid as compensation for the property or land to be affected, an order may be entered in said proceedings directing the money, or such part as may be necessary, to be paid into court by the commissioners within said twenty days, and the court may subsequently determine who is entitled to the same, and direct to whom the same shall be paid, and may, in its discretion, order a reference to ascertain the facts. Whenever the commissioners pay any award of compensation, they shall be entitled to a receipt for such money, and if the same be refused, they may pay the same into court as if tender thereof had been made and refused. At any time before verdict the board may, after sufficient cause shown, and upon leave, discontinue all proceedings against any or all of the persons interested, and in case such discontinuance shall be had as to only a portion of said persons, the court shall award them such costs as it may deem just to be paid by the board; and if the discontinuance be had as to all of said persons, the commissioners shall pay all costs of the proceeding. In case of discontinuance as to part or all of said persons, the court may also allow a reasonable attorney fee, to be taxed against the board. When tender has been made by the board to any persons interested, before the presentation of the petition and application as hereinbefore directed, and the jury shall award to such persons no greater compensation than the sum tendered, the court shall allow against him and in favor of the board such costs as may be just, and the same may be deducted

Payment in case there are adverse claimants.

Commissioners entitled to receipt.

When board may discontinue proceedings.

Court may allow attorney fee.

Costs.

from the amount to be paid to such person. No attorney fees shall be allowed to the board, and no such fee shall be allowed to any persons except to those who on the trial of said matter have actually appeared by attorney. The costs and fees to be allowed in such proceedings shall be such as are provided by the general laws of the State, and where no provision is made, then such as the court may direct. All question of costs, except as in this act provided, shall be in the discretion of the court. When payment or tender or deposit has been made by the commissioners as above required, they shall be entitled to, and may take, exclusive possession of said property and land, and shall hold the same in fee, and may at all times erect such reservoirs, buildings, machinery, and fixtures thereon, as the board may deem necessary or proper to carry out the purposes of this act, or where only the right of use, as aforesaid, has been sought and obtained by the board, and shall have the perpetual right to enter upon said land, and lay pipes, and construct aqueducts and other works beneath the surface thereof, and to maintain and renew the same whenever necessary, but in no other place or portion of said land than that decided upon in said proceedings.

When attorney fee shall not be allowed.

Amount of costs and fees.

When commissioners may take possession of property.

SEC. 8. Section twenty of said act shall be and is hereby amended so as to read as follows:

Section amended.

SEC. 20. Any person interested in said property or land, feeling himself aggrieved by the verdict of the jury and the judgment rendered thereon, and who shall not have received the compensation awarded him, may appeal to the Supreme Court, by filing in writing with the clerk of said circuit court, a notice of such appeal and specifications of the errors complained of, within ten days after the rendering of said verdict and pronouncing said judgment, and serving within the same time a copy thereof upon the board, and filing a bond with said clerk, to be approved by the judge of the court or a circuit court commissioner of said county, conditioned to prosecute said appeal to effect, and pay all costs that may be

Appeal to Supreme Court.

Filing of notice with clerk, etc.

Filing of bond.

adjudged against him in case said verdict and judgment be affirmed. On filing of said bond the clerk shall, as soon as practicable, transmit to the Supreme Court a certified copy of all of said proceedings on file in his office. The Supreme Court shall, at the next term thereafter, hear and determine the matter of said appeal, and affirm or reverse said verdict and judgment; but the same shall not be reversed for any mere matter of form, nor for errors except errors of law, and only in regard to the appellant or appellants. The court shall give judgment for reasonable costs and expenses in the matter of the appeal; and all costs and expenses awarded to the commissioners, in case of affirmation, shall be applied on and deducted from the compensation to be paid the appellant or appellants against whom the judgment and verdict below have been affirmed. When the verdict and judgment are reversed, the Supreme Court may direct the proceeding before the same or a new jury, and may make such further direction or order in the premises as may be necessary. The second verdict and judgment shall be final and conclusive; and the commissioners shall pay, tender, or deposit the sums of money awarded as compensation, on such second verdict, within twenty days after its rendition, or forfeit all rights thereunder. When the original verdict and judgment shall have been reversed, in whole or in part, and the commissioners shall desire a second verdict, they shall serve notice of application for a new jury, or the calling together the former jury (as the case may be), for that purpose, only on the successful appellants. No second service of the petition shall be necessary, but the notice shall be sufficiently specific to afford the parties entitled thereto full information of the intention of the commissioners to demand a second verdict and judgment. All other proceedings to obtain a second verdict and judgment shall be as nearly as practicable like those to obtain the first. If the commissioners shall fail or neglect to give said notice for ninety days after reversal of verdict and

Clerk shall transmit copy of proceedings to court.

When court shall try cause.

Judgment.

Proceedings when verdict and judgment are reversed.

Second verdict final and conclusive.

When commissioners desire second verdict they shall serve notice for new jury.

judgment, they shall be deemed to have abandoned said proceedings. If said appeal shall have been taken before the payment, tender, or deposit above provided for, the obligation of the board to make the same shall be suspended pending the appeal, but shall be made within twenty days after affirmance of said verdict and judgment, when the same is affirmed, otherwise within the same period after a second verdict and judgment is rendered. The appeal shall not prevent the board from taking possession of said property or from using said land for the purposes of this act; and in case the commissioners shall deem that public necessity so require, they may enter upon and take such possession or make such use of said property or land, first filing with the clerk of said court a bond approved by the judge thereof, or by the recorder of said city, in such penal sum as said judge or recorder may determine, conditioned that the board will pay to all persons interested, and particularly to the appellants, within the time above limited therefor, all such sums of money as shall be finally awarded to them as compensation in said proceedings. Said bond shall also contain such other conditions or stipulations as the said judge or recorder shall think necessary to save said persons harmless from loss or damage: And thereupon the commissioners may take possession of or enter upon and use the property and land as aforesaid.

Failure to serve notice abandonment of proceedings.

When appeal is taken before tender, etc.

Appeal not to prevent board from taking possession of property.

SEC. 9. Section twenty-one of said act shall be amended so as to read as follows:

Section amended.

SEC. 21. If any person shall willfully do or cause to be done, any act whereby any work, materials, or property whatsoever, erected or used within or without the city of Detroit by the commissioners, or by any person acting under their authority, for the purpose of procuring or keeping a supply of water, shall be injured, or shall willfully throw or place, or cause to be thrown or placed, any carcass of any dead animal or person, or any other deleterious or filthy substance whatever, in any reservoir, pipe, or aqueduct of said board, through which water

Penalty for damaging water works

for public or private use is conveyed, or shall throw or place, or cause to be thrown or placed, any such carcass, deleterious or filthy substance into the Detroit river or Lake St. Clair, within a distance of six miles above any inlet pipe of said board extending into said river, and through which said supply of water or any part thereof is received, or do, or cause to be done, any other act to willfully pollute said water, he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or imprisonment in the Detroit house of correction for a period not exceeding two years, or both, at the discretion of the court before which the case is tried. The commissioners shall erect notices of so much of this section as relates to reservoirs and the Detroit river and Lake St. Clair at conspicuous points on such reservoirs and along the American shore of said river and lake within the distance above mentioned, and for this purpose they or their agents shall have the right to enter upon private property.

Commis-
sioners shall
erect notices

Section
amended.

SEC. 10. Section twenty-two of said act shall be and the same is hereby amended so as to read as follows:

Penalty for
injuring
works.

SEC. 22. If any person shall, without authority of the commissioners or their proper agents, perforate or bore, or cause to be perforated or bored, any distributing pipe, main, log, or aqueduct, belonging to said works of this board, or make, or cause to be made, any connection or communication with said pipes, aqueducts, or logs, or meddle with or move the same, or any machinery, apparatus, or fixture of the board, or take down, or deface any of the notices provided for in the last section, or cause the same to be done, the person so offending shall, on conviction, be punished by a fine not exceeding one hundred dollars, and shall also be sentenced to imprisonment in the Detroit house of correction until such fine be paid, not exceeding six months. Any person who shall willfully and maliciously break or cut any inlet pipe, main, distributing pipe, log, or aqueduct, used by the commissioners for conduct-

ing said water, or shall dig into, or break up, any reservoir filled, or partially filled, with water, or shall break or injure any pumping engine, or any part thereof, or any of the machinery connected therewith, belonging to said board, or cause any of said acts to be done, shall be deemed guilty of felony, and upon conviction thereof shall be punished by imprisonment in the State Prison not more than five years, or by a fine not exceeding one thousand dollars, and imprisonment in the jail of said Wayne county not more than one year. All violations of the provisions of this act shall, when committed within the limits of the city of Detroit, be tried in the recorder's court of said city, and when committed beyond said limits, they shall be tried in the circuit court for the county of Wayne.

When violations of this act to be tried in recorder's court.
When in circuit court

SEC. 11. Section twenty-three of said act shall be amended so as to read as follows :

Section amended.

SEC. 23. The commissioners shall have power to extend their distributing pipes, aqueducts, and mains, and erect hydrants, without the limits of said city, and to regulate, protect, and control such portions of their works, and the water supply therefrom, in the same manner that they may regulate, protect, and control their works, and the water supply within the city: *Provided*, That before any water shall be supplied to any person or persons residing outside of the limits of the city, the entire cost of the distributing pipes necessary to supply such person or persons shall be paid to the said board, and all such distributing pipes through which any water shall be supplied by said water board, shall be the property of said board, and form part of its system of distributing pipes: *And provided further*, That at least double the usual rates shall be charged by said board for any water supplied to persons residing outside the city limits; they shall also have all such other and further powers and rights not herein granted as are given to water boards by the general laws of this State, and as are not inconsistent with the powers

Power of commissioners to extend pipes, etc.

Proviso relative to supplying persons outside of city limits with water.

Further proviso.

When board
may issue
new bonds.

and rights herein granted. If the said board shall at any time not have funds on hand sufficient to meet and pay any of the bonds heretofore issued by said board at the time when they shall become due, they shall have the right to issue new bonds for such amounts and on such time as they shall deem expedient, in the place of the bonds so becoming due as aforesaid, or such part thereof as said board shall be unable then to pay ; the said old bonds shall be taken up and cancelled, and such cancellation recorded or otherwise indicated in the registry thereof, and the new bonds shall be recorded in the registry in which said old bonds were recorded, as provided by the law under which said old bonds were issued.

Old bond
shall be can-
celled.

New bonds
to be record-
ed.

SEC. 12. This act shall take immediate effect.

Approved April 12, 1873.

[No. 360.]

AN ACT to change the time of the annual meeting of St. Peter's (Protestant Episcopal) church, in the city of Hillsdale, from Wednesday to Monday in Easter week, and to increase the number of vestrymen of said church from six to seven.

Time of
annual
meeting.

SECTION 1. *The People of the State of Michigan enact*, That the annual meeting of St. Peter's (Protestant Episcopal) church, in the city of Hillsdale, shall be held on Monday in Easter week, in the year one thousand eight hundred and seventy-three; and thereafter the annual meeting of said church shall be held on Monday in Easter week of each year.

Election of
vestrymen.

SEC. 2. The qualified voters of St. Peter's (Protestant Episcopal) church, in the city of Hillsdale, at the annual meeting of said church, on Monday in Easter week, in the year one thousand eight hundred and seventy-three, shall elect seven vestrymen; and thereafter the vestry of said church shall consist of seven members, to be elected annually, in the manner, and shall hold their office for the time prescribed in