

ACTS  
OF  
THE LEGISLATURE  
OF THE  
STATE OF MICHIGAN,

PASSED AT THE  
REGULAR SESSION OF 1869.

VOL. II.



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1869.

aforesaid plats and maps in the office of the Commissioner of the State Land Office, shall be made and held subject to the provisions of this act: *Provided*, Nothing herein shall prevent the sale or appropriation of State lands along said route, subject to the reservation aforesaid, the same as in other cases provided by law.

Approved February 24, 1869.

[ No. 243. ]

AN ACT to create a board of water commissioners in the village of Marquette, and to define its powers and duties.

**SECTION 1.** *The People of the State of Michigan enact*, That Joseph W. Edwards, Peter White, Hiram A. Burt, Samuel P. Ely, and William L. Wetmore, and their successors in office, be and they are hereby named and constituted a board of water and fire commissioners of the village of Marquette, in the county of Marquette, who shall be known by the name and style of the "Board of Water and Fire Commissioners of the village of Marquette," and by that name shall have power to contract, sue and be sued, to purchase, hold and convey personal and real estate, to have a common seal, to alter and change the same at pleasure, to make by-laws and ordinances, and to do all legal acts which may be necessary and proper to carry out the effect, intent and object 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 one thousand eight hundred and sixty-nine; said commissioners shall, within thirty days after the passage of this act, decide by lot their respective terms, which decision shall be notified by a written statement to the common council of said village, which shall be entered of record on the books of said common council; and at their first regular meeting in the month of February, in the year one thousand eight hundred and seventy, and annually thereafter,

the said common council shall elect and appoint, on the nomination of the president of said village of Marquette, a citizen of said village, being a qualified voter, as a commissioner, who shall hold his office for five years from the first Tuesday in March next following: *Provided*, That this section shall not be so construed as to disqualify any member of the said board for reappointment; and in case of the death or resignation, or removal from said village, of any of said commissioners, the common council shall, as soon thereafter as possible, upon the nomination of the president of said village, appoint to fill such vacancy, for the remainder of the term, some citizen of said village, being a qualified voter.

Common council to appoint commissioner.

Provide.

Sec. 3. The said commissioners shall choose one of their own number as president, who shall hold his office until the first Tuesday of March next ensuing the date of his election; they shall also appoint a secretary and a treasurer, who shall hold their offices at the pleasure of the board. The treasurer, before entering upon the duties of his office, shall give bonds in such amount as the board may require. In case of a vacancy occurring in the office of president, the said commissioners shall have power to fill the vacancy, as in the first instance.

Choice of officers.

Vacancy; how filled.

Sec. 4. Before entering upon the duties of their office, said commissioners shall each take and file with the village recorder, an oath or affirmation, similar to that provided in the case of other officers of said village.

Oath.

Sec. 5. A majority of said board shall constitute a quorum for the transaction of business.

Quorum.

Sec. 6. It shall be the duty of said commissioners to examine and consider all matters relative to supplying said village of Marquette with a sufficient quantity of pure and wholesome water for domestic use; also, to provide suitable and efficient means for the extinguishment of fires.

Powers and duties of commissioners.

Sec. 7. The said commissioners shall have power to borrow from time to time, upon the best terms they can make, for such time as they shall deem expedient, and at a rate of interest not exceeding ten per cent. per annum, a sum of money not exceed-

May borrow money.

ing one hundred thousand dollars, upon the credit of said village of Marquette, and shall have authority to issue bonds pledging the faith and credit of said village for the payment of the principal and interest of said bonds, which bonds shall issue under the seal of said board of commissioners, and shall be signed by them or a majority of them. 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, and amount of each bond, and to whom issued; and it shall also be their duty to present said bonds to the recorder of said village, for entry upon the records of said village; and the said recorder shall certify on each bond that such record has been made: *Provided*, That no such bonds shall be issued, nor indebtedness be incurred, until the amount proposed to be raised shall have been submitted to the legal voters of said village, and been approved by a majority vote, by ballot, of all the electors of said village, at an annual election therein, due notice of such submission having been given in the notices of such election; or at a special election therein, called by the board which is hereby established, by giving notice thereof, as is required of the recorder of said village, in section three of an act entitled "An act to incorporate the village of Marquette," approved February 10th, 1859.

Sec. 8. It shall be the duty of said commissioners to pay the interest and principal of the bonds issued as aforesaid as the same may become due; and 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 said bonds at the time when they shall become due, they shall have the right to issue new bonds for such amount, and on such time 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.

Sec. 9. It shall be the duty of said commissioners, at least <sup>To make report to common council.</sup> thirty days before the time fixed by the charter of said village, for assessing village taxes, to make a special report to the common council of said village, 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 said bonds issued as aforesaid, or to meet any deficiency in operating expenses; and it shall be the duty of the common council, and the said common council is hereby authorized and empowered to raise said amount by special tax, in addition to the amount authorized in the charter of said village, 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 village.

Sec. 10. Said commissioners shall have power, and it is <sup>To purchase land, etc.</sup> hereby made their duty, as soon as may be, after the necessary funds have been procured as herein provided, to purchase such lands and materials, and construct such reservoirs, buildings, machinery, and fixtures as shall be deemed necessary to furnish an ample supply of water for public and private use, and also <sup>To guard against fires.</sup> to provide such means as shall give an efficient system of fire protection in said village; and the said commissioners are hereby empowered and directed to possess and exercise fully and exclusively all the powers and perform all the duties for the government, management, maintenance, and direction of the fire department of the village of Marquette and the premises and property thereof, which, at the time of the organization of the said board of commissioners, were possessed by, or were under the control of the common council of said village; and <sup>To take charge of fire department.</sup> the said commissioners shall hereafter have power and authority to extinguish fires in said village, and it shall be the duty of any and all persons in possession of any property, real or personal, belonging to, or set apart for, or in use by or for the fire department of said village, to deliver the same to the control and possession of the said commissioners.

May lay  
water-pipes,  
and con-  
struct foun-  
tains.

Sec. 11. Said commissioners shall have power to lay pipes in and through all the streets and alleys of said village, and also to construct, in such localities as they may deem expedient, fire hydrants, and hydrants for public use; and also, with the consent of the common council of said village, to construct fountains in the public squares, or such other public grounds of said village as they shall deem expedient.

May employ  
clerks.

Sec. 12. Said commissioners shall have power to employ superintendents, clerks, assessors, collectors, engineers, surveyors, and such other persons as in their opinion may be necessary to enable them to perform their duties under this act, and to specify the duties of the persons so employed, and to fix their compensation: *Provided*, That in no case shall said commissioners receive, directly or indirectly, any compensation for their own services.

Proviso.

Water-rates;  
assessment  
of

Sec. 13. Said commissioners shall, from time to time, cause to be assessed the water rate to be paid by the owner or occupant of each house or other building having or using water, upon such basis as they shall deem equitable; and such water rate shall become a continual lien until paid, upon such house or other building, and upon the lot or lots upon which such house or other building is situated.

Collection of.

Sec. 14. Said commissioners shall have power to make and enforce all necessary by-laws and regulations for the collection of said water rates, either by the appointment of collectors to demand the same, requiring payment at the office, shutting off the water, or by a suit at law before any court of competent jurisdiction, or by sale of the lot or premises upon which such rates shall have become a lien: *Provided*, That such sales shall be conducted in the same manner, and have the same force and effect of sales of lots delinquent for village taxes; *And provided further*, That the attempt to collect said rates by any process above mentioned, shall not in any way invalidate the lien upon the said lot or premises.

Proviso.

Ibid.

Commission-  
ers may take  
private prop-  
erty.

Sec. 15. The said commissioners, and, under their direction, their agents and employés, are hereby authorized to enter upon

any land or water, within or without the corporate limits of said village, 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; and in case of a disagreement between the commissioners and the owner of any property which may be required for said purpose, or affected by any operation connected therewith, as to the amount of compensation to be paid to such owner, or in case any such owner shall be an infant, or insane, or absent from this State, the judge of the circuit court of the judicial district having jurisdiction in the village of Marquette may, upon the application of either party, nominate and appoint three disinterested persons to examine such property, and estimate the value thereof, or damage sustained thereby, and report thereon to said court without delay.

Make compensation therefor.

Sec. 16. Whenever such report shall have been confirmed by said court, the said commissioners shall pay to said owner, or to such person or persons as the court may direct, the sum mentioned in said report, in full compensation for the property so required, or for the damage sustained, as the case may be; and thereupon, the said commissioners shall become seized in fee of such property, and shall be discharged from all claim by reason of any such damage.

Sec. 17. And in case of the refusal by any owner or owners, person or persons, to receive such sum awarded them for property required or damages sustained, then the said commissioners shall deposit with the village treasurer, the sum so awarded, subject to the draft of said owner or owners, person or persons; and thereupon, the said commissioners, and their successors in office, shall become seized in fee of such property so required, and shall be discharged from all claims by reason of any such damage; and the said village treasurer shall keep strict account of all sums so deposited, and shall pay out the same on the drafts of the owner or owners, person or persons, to the credit of whom such moneys may have been deposited.

Proceedings in case of refusal of owners to receive damages.

**Materials exempt from execution.** **Sec. 18.** All materials procured or partially 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 materials to the judgment creditor of the contractor, under whose execution such materials 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.

**To whom money for same shall be paid.**

**Trespass upon water-works.** **Sec. 19.** If any person shall, without the authority of said commissioners, as delegated through any of their agents, perforate or bore, or cause to be perforated or bored, any main or distributing pipe belonging to the said water-works, or make or cause to be made any connection or communication whatever with the said pipes, or close or cause to be closed, any connection already made, 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 village, or other court of competent jurisdiction.

**Fine.**

**Injury to property or water; how punished.** **Sec. 20.** If any person shall willfully do, or cause to be done, any act whereby any work, materials, or property whatsoever, belonging to or being under the control of said commissioners or their agents, for the purpose of procuring or keeping a supply of water, or for the extinguishment of fires, shall in any manner be injured, or shall willfully pollute the water, he shall be deemed guilty of a misdemeanor, and upon conviction shall be punishable therefor as other misdemeanors are punished.

**Record of proceedings.**

**Sec. 21.** The said commissioners shall cause to be kept an accurate record of all proceedings, together with a list of all assessments for water rates, which shall be subject to inspection at all times.

**Report of commissioners; contents of.**

**Sec. 22.** It shall be the duty of said commissioners to make report to the common council of said village annually, which report shall embrace a statement of the condition and operation of the works; a statement of the funds and securities of said board, and all debts due and owing to and from said



board, together with an accurate account of their expenses; also, a list of fires, alarms, losses, and insurance on all property destroyed during the year, which statement shall be certified by said commissioners, and shall be entered of record by the recorder of said village, and published in such manner as said common council may direct.

Sec. 23. No one of said commissioners shall be interested, Restrictions placed on commissioners. either directly or indirectly, in any contract entered into by them with any other person; nor shall they be interested, either directly or indirectly, in the purchase of any material to be used or applied in or about the purposes and uses contemplated by this act, nor shall any commissioner be a member of the common council of said village.

Sec. 24. The said commissioners are hereby invested with 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 mode or power not already specified herein, and shall cause all such by-laws, regulations and ordinances to be entered in 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.

Sec. 25. All acts or parts of acts, contravening the provisions of this act, are hereby repealed.

Sec. 26. This act shall take immediate effect.

Approved March 2, 1869.

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[ No. 244. ]

AN ACT to extend the time for the collection of taxes in the several wards in the city of Detroit.

SECTION 1. *The People of the State of Michigan enact, That the* Time extended. time for the collection of the State, county, and city taxes in the several wards of the city of Detroit, for the year eighteen