

ACTS
OF
THE LEGISLATURE
OF THE
STATE. OF MICHIGAN,

PASSED AT THE
REGULAR SESSION OF 1873.

VOL. III.

LOCAL AND PERSONAL ACTS.



BY AUTHORITY.

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1873.

notice the said board of inspectors for such township are hereby authorized and required to post.

SEC. 6. This act shall take immediate effect.

Approved February 28, 1873.

[No. 298.]

AN ACT to incorporate a board of water commissioners for the city of East Saginaw, to supply the city with pure and wholesome water, and to provide for the completion and management of the East Saginaw water works.

SECTION 1. *The People of the State of Michigan enact*, That the common council of the city of East Saginaw be and they are hereby authorized and empowered, and it shall be their duty, to appoint five persons, residents and freeholders in said city, to be named and constituted a board of water commissioners for the city of East Saginaw, who, and their successors in office, shall be a body corporate, to be known by the name and style of the board of water commissioners of the city of East Saginaw, and by that name shall have power to make contracts, sue and be sued, to have a common seal, and to alter and change the same at their pleasure; to purchase, hold, and convey personal and real estate, to make by-laws, ordinances, rules, and regulations, and do all legal acts that may be necessary and proper to carry out the effect, intent, and objects of this act.

SEC. 2. The said commissioners shall hold their offices respectively for the term of one, two, three, four, and five years from the first Tuesday in March, of the year eighteen hundred and seventy-three. The said commissioners above named shall, within thirty days after the passage of this act, decide by lot their respective terms of office, which decision shall be certified in writing to the common council of said city, and be entered of record on the books of said council;

Common council to appoint board.

Corporate name.

Powers of board.

Terms of office.

Classification.

and at their first regular meeting in the month of January, eighteen hundred and seventy-four, and annually thereafter, the said common council shall elect by ballot a citizen of said city, being a qualified elector and a freeholder therein, as a commissioner, who shall hold his office for the term of five years from the first Tuesday in the month of March following: *Provided*, That this section shall not be construed to prevent or disqualify any member of said board for re-appointment. And in case of the death, resignation, or removal from the city of any commissioner, the common council shall, at its next regular meeting thereafter, elect a citizen of said city, being a qualified elector and freeholder, to fill such vacancy for the remainder of the unexpired term.

Proviso.

Vacancies,
how supplied.

Election of
president.

Appointment
of secretary
and other
officers.

Compensation
of officers
and commissioners.

Power of
commissioners
to borrow
money.

SEC. 3. The said commissioners shall elect one of their number as president of the board, who shall hold his office for one year, or until the second Tuesday in March next ensuing his election, and in case of the death, resignation, or removal of the president, the said commissioners shall have power to fill the vacancy as in the first instance. Said commissioners shall also appoint some suitable person secretary of the board, who shall hold office during the pleasure of the board. They shall have power to appoint and employ such superintendents, engineers, clerks, collectors, assessors, surveyors, inspectors, and laborers as in their opinion may be necessary to enable them to properly perform their duties under this act, and to specify the duties of all persons so employed, and to fix their compensation; but said commissioners shall receive only such compensation for their own services as the common council of said city shall authorize and direct.

SEC. 4. The said commissioners shall have power to borrow from time to time, upon the best terms they can make after giving public notice by advertising in one paper in each of the cities of East Saginaw, Detroit, Boston, and New York, for such time as they shall deem expedient, a sum of money not exceeding three hundred thousand dollars, includ-

ing the bonds already issued by the common council of said city, for the purpose of constructing water-works therefor, upon the credit of the said city of East Saginaw, and shall have full authority to issue bonds pledging the faith and credit of said city for the payment of the principal and interest of said bonds; which bonds shall issue under the seal of said board of water commissioners, and be signed by them, or a majority of them, and the mayor of said city; and said bonds shall bear interest not exceeding the rate of eight per cent per annum, and shall be payable at a period not to exceed twenty years from the date of their issue. And it shall be the duty of said commissioners to cause to be kept an accurate register of all the bonds issued by them, showing the number, date, amount, rate of interest, number of coupons, when and where payable, and to whom issued, of each bond; and it shall also be their duty to cause to be furnished to the controller of said city a copy of such register as soon as the same is made and the bonds issued, which shall be preserved by said controller, and by him copied into the bond register of said city.

Authority to
issue bonds.

To be signed
by commis-
sioners and
mayor.

Register of
bonds issued,
to be kept.

Copy to be
furnished
for con-
troller.

SEC. 5. It shall be the duty of said commissioners to examine and consider all matters relative to supplying the city of East Saginaw with a sufficient quantity of pure and wholesome water for the use and convenience of all the inhabitants of said city, to be obtained from the Tittabawassee river, or such other source of supply as may be deemed expedient, and to so plan, manage, and construct said water-works as to provide for an ample supply to protect said city against fire, and for other public or sanitary purposes, as the best interests of said city and its inhabitants may seem to require.

Duty of
commis-
sioners rela-
tive to sup-
plying city
with water.

SEC. 6. Said commissioners shall have power, and it is hereby made their duty, as soon as may be after the necessary funds shall have been procured, as herein provided, to purchase lands and material, procure and adopt plans, and construct such buildings, machinery, reservoirs, pipes, and fixtures, as shall be deemed necessary to furnish a full supply of water

Relative to
purchase of
lands, erec-
tion of build-
ings, etc.

General
powers of
commission-
ers.

for public and private use in said city; and they shall have full power, for the purposes of this act, to lay conduits or pipes, aqueducts, or other necessary works, over or under any water-course, or under and along any street, alley, lane, turnpike, road, railroad, or highway, within or without said city, but in such manner as not to obstruct the same, or impede or prevent travel thereon; and they may, at all times, enter upon and dig up such street, alley, road, or public way, to lay pipes thereon, or construct works beneath the surface thereof; and to maintain, repair, or renew the same, with like restrictions as to travel, and they shall return such street, road, or other public way, to its former condition as near as may be, in every such case. The rights of such board to use all streets, lanes, and public highways shall take precedence over those granted to any corporation by the common council of said city, and over all other parties whomsoever, except in case of the public sewers of said city.

Idem.

SEC. 7. Said commissioners shall have power to construct reservoirs, jets, and fire hydrants, at such localities in said city as they may deem necessary and expedient, and to keep the same in repair; and also, with the consent of the common council of the city, to construct fountains for public use in the streets, squares, or other public grounds in said city.

Assessment
of water
rates.

SEC. 8. Said commissioners shall, from time to time, cause to be assessed the water-rate to be paid by the owner or occupants of each house or building having or using water, upon such basis as they shall deem equitable; and such water-rate shall become a continuing lien, until paid, upon such house or other building, and upon the lot or lots on which such house or other building is situate: *Provided*, When water is furnished a tenant, said board shall cause notice to be served on the owner of such lot or building within thirty days after default on the part of the tenant to pay such water-rate, or no such lien shall attach.

Proviso.

SEC. 9. Said commissioners shall have full power to make

and enforce all necessary by-laws, rules, and regulations for the collection of said water-rates, either by the appointment of collectors to demand the same, requiring payment at the office of the board, shutting off the water, or by a suit at law before any court of competent jurisdiction, or by the sale of the lot or premises upon which such rates shall have become a lien; and such sales shall be conducted in the same manner, and shall have the same force, virtue, and effect of sales of lots or premises delinquent for city taxes; and any attempt to collect said rates, by any process hereinbefore mentioned, shall not in any way invalidate the lien upon such lot or premises, or in any way hinder or prevent their sale to finally satisfy said lien.

Power of commissioners relative to the collection of water rates.

SEC. 10. The said commissioners shall provide and keep a public office in some convenient place in said city, where its meetings shall be held, and its books and records shall be kept. They shall cause to be kept an accurate record of all proceedings, together with a list of all assessments for water-rates, which shall be a public record, and subject to inspection at all times to all persons interested. They shall, on or before the first Tuesday in January in each year, make and publish an annual report, which report shall embrace a full statement of the condition and operation of the works, a statement of the funds, securities, debts due to and from the board, and an accurate account of all their receipts and expenditures for the year; a copy of which shall be filed with the common council of said city, and published in at least one newspaper, as said council may direct.

Commissioners to keep a public office.

Record of proceedings.

Report.

Copy to be filed with common council.

SEC. 11. Before entering upon the duties of their office, said commissioners shall each execute and file a bond in the sum of ten thousand dollars, with two or more sureties, to be approved by the mayor of said city, conditioned for the faithful performance of their duties under this act, take and subscribe an oath or affirmation, similar to that provided in the

Oath and bond of commissioners.

case of other officers of said city, to be filed with the clerk of the common council of said city.

**Removal
from office.**

SEC. 12. Any member of said board of water commissioners may at any time be removed from office for cause, by the common council of said city, in the manner provided for the removal of other officers of said city.

**Power and
authority to
purchase
lands, etc.**

SEC. 13. Said commissioners shall have power and authority to purchase land for their use, and to locate and construct said water-works on any part thereof, to build docks, cribs, buildings, reservoirs, aqueducts, or conductors, and to lay pipes, and maintain hydrants on any land or territory so purchased, outside the limits of the said city of East Saginaw, as may be necessary to carry out the purposes and intent of this act, and to exercise jurisdiction, authority, and ownership to and over the same, as if such property or buildings were situate within the corporate limits of the said city of East Saginaw; and all property so acquired and used by said board of water commissioners, for the purposes specified in this act, shall be exempt from all taxation, whether situate within the limits of the city of East Saginaw, or in any village or township contiguous thereto, so long as used by said board solely for the purposes specified in this act.

**Property
exempt from
taxation.**

**Power to
contract
with trust-
tees of other
cities, etc.,
relative to
laying of
pipes, etc.**

SEC. 14. Said board of water commissioners are hereby fully authorized and empowered to make agreements or contracts with the board of trustees of the village of South Saginaw, or any other city or village adjoining or contiguous to said city of East Saginaw, for locating, laying, and running water-pipes into and through the streets of such village or city, for erecting and maintaining all necessary works, hydrants, or other appliances, for supplying such village or city, and the inhabitants thereof, with water for public and private use, and receive pay or compensation therefor; and in case such agreement or contract is made, all the provisions of this act, relative to the assessment and collection of water-rates, as made by said board, shall apply to, and be in force in such village or city so far as

**When pro-
visions rela-
tive to water
rates to ap-
ply to other
cities and
villages.**

the same may be applicable ; and said board shall have full power to enforce collection by suit at law in any court of competent jurisdiction, against any person or inhabitant of such city or village, for all sums due for water furnished such inhabitants or person.

SEC. 15. In case such agreement or contract is made by said board of water commissioners with the board of trustees or other competent authority of the said village of South Saginaw, or any other village or city, the board of trustees shall have full power and authority to pass all by-laws or ordinances necessary to carry into effect such agreement or contract within the proper meaning of this act, and to levy, collect, and pay over to the president of the board of water commissioners such sums of money, by general or special tax, as may be necessary to carry into effect and fulfill such agreement or contract, in addition to the other taxes authorized by law to be levied, assessed, and collected in such village or city : *Provided*, All such taxes shall be voted, levied, and assessed by the board of trustees of such village or city, in the same manner, at the same time, and shall be assessed upon the same tax rolls, become a lien on the lots or premises assessed, and be collected in the same manner as the other village or city taxes of such village or city are by law authorized to be assessed, levied, collected, and returned ; and whenever necessary to sell any real estate or other property for such tax, in whole or in part, such sale shall be made in the same manner, at the same time, and with the same force, virtue, and effect, of sales of other property or real estate for other village or city taxes by such village or city.

Power of board of trustees to pass by-laws necessary to carry contract into effect, etc.

Provide.

SEC. 16. The said commissioners, and under their direction, their agents, servants, and workmen, are hereby authorized to enter upon any land or water, for the purpose of making surveys, and to agree with the owner of any property, which may be required for the purposes of this act, as to the amount of compensation to be paid to such owner for the right to use such premises, or so much thereof as may be necessary.

Authority of commissioners relative to entering upon lands, etc., to make surveys, etc.

Proceedings
relative to
taking lands
for public
use.

SEC. 17. In case it shall be necessary to take or appropriate any lands for public use by said board, within the limits of the city of East Saginaw, the same shall be taken, and the same proceedings shall be had as is provided in title six of "An act to incorporate the city of East Saginaw," approved February fourteen, eighteen hundred and fifty-nine, and the acts amendatory thereto; and in case it shall be necessary to take any lands for public use by the said board, situate within the limits of the said village of South Saginaw, or any other village, the same shall be taken, and the same proceedings had as is provided in section twenty-seven of "An act to provide for the incorporation of villages," approved February seventeen, eighteen hundred and fifty-seven; and when so taken such lands shall become the property of said board for the purposes prescribed in this act.

Materials
exempt from
execution.

SEC. 18. All materials procured or partly procured under a contract with said commissioners shall be exempt from execution, but it shall be the duty of the commissioners to pay the money due for such material to the judgment creditor of the contractor, under whose execution such material might otherwise have been sold, upon his producing to them due proof that his execution would have so attached, and such payment shall be held a valid payment on the contract.

Misdemean-
or to injure
property, or
pollute the
water.

SEC. 19. If any person shall willfully do, or cause to be done, any act whereby any work, materials, or property whatsoever, erected or used within the city of East Saginaw, or elsewhere, by the said commissioners, or by any person acting under their authority, for the purpose of procuring or keeping a supply of water, shall in any manner be injured, or shall willfully pollute the water, shall be deemed guilty of misdemeanor, and, upon conviction, shall be punished therefor as other misdemeanors are punished.

Penalty for
certain
offenses.

SEC. 20. If any person shall, without the authority of said commissioners, as delegated through them or their agents, perforate or bore, or cause to be perforated or bored, any dis-

tributing pipe, or main, lateral, or log, belonging to the water works of said city, or make or cause to be made, any connection or communication whatever with the said pipes or logs, or break, or in any way injure the same, every person so offending shall, for each offense, forfeit a sum not exceeding one hundred dollars, and costs of prosecution, to be recovered in the recorder's court of said city, or other court of competent jurisdiction, or may be imprisoned in the county jail of Saginaw county not more than three months, in the discretion of the court.

SEC. 21. Said commissioners are authorized to lay water pipes and connections in, along, or across the Tittabawassee, Cass, and Saginaw rivers, or other navigable waters, as may be necessary, and to erect and maintain proper and suitable cribs, pens, man-holes, or other structures necessary to use, protect, and maintain such water works, without causing any permanent or unnecessary hindrance to the free navigation of such rivers or waters; and any person or party who shall negligently or willfully cause damage to be done to such pipes, cribs, pens, man-holes, docks, or other property of said board or water works, or remove or destroy any mark or buoy placed upon or over the same, or deface or improperly use the same, by running any tugs, vessel, steamer, raft, or obstruction upon the same, or by the improper use or dragging of anchors, or in any other manner willfully injuring the same, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished therefor, as hereinbefore provided.

Power to lay pipes and erect fixtures along and across certain rivers.

Penalty for damaging pipes, etc.

SEC. 22. Said commissioners shall have the custody and control of all money, revenues, accounts, and bonds belonging to the board of water commissioners, and deposit the same as they deem for the best interest of the city, except as herein-after provided. They may appoint one of their number as treasurer, and such treasurer shall give such bonds as the board may require, which bond shall be approved by the mayor of said city, and such treasurer shall pay out the moneys in

Commissioners to have control of moneys, etc.

May appoint treasurer.

his hands belonging to the board as it shall order, and be subject to such rules and by-laws as the board may from time to time adopt.

Investment of surplus funds.

SEC. 23. Whenever the receipts of said board from water rates, or other sources, shall accumulate so that there shall be a surplus, amounting to a sum of not less than one thousand dollars, not needed for the payment of the current expenses, or the extension of said works, it shall be the duty of the commissioners, together with the mayor of said city, who shall be associated with them for that purpose, to invest the same in some safe stocks, or upon real estate. Such investment shall be made in the name of said board of water commissioners, and in such manner as to make the same available for the payment of interest and principal of the bonds issued as aforesaid,

To be made in name of board.

Payment of interest and principal on bonds.

as soon as may be. It shall be the duty of said commissioners to pay the interest on such bonds, and as fast as such surplus fund will permit; also the principal, as the bonds become due, as funds for such purpose shall from time to time accumulate.

Purchase of bonds.

The said commissioners may, when they have funds for that purpose, purchase the bonds so issued as aforesaid, whether the same have become due or not; and in case the said commissioners shall at any time not have funds on hand sufficient to meet any of the said bonds at the time when they shall become due, they shall have the right to issue new bonds for such amount as they shall deem expedient, in the place of bonds so becoming due as aforesaid; the said old bonds to be canceled in the registry thereof, and the said new bonds to be recorded in the manner hereinbefore provided.

When new bonds may be issued.

Old bonds to be canceled.

Commissioners to make special report of amount needed to pay interest and principal on bonds

SEC. 24. It shall be the duty of said commissioners, at least ten days before the time fixed by the charter or ordinances of said city for assessing city taxes, to make a special report to the common council of said city, what, if any, sum will be needed by said commissioners, over and above the revenue of said board, to meet the payment of interest or principal of the bonds issued as aforesaid; and it shall be the duty of the

common council to raise said amount by a special tax, in the same manner as general taxes, to be designated a water tax; and the said amount shall be paid over to said board by the treasurer of said city weekly, as collections are made.

Council to raise said amount by special tax.

SEC. 25. Whenever any rate or tax levied or assessed by said board, shall be against a non-resident of said city, or shall for any cause become a lien upon any lot or parcel of land in said city, and remain unpaid in whole or in part on the first day of May in any year, the board shall cause a statement or list of all such taxes or sums to be made out, on or before the first day of June in each year, and shall certify the same to the city assessor; and said assessor shall place the taxes or sums so due upon the next city tax roll against the proper persons and lots or descriptions of real estate on said roll, with interest at the rate of ten per cent per annum, from the time the said tax or sums became due, to the first day of August next thereafter; and adding the whole sum to the amount of the general water tax on such annual tax roll, and include the same in the warrant or order to the city treasurer, and the city treasurer shall collect the same as provided in the case of other city taxes.

Re-assessment and collection of non-resident taxes, etc.

SEC. 26. No one of the said commissioners shall be interested, either directly or indirectly, in any contract entered into by them with any other person or persons; nor shall they be interested, either directly or indirectly, in the purchase of any material to be used or applied in and about the uses and purposes contemplated by this act.

Commissioners not to be interested in contracts, etc.

SEC. 27. All moneys, lands, lots, docks, buildings, machinery, pipes, logs, hydrants, and all fixtures whatsoever, purchased, designed, or used for the present water-works of the said city of East Saginaw, are hereby conveyed to and vested in said board of commissioners, who shall have full power to continue, perfect, regulate, protect, and control the same; and all the authority, rights, and powers, heretofore exercised and had by said city over said works, are hereby continued to and vested in said board of commissioners.

Property of present water works vested in board of commissioners.

SEC. 28. The said commissioners are hereby invested with

Power to
make and
enforce by-
laws and
ordinances.

full power to make and enforce such by-laws, regulations, and ordinances as may be necessary to carry into effect the object and intent of this act, and to supply any power or mode not already specified therein, and shall cause all such by-laws, regulations, and ordinances to be entered into a book to be kept for that purpose, and signed by the president and secretary, which, when so entered and signed, shall be evidence in any court of justice. All such by-laws, regulations, and ordinances shall be published at least once in a public newspaper in said city for the information of the public, but the neglect to publish them shall not affect their validity, or the validity or regularity of any tax, regulation, or proceeding under or by virtue of any of their provisions.

Publication
of same.

Unsold
bonds to be
canceled.

SEC. 29. All bonds issued by the common council of the city of East Saginaw for the purpose of providing water-works for said city, remaining unsold at the date of the passage of this act, shall be canceled, and all such bonds issued and sold shall be entered upon the records of said board, and the interest and principal thereof provided for, and paid as provided for the bonds authorized to be issued by said board in this act.

Further
powers of
board.

SEC. 30. Said commissioners shall also have all such other and further powers and rights, not herein particularly granted, as are given to water boards by the general laws of this State and are not inconsistent with the provisions of this act, or the powers and rights herein granted.

This act a
public act.

SEC. 31. This act shall be deemed a public act, and as such, be favorably construed for the purposes contemplated and set forth, in all the courts of this State.

May be
altered,
amended, or
repealed.

SEC. 32. This act may at any time be altered, amended, or repealed.

Conflicting
acts super-
seded.

SEC. 33. All the provisions of the charter of the city of East Saginaw, and the acts amending the same, which conflict with the purposes or provisions of this act, are superseded and annulled so long as this act remains in force.

SEC. 34. This act shall take immediate effect.

Approved February 28, 1873.

[No. 299.]

AN ACT to authorize the city of Coldwater to borrow money to pay certain claims and demands due and to become due against said city.

SECTION 1. *The People of the State of Michigan enact, That* the common council of the city of Coldwater be authorized and empowered to borrow, on the faith and credit of said city, a sum of money not exceeding eight thousand dollars; four thousand dollars of which sum for a term not exceeding one year, and the remaining four thousand dollars of which sum for a term not exceeding two years, and all at a rate of interest not exceeding ten per cent per annum; and to execute the bonds of said city therefor, under the seal of said city, at such times and in such manner as the said common council shall determine; but such bonds shall not be disposed of at less than their par value.

SEC. 2. The common council of said city are authorized and required to provide for the payment of such loan in the same manner as for the ordinary debts and expenses of said city, and for that purpose are specially authorized, in the year eighteen hundred and seventy-three, to levy and collect on the taxable property of said city, a sum of money not exceeding one-half of the moneys so borrowed, with interest on the whole amount of such loan for one year, at a rate not exceeding ten per cent; and also, in the year eighteen hundred and seventy-four, a further sum not exceeding the unpaid balance of the moneys so borrowed, with interest thereon for one year, at a rate not exceeding ten per cent, which said sums, in each of said years, shall be in addition to and over and above the amount of taxes which said common council are now authorized by the charter of said city to levy and collect, on the taxable property of said city, for each of said years eighteen hundred and seventy-three and eighteen hundred and seventy-four.

SEC. 3. The money so borrowed shall be expended in paying claims and demands against said city, due and to become due,

for building a reservoir, digging city wells, and erecting a wind-mill for raising water for said city, and for repairing the city engine house, and for the unpaid current expenses of said city, and such ordinary expenses of said city as may accrue during the year eighteen hundred and seventy-three.

SEC. 4. This act shall take immediate effect.

Approved February 28, 1873.

[No. 300.]

AN ACT to provide for the construction of a State road in the county of Newaygo.

Commissioner appointed.

SECTION 1. *The People of the State of Michigan enact, That* James Barton, of the county of Newaygo, be and is hereby appointed commissioner, with full power and authority to lay out, establish, and improve a State road, not more than four rods wide, commencing on the east side of the township of Everett, in said county, at or near the quarter post on the east side of section twelve, in township number thirteen north, of range twelve west, and running thence northwesterly on the most eligible route until it intersects the Muskegon and Big Rapids railroad, where said railroad passes through section five, in the said township.

Location of road.

SEC. 2. The said commissioner is authorized and empowered to employ a surveyor, and such assistants as may be necessary to locate, survey, and establish the line of said road; and

Survey to be filed and recorded.

when such line shall have been established, a full description of the route and survey thereof shall be filed by such commissioner, with the township clerk of said township of Everett; and it shall be the duty of said clerk to record the same in the book of highways of said township, and such record, description, and survey of said road, so filed and recorded, shall be *prima facie* evidence of the existence of such State road.